



# CITY OF CORPUS CHRISTI

## HUMAN RESOURCES POLICY MANUAL

Approval:

  
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Ronald L. Olson, City Manager

Date: 5 Sep 2013

Amendments: 12.15.14  
Amendment: 9.22.2015

Amendments: 12.10.15

## **PREAMBLE**

These policies apply to all employees unless specifically stated otherwise. Violations of the City policies may result in disciplinary action up to and including termination. Police and Fire Department employees are exempt from City policies when these policies are contradicted by the approved labor agreement. Changes in these policies will be distributed to each department and periodically incorporated into the Human Resources Policies Manual.

The fundamental objectives of good Human Resources administration as supported by these policies include:

1. To support the City's workforce as it delivers municipal services which meet the vital health, safety, and general welfare needs of the residents and which sustain and improve their quality of life.
2. To safeguard the employee's right to be treated with respect, dignity, equity, and fairness.
3. To provide for fair and equal treatment of applicants and employees in accordance with appropriate legislation and judicial mandates.
4. To provide a program of recruitment, selection, and advancement that is based on qualifications and demonstrated performance in order to make the service of the City attractive as a career and encourage each employee to render his/her best services to the City.
5. To establish and maintain an equitable and uniform plan of position classification and compensation based upon the relative duties and responsibilities of positions in the service of the City.
6. To motivate employees to work toward the goals of the City administration by providing optimum working environments and relationships, and opportunities for achievement, recognition, and growth.

The City of Corpus Christi will not discriminate against any applicant or employee based on race, color, religion, sex, pregnancy, age, sexual orientation, gender identity, national origin, military status, citizenship, work related injury or illness, disability, or genetic information. Amended 12.10.15

The City Manager may, for the good operations of the City, make exceptions and variations to these policies.

If there are any questions regarding any of these policies, please contact the Human Resources Department, at 826-3315.

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## **I. CONDITIONS OF WORK**

### **A. CLASSIFIED SERVICE**

The City has established a classified service for personnel in which all appointments are made on the basis of qualifications and fitness, and promotions made on the basis of merit. The City's classified service includes all employees of the City except employees filling those positions designated by the City Council as exempt. An employee serving in a position not included in the classified service serves at will and is not covered by Civil Service Board Rules and Regulations at <http://www.citynet.cc/citynet/hr/home>.

Under supervision of the City Manager, the Director of Human Resources will manage the classification and compensation system.

### **B. CIVIL SERVICE BOARD**

Pursuant to City Charter, there is a Civil Service Board, which, subject to the approval of the City Council, will promulgate rules and regulations that ensure fair treatment of employees in hiring, promotions, and disciplinary actions including suspensions, demotions or terminations.

### **C. EMPLOYEE CONDUCT**

Every decision of every employee is expected to be ethical, prudent and make common sense. Good judgment, truthfulness, and professionalism consistent with commonly accepted employment practices are required from all employees in all aspects of their work at all times. Employees are responsible for conducting themselves in a professional and ethical manner and for treating coworkers and members of the public with respect and dignity at all times.

### **D. TIME AND ATTENDANCE**

#### **1. Hours of Work**

The City Manager determines the hours City offices and departments are open for business. Department Directors and supervisors develop and implement operating schedules to meet general City guidelines and specific requirements of their department. Employees may work different hours or shifts, as directed, to meet their department needs. All employees will work additional hours beyond the normal schedule when assigned and will be compensated according to City policy.

#### **2. Attendance**

Employees are required to be at their places of work, and performing their job functions, in accordance with work schedules established by their department, unless officially excused by the supervisors. An employee, who fails to report, is habitually tardy, leaves the workplace without proper authorization, abuses sick leave, or misuses leave may be subject to disciplinary action, up to and including termination.

Upon return to work, an employee absent three or more days on sick leave may be required to provide certification by a health care provider confirming such condition, unless the absence has been approved under FMLA (Family and Medical Leave Act). Such certifications will be maintained in the respective departments. Departments may set stricter standards based upon operational, business needs or in order to address abuse of sick leave.

### **3. Breaks**

One break of fifteen (15) minutes is allowed both morning and afternoon, if work load permits. Breaks are non-cumulative. Breaks are taken in locations designated by the Department Director.

### **4. Time Clock**

All employees are required to have a City issued identification badge. All employees, except employees who are classified as Executives (300) series are required to use this badge to “swipe in” at a City time clock at the beginning of their work day and, for non-exempt employees, part-time and temporary employees, to swipe out at the end of their work day, in order that accurate payroll data is captured. If a time clock is not available, the employee may report their time via the tele-time system using an available business phone at the location or via a City issued cellular phone. Calling in to report time before arrival at the work site or after leaving the work site is prohibited.

No employee is allowed to swipe in or out for another employee. Failure to swipe in or out, or failure to report time via the tele-time system may result in pay being docked, which may be paid, if warranted, on the next pay period.

## **E. PERSONAL USE OF CITY RESOURCES**

Employees are prohibited from using City facilities, equipment, supplies, employee time, or any other City resource for personal use, except to the extent such resources are available to the public. Incidental personal use of electronic communication devices such as office telephones, personal computers, e-mail, and faxes is permissible, subject to prior approval of Department Director and with understanding that any record created by employee use of electronic communication devices is subject to disclosure to City management and public disclosure under Texas Public Information Act. Use of City resources for solicitation for any non-City purposes or for private gain is prohibited.

## **F. WEAPONS POLICY**

Employees (except licensed peace officers in performance of their official duties) are prohibited from possessing a handgun or other weapon while on duty or performing services for the City, regardless of whether the employee is on City property or not. “Weapon” is defined in Chapters 1 and 46 of the Texas Penal Code and Chapter 33 of the City Ordinances. Employees

with Texas concealed handgun license are authorized under State law to store their handgun in the employee's privately owned vehicle in City parking lot. Carrying a weapon onto City property in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from City property, disciplinary action up to and including termination, and may result in criminal prosecution.

## **G. WORKPLACE VIOLENCE**

City policy prohibits all workplace violence. Each employee is to be treated with dignity, respect and fairness. Violence, threats of violence (direct or indirect), or physically threatening behavior by or against any City of Corpus Christi employee at any level will not be tolerated. This includes behaviors by citizens or others toward any employee or any employee toward citizens or others.

The first priority of any City employee is to secure their own safety. The employee is to report the threat as directed below based on the urgency of the situation. An employee shall not attempt to handle a violent or potentially violent incident on their own. Upon becoming aware of the violent or physically threatening behavior of anyone in the workplace, the employee shall promptly report such activity using the following guidelines:

**IMMINENT THREATS:** about to happen or occur; to take place very soon; an immediate threat of harm; reasonably be expected to cause death or serious physical harm to any worker. When reporting imminent threats and/or acts of violence, the employee shall:

1. Notify the local police by dialing "911" for threats or incidents in progress. Carefully describe the circumstances, such as weapons involved, name of the person making the threats or performing acts of violence, location of incident, layout of facility, and physical descriptions.
2. Notify the immediate supervisor. If the immediate supervisor is the alleged offender, employees should report incidents directly to a higher level supervisor, if possible.
3. The Director of Human Resources shall be notified of all incidents of workplace violence as soon as safety permits and shall inform the City Manager of the situation, and will assemble the Threat Assessment Team.
4. Employees who are threatened, assaulted or attacked while on official duty off City premises or work sites, as defined in this policy, shall immediately report such incidents to local law enforcement authorities, their immediate supervisor, and the Director of Human Resources. A timely report of the incident shall ensure that appropriate investigation and follow-up procedures are implemented.

**NON-IMMINENT THREATS:** not expected to happen or occur very soon, not immediate, reasonably be expected to cause death or serious physical harm to any worker. If the threat is not



imminent, the employee shall immediately inform their immediate supervisor. If that supervisor is the alleged offender, the employee should report the incident directly to a higher level supervisor. The supervisor to whom the incident is reported will immediately notify the Director of Human Resources of the threat.

Managers and supervisory staff shall take the initiative in preventing workplace violence.

1. Department Directors and staff involved in the employment process shall ensure that all employment decisions are made in compliance with the City's policy on recruitment and selection.
2. Supervisors shall be required to attend periodic training programs to learn to identify and respond to indicators of a potential violent outburst in the workplace and the early warning signs of emotional turmoil and/or dysfunctions.
3. Supervisors and managers must not ignore, condone, or disregard any violent or physically threatening behavior exhibited or threatened by any employee.
4. Supervisors and managers shall be advised of the name, address, and phone number of the assigned Human Resources representative and Employee Assistance Program provider and be knowledgeable regarding the services available through the Human Resources Department and the Employee Assistance Program.

Employees shall take the initiative in preventing workplace violence.

1. Coworkers, supervisors, and managers shall not excuse, cover for, or protect an employee who threatens or commits a violent act against another person or property.
2. No employee at any level shall engage in threats of violence (direct or indirect), violence, or other physically threatening behavior against City of Corpus Christi employees, citizens, or property.
3. All threats of violence (direct or indirect), including those expressed jokingly, shall be taken seriously, and employees engaging in this type of behavior shall be subject to disciplinary action up to and including termination.
4. Employees who are concerned that they may exhibit violent or physically threatening behavior may voluntarily participate in counseling services available through the Employee Assistance Program and/or request leave to seek private counseling or medical assistance.
5. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes.

## INTERNAL NATURE OF POLICY

This policy shall not, in any way, enlarge the legal responsibility or liability of the City or of any employee of the City civilly or criminally. As to outside parties, this policy does not create any higher standard or duty of safety or care, for liability, evidentiary or other purposes, than if this policy did not exist. Violations of this policy, if proven, involve only the employer/employee relationship between the City and the employee, and can only be the basis of an action by the City in an internal disciplinary or administrative context, and may not be the basis of an action by an outside party.

### **H. POLITICAL ACTIVITY**

No employee shall use coercion or prestige of their position for any political candidate or political issue or use City resources for political activity of any nature.

While on duty or in city uniform, no employee shall participate in political activity of any nature other than casting their vote. "In city uniform" means wearing City issued clothing, or any clothing, pin, label, insignia, or other item that identifies employee as City employee.

No managerial employee or employee of the City Secretary's office shall take part in any political activity of any nature on City related issues except to provide factual information at the direction of the City Manager, to express their own opinion privately, and to cast their vote. "Managerial employee" means an employee in the Executive Pay Plan.

### **I. OUTSIDE EMPLOYMENT**

The City of Corpus Christi shall be the primary employer and employees shall not have any outside employment that will interfere with their position with the City. Prior to accepting outside employment, an employee must request initial approval by submitting an **Outside Employment Request Form** to his or her Department Director. All requests require prior written approval of the Department Director and Director of Human Resources. Factors to be considered by the Department Director may include actual or perceived conflict of interest and potential for reduced employee productivity. Department approved requests are sent to Director of Human Resources for review of FLSA issues. Requests approved by Director of Human Resources will be returned to the Department Director to forward to the employee.

A new request must be resubmitted whenever the outside work significantly changes from the initial approved request or there is a change in the employee's work status that may require a new review. The employee's supervisor may request a new form be submitted for approval at any time deemed appropriate. Employees may not engage in outside employment while on limited duty or

occupational or non-occupational leave unless prior written authority is provided by the Citywide Disability Review Committee Coordinator.

## **J. ALCOHOL AND DRUG POLICIES**

The City complies with requirements of the Drug Free Workplace Act of 1988 and all drug testing regulations issued by the Department of Transportation.

The following activities are prohibited for City employees:

Use, possession, manufacture, sale or distribution of illegal drugs or drug paraphernalia, as defined and prohibited by law, is prohibited at any time.

Any use or possession of alcohol while on duty (including lunch and breaks) is prohibited. Being under the influence of alcohol (0.04 alcohol concentration or greater) while on duty (including lunch and breaks) is prohibited.

Taking, using or being under the influence of any prescribed medicine other than as prescribed is prohibited.

Public conduct at any time involving alcohol or illegal drugs under circumstances which bring discredit upon the City is prohibited.

Additional prohibitions and consequences are shown on the attached Alcohol and Drug Abuse Attachment. Information about the Employee Assistance Program is also shown on the Attachment.

### **Employee Reporting Responsibilities:**

Employees must notify the Department Director or Director of Human Resources in writing, of any arrest, conviction, probation, deferred adjudication or pre-trial diversion under any criminal drug statute at the beginning of the next work shift after such event or finding.

Employee must notify supervisor of drug use (including prescribed or over the counter) that may impair employee's job performance, and provide pharmaceutical information and statement of use from the employee's physician.

### **Drug and/or Alcohol Testing occur as follows:**

**Pre-employment** - All job offers are contingent upon selected applicant passing a drug test.

**Pre-assignment** – Before assuming a safety sensitive position, current employees must pass a drug test.

**Reasonable Suspicion** - If individualized reasonable suspicion exists that an employee is under the influence of alcohol or has used or possessed any illegal drug, in violation of this policy, the employee is required to submit a urine specimen for drug testing and/or breath sample for alcohol testing, by the City's designated physician, *immediately or as soon as practicable*.

**Post-Accident** - Whenever a driver/operator employed by the City is involved in an accident, involving a motor driven vehicle or motor driven equipment, regardless of fault, which involves a fatality, bodily injury which requires emergency medical care in a clinic or emergency room, or damage to property, an employee is required to submit a urine specimen for drug and a breath sample for alcohol testing *immediately after the accident or as soon as practicable*.

**Return-to-Duty** - A City employee who returns from leave taken for any reason for longer than thirty (30) calendar days, who is covered by this policy, is required to undergo a drug and alcohol test before the employee may return to work.

**Self-Referral** - Before returning to duty, an employee absent due to leave associated with self-referral under the policy is required to pass return-to-work drug and alcohol testing, and a fitness for duty test by the City's designated physician, and is subject to follow-up drug and alcohol testing without prior notice for up to 12 months from the date of return.

**Random Testing** - Employees in safety sensitive positions are subject to random testing. For information about specimen testing, please refer to Alcohol and Drug Abuse Attachment.

State and Federal Laws may require additional testing, based on an employee's position. For example, employees in the Gas Department, employees whose position requires possession of a Commercial Driver's License, and Marina employees are subject to additional alcohol and drug testing requirements, which are shown on the attachments. Police civilian and sworn officers are subject to their own separate policy, which is shown in a separate attachment.

#### **K. SMOKE FREE WORKPLACE POLICY**

The City of Corpus Christi prohibits smoking anywhere on City property at any time, other than at designated outdoor smoking areas.

#### **L. ESSENTIAL SERVICES PERSONNEL POLICY FOR EMERGENCY RESPONSE**

All City employees are deemed essential and must be available to work, when necessary, to provide for the health, safety, and well-being of the general public, including the delivery and restoration of vital services, before, during and after an emergency. Each employee will have a designated emergency assignment, and is responsible for knowing his/her responsibilities under this policy. Compliance with this policy is mandatory. For more information, see Essential Services Attachment.

#### **M. FITNESS FOR DUTY POLICY**

An employee may be directed by the Department Director, or designee, to submit to a physical examination by the City's designated physician and/or to provide related medical records from the employee's personal health care provider, for an evaluation and determination of fitness for duty. Employees must report the use of any prescription or non-prescription drug which may affect their fitness for duty to their supervisors (as required in the City's Alcohol and Drug

Policies.) A Department Director may send the employee to the City's designated physician for an evaluation of fitness for duty, if the director has questions regarding an employee's abilities to effectively and safely perform his or her job duties. In order to prevent aggravation of an injury, employees must report any off the job injury they have had to their supervisor so that their fitness for duty can be evaluated.

#### **N. MODIFIED DUTY POLICY**

The City of Corpus Christi's Modified Duty Program is designed to temporarily utilize employees to perform modified duty work while recovering from injuries or occupational illnesses that arise out of and in the course of employment or off-the-job injuries/illnesses which prevent full participation at work. However, the City is not obligated under any circumstances to assign modified duty work. The City retains the right to remove or transfer an employee from a modified duty assignment, as deemed necessary.

#### **O. REASONABLE ACCOMMODATION POLICY**

The City may provide reasonable accommodation for known medical restrictions of an otherwise qualified employee, to enable the employee to perform the essential functions of the job.

#### **P. LABOR ORGANIZATION ACTIVITIES**

Any City employee may join, organize or maintain membership in a labor organization if he/she so desires. Municipal employees participating in labor organization activities are required to conduct such activities on their own time and not during work hours. The City will not discriminate against any employee because of his/her membership or non-membership in any labor organization or permit any person or employee to pressure or coerce an employee to become a member of a labor organization or to withdraw such membership. Pursuant to Texas law, it is illegal for City employees to strike or engage in an organized work stoppage. With the exception of Firefighters and Police Officers who are covered by separate provisions under state statute, governmental employees in Texas cities have no legal right to bargain collectively.

An organization that intends to represent employees in grievances concerning their wages, hours of employment, or conditions of work, must provide the Director of Human Resources a copy of the organization's articles of incorporation, constitution, and/or bylaws, as well as an affidavit, in form provided by the Director of Human Resources, that the organization does not claim the right to strike. A violation of the provisions in the affidavit shall suspend the organization's representation of City employees in these grievance matters.

Notice of labor organization meetings may be posted on City bulletin boards used for employee-related information if presented by the employee to the Department Director for review for appropriateness prior to posting. Any other type of notice must be cleared by the Director of Human Resources. Labor organizations are entitled to the same information which is available to

the public under the Texas Public Information Act and shall be responsible for paying the same fees as would normally be charged to the public.

Recruitment activity or solicitation is prohibited during work time, which shall not include breaks taken away from the work area. An employee shall not solicit another employee during the other employee's work time. Solicitations and recruitment may be undertaken in the same places and to same extent as solicitations by the general public. Informal discussions during work hours are not prohibited so long as the discussion does not disrupt City business.

#### **Q. NOTIFICATION OF PERTINENT CHANGES**

Employees have a duty to keep their supervisors and the Human Resources Department informed of personal changes, such as address, telephone, fitness for duty, employment status or benefits eligibility.

#### **R. PERSONAL RELATIONSHIPS**

Employees are responsible to maintain strong and effective working relationships with all fellow employees in order to promote the efficient and effective delivery of municipal services to the public. Because certain behaviors often lead to inefficiencies and claims of sexual harassment, supervisors are prohibited from dating, or having intimate or sexual relations with subordinates. Dating, and/or intimate or sexual relationships between married City employee and a non-spouse City employee (married or unmarried) is prohibited. Additionally, all employees are cautioned to avoid relationships which create or give the perception of favoritism, discrimination, disharmony, interfere with or damage the delivery of municipal services or bring discredit upon the City of Corpus Christi. (amended 9/22/15)

#### **S. PERSONAL CALLS**

Personal telephone calls must be limited to those that are clearly necessary during business hours and must be minimized so that they do not interfere with the City business. Personal calls should not exceed a couple of minutes and not be utilized for mere visiting. Longer personal calls must be delayed until break time. These limitations apply to text messages as well. Supervisors will monitor personal calls and text messages and will address cases of abuse through the progressive disciplinary process.

#### **T. RED LIGHT CAMERA VIOLATIONS AND CIVIL PENALTIES**

An employee driving a City vehicle which is captured by the red light camera system is responsible to respond to notice of violation and if found liable, is personally responsible for civil penalties incurred. Within five (5) calendar days of City receipt of notice of violation, the Department Director, or designee will:

1. Provide a copy of the violation notice to the employee who was driving the City vehicle when the violation was captured by the red light camera
2. Direct the employee to pay the civil penalty within thirty (30) days of the date the City received the notice

3. Submit a request for appeal of the violation to the City's red light camera vendor, if requested by the employee.

If the violation is upheld by the hearing officer after the appeal, and a civil penalty is ordered, the employee is responsible for paying the civil penalty within thirty (30) days of the finding by the hearing officer. Proof of payment must be provided by the employee to their Department Director. If proof of payment is not provided within thirty (30) days of the employee's receipt of the violation or the date of the appeal hearing, the payment will be collected by the City through payroll deduction beginning the next pay period, and deducted over five (5) pay periods, unless an alternative payment schedule is approved by the City Manager.

#### **U. RESIDENCY**

City employees may reside outside the Corpus Christi city limits, however, it is a requirement that employees live in a location that they may reach their primary worksite within sixty (60) minutes of traveling by motor vehicle at posted speeds in ordinary weekday traffic. A newly hired employee must comply with these residency requirements within six (6) months of hire. Only the City Manager may provide exceptions to this policy. Employees anticipating a move requiring a commute of more than sixty (60) minutes from their primary worksite must submit a request for an exception to the City Manager in advance of such move.

#### **V. RESIGNATIONS**

An employee's voluntary resignation should be submitted, in writing, to the Department Director and forwarded to Director of Human Resources for filing with the Human Resources Department.

Employees who are absent from work for three (3) consecutive working days without prior approval to take leave, or when leave has been denied, or without contacting their supervisor or a supervisor on duty in their chain of command regarding the absence, when attempts by the department to contact the employee at the employee's phone numbers of record are unsuccessful, will be considered to have automatically resigned. The employee shall be given written notice of such resignation by certified mail to the employee's last address as shown in Human Resource Department records.

#### **W. RECORDING DEVICES**

The City prohibits the use on City property or while on City business, of any recording devices, except as authorized by management, and prohibits the unauthorized publication and/or distribution of such recordings. (Recording devices include, but are not limited to, tape recorders, cassette recorders, cell phones with recording, photography or video capability, video cameras, handheld devices, etc.)

Employees will be allowed to use recording devices only when in a called meeting setting and when all parties have been notified that the discussion will be recorded and have

agreed to participate in such recorded session. Recordings made, through any means, in violation of this policy will subject the employee to disciplinary action.

The City may require the use of recordings in the conduct of normal business, (i.e. Civil Service Board and Commission hearings, investigations conducted by the Police or Human Resources Departments, etc.) Employees called upon to participate in these settings will be required to participate.

## **X. WAGE DEDUCTION AUTHORIZATION**

As a condition of employment, employees authorize the City to take payroll deductions from the employee's pay for reasons that fall into the following categories.

1. To reimburse the City for any premiums paid by the City on the employee's behalf for group medical, dental, vision, long term disability, short term disability, life insurance, etc., plans.
2. To reimburse the City for any contributions paid by the City on the employee's behalf to a retirement or pension plan sponsored, controlled, or managed by the City.
3. To reimburse the City if the employee receives an overpayment of wages or expense reimbursements for any reason.
4. To reimburse the City for the costs of personal long-distance calls the employee may make on City phones or on City accounts, of personal faxes sent by the employee using City equipment or accounts, or costs of non-work related access to the Internet or other computer networks by the employee using City equipment or accounts.
5. To reimburse the City for the cost of repairing or replacing any City supplies, materials, equipment, money, or other property, including cell phones and uniforms, that the employee may damage (other than normal wear and tear), lose, fail to return within one week of request by the City, or take without appropriate authorization from the City during employment.
6. To reimburse the City for the paid vacation or sick leave the employee may receive in advance of the date the employee would normally be entitled to it, if the employee separates from the City before accruing time to cover such vacation or leave.
7. To recover tuition payments or reimbursement paid by the City for the employee, if the employee separates from employment prior to completion or within six (6) months after completion of the course(s) or program(s) for which the City has made such payment.
8. To reimburse the City for the cost of any civil penalties incurred by the City through the red light camera program when the employee was driving a City vehicle when a violation was captured by the red light camera.



9. Employees may request payroll deduction to cover the amount of fines and court costs owed to Corpus Christi Municipal Court. The employee must provide the payroll division of Financial Services Department with a copy of a written court order from the Municipal Court Judge and payroll deduction form to authorize monthly payments for the outstanding fines and court costs.
10. Bona fide Employees' Association Dues.  
Employees may specify a dollar amount to be deducted for dues payment to a bona fide employees' association. The association must first be certified pursuant to subsection above regarding Labor Organization Activities. In addition, the association shall submit (1) documentation of its corporate existence for more than three (3) years, or (2) that it is an affiliate of an association that has existed for more than three (3) years, and submits payroll deduction cards in format authorized by Director of Human Resources, for a minimum of fifty (50) civilian employees. The association must submit an indemnification form approved by the City Attorney holding the City harmless from any claims by employees regarding the deduction of dues.
11. And any other deductions that may be authorized by the City's Financial Services Department or by the City Manager.

## **II. INJURY AND LOSS PREVENTION POLICIES**

### **A. DEPARTMENT AND EMPLOYEE RESPONSIBILITIES**

Each department develops department safety policies subject to approval by the Risk Manager and the City Manager. Employees are furnished the necessary equipment and training to accomplish their assignments. Employees are required to follow appropriate safety rules and guidelines. Safety policies apply to all classes of City employees. If you have any questions regarding these Safety policies or safety issues in general, please contact Risk Management at 826-3680.

### **B. PERSONAL PROTECTIVE EQUIPMENT**

Each department provides the necessary personal protective equipment (PPE) including but not limited to, non-prescription safety glasses, hard hats, visibility vests, gloves, rain gear, hearing protection, gas monitoring devices, welding clothing/shields, life preservers, breathing apparatuses, and special application tools. PPE not immediately available should be reported to the supervisor.

### **C. SAFETY SHOE AND PRESCRIPTION SAFETY GLASSES PROGRAM**

The Risk Management Division determines the positions and work locations that require safety shoes and/or prescription safety glasses. Full-time employees receive an allowance of up to \$100.00 per fiscal year for safety shoes and prescription

safety glasses. For more information about the City's Safety Shoe and Prescription Safety Glasses Program, see Safety Attachment.

#### **D. SAFETY ADVISORY BOARD**

The Safety Advisory Board (SAB) assists in the development, implementation, and recommendation of all safety-related activities, both departmental and city-wide. The SAB will address safety concerns, safety suggestions, and propose changes to the systems and/or processes. In addition, the SAB will research and develop up to date occupational safety and health programs, and present them to the Risk Manager for review and consideration. For more information about the SAB, see Safety Attachment.

#### **E. TRENCHING & SHORING SAFETY RULES**

Employees are trained on an annual basis utilizing in-house expertise or an outside agency that specializes in this field. Training is documented and filed in each respective department for future use. For more information, see Safety Attachment.

#### **F. VEHICLE ACCIDENT REVIEW BOARD (VARB)**

The Vehicle Accident Review Board (VARB) reviews all vehicle and drivable equipment accidents/incidents that occur in the course and scope of conducting City business to determine if the accident was preventable. Employees involved in a vehicle or drivable equipment accident or incident while in the course and scope of employment are required to submit to drug/alcohol testing. They must immediately notify their supervisor, who in turn notifies the Police Department. For more information about the VARB, see Safety Attachment.

#### **G. DRIVING RULES & REGULATIONS**

In order to operate City equipment, employee must have both the appropriate Texas Driver's License classification and City Driver's Authorization Card. City employees driving/operating City-owned vehicle or personal vehicle in the course and scope of employment are responsible for driving safely. Every employee is required to attend Defensive Driver training within sixty (60) days of being hired and every three (3) years thereafter. Use of hand-held electronic device to engage in telephone calls, text messaging or other use while operating a City vehicle in the course and scope of employment is prohibited, except when used for 911 service or except when used by sworn police and firefighters. For more information about driving rules and regulations, see Safety Attachment.

#### **H. CONFINED SPACE PROGRAM**

Confined Space refers to a space that has an opening large enough for an employee to enter and perform assigned work, not designed to be occupied continuously, with limited/restricted means for entry/exit. Examples may include tanks, storage bins, vessels, silos, hoppers, vaults, and pits. Each department has specific procedures regarding confined space work which must be

followed at all times. The Confined Space Entry Program Manual is located in the City Engineering Services Department.

#### **I. TRAFFIC CONTROL FOR CONSTRUCTION/ MAINTENANCE ZONE SAFETY**

Each department has traffic control standards as described in their own department specific manual/procedures. The Manual on Uniform Barricading Standards and Practices and The Texas Manual on Uniform Traffic Control Devices may be referenced for specific guidelines. The manuals are in Traffic Engineering Division.

#### **J. HAZARD COMMUNICATION**

Each department maintains and posts a list of hazardous chemicals normally present in the workplace that are in excess of fifty-five (55) gallons or five-hundred (500) pounds. The list is updated annually by the department by December 31. The list must be posted at location where chemicals are stored and copy sent to CCFD for review. For more information about Material Safety Data Sheets and Chemical Container labels, see Safety Attachment.

#### **K. DEPARTMENT AND FACILITY SAFETY ASSESSMENTS**

The Risk Management Division provides annual Safety Needs Assessments to identify safety needs of each department, annual City facility safety inspections to identify potential safety hazards, provides departments with safety training materials, reviews revisions to department safety policies, conducts fire drills, and provides assistance with development of department safety practices upon department request.

#### **L. REPORTING ON THE JOB INJURIES**

If an employee is injured on the job, the employee must immediately notify his or her supervisor.

Under the terms of Chapter 504 of the Texas Labor Code, the City of Corpus Christi provides Workers' Compensation benefits to its employees. Within twenty-four (24) hours after injury is reported to supervisor, the employee's supervisor completes the **First Report of Injury or Illness Data Sheet** and provides it to the department designated staff member who electronically files the injury into the claims management system. The injury must be filed into system within seventy-two (72) hours from time injury is reported to supervisor. The department also provides a copy of the computer generated injury report to the injured employee. All questions concerning the First Report of Injury or Illness Data Sheet, or the electronic filing process should be directed to the Risk Management Division or the City's Third Party Administrator.

When lost time occurs, the **DWC Form-6 Employer's Supplemental Report of Injury** must be faxed by the Department to the City's Third Party Administrator at 814-9505 within the following time frames:

- a. Within three days after employee returns to work
- b. Within three days after returning to work, when the employee has additional days off because of the injury;
- c. Within ten days after the pay period;
- d. Within ten days after employee resigns or is terminated.

An **Employee Statement Form** must be completed and faxed to the Third Party Administrator no later than seventy-two (72) hours from the time the injury is reported, with copy provided by Department to the employee, and the original is kept in Department files.

A Safety Coordinator or Supervisor must complete the **Injury Investigation Form** whenever the First Report of Injury or Illness is required. A copy of the investigation documentation shall be added to the employee's department file and evaluation if the Safety Coordinator determines that employee has violated safety rules or procedures.

### **M. REPORTING DAMAGE OR LOSS OF CITY PROPERTY**

Employees are required to promptly report damage or loss of City property to their supervisor.

## **III. RECRUITMENT AND SELECTION**

### **A. RECRUITMENT**

All recruitment and selection procedures will comply with applicable Federal, State, and local laws. Appointments are made to positions on the basis of qualifications and the ability to perform the essential functions. Recruitment is planned to assure open competition and is conducted by the Human Resources Department

### **B. JOB OFFER**

A conditional offer of employment is extended to the selected applicant by the Human Resources Department. The offer communicated to the applicant is contingent upon all of the following:

1. Successful completion of the post-offer physical, as determined by the City's designated physician;
2. Passing the post-offer drug test;
3. Clearance for employment based upon results of the reference check and criminal background check;
4. Confirmation of education requirements;
5. Agreement to direct deposit all salary and wage payments from the City;
6. Acknowledgement that employees are required to provide for the safety and well-being of the general public, including the delivery and restoration of vital services, in the event of an emergency, and agreement to fulfill that responsibility;

7. Clearance for employment based upon driving history and driver's license verification for positions which require driving on a full-time or part-time basis; and
8. Clearance of credit investigation for positions having a directly job-related need, such as: the position handles significant amounts of cash; has direct responsibility for cash management function; serves in a public safety position at the Airport or Municipal Court such as Airport Public Safety Officers, Detention Officers, and City Marshals; or civilian police department personnel.

### **C. REHIRING FORMER EMPLOYEES**

Former employees may be rehired into their former city position at their previous rate of pay without going through the competitive hiring process if rehiring occurs within one year of former employee's separation from City service and the employee separated in good standing. Former employees may also be returned to work, on a part-time or seasonal basis. Rehiring is at the sole discretion of the City.

### **D. TEMPORARY EMPLOYMENT**

Department Directors may request hiring a temporary employee to perform a specific job assignment on a part-time or seasonal basis, as a temporary City employee. A temporary appointment requires approval of the City Manager, or designee, the Director of Management and Budget and the Director of Human Resources. These assignments are not to exceed six months. A qualified person may be appointed to a temporary assignment without a job posting or other advertisement, however, is subject to the same post offer employment procedures as a regular full-time employee.

### **E. EMPLOYMENT OF RELATIVES**

No hiring manager can be involved in the hiring process of a relative and no employee is allowed to serve as the immediate supervisor of any of their relatives as defined below. This applies to all employment situations. No Department Director shall be involved in any change in employment status or compensation of any relative.

For purposes of this section, "relative" is defined as any person within the second degree of affinity or the third degree by consanguinity.

Within the Second Degree of Affinity includes the following:

Brother's spouse; sister's spouse

Son-in-law; daughter-in-law

Spouse, includes common law relationships

Spouse's father and mother

Spouse's son and daughter

Spouse's grandparents

Spouse's grandchildren

Spouse's brother and sister

And includes step relations

Within the Third Degree of Consanguinity includes:

Your father and mother

Your son and daughter

Your grandparents

Your grandchildren

Your sister and brother

Your aunt and uncle

Your niece and nephew

Your great-grandchild

Your great-grandparent

Step relations

The ending of a marriage by divorce or death of spouse ends relationship by affinity created by that marriage unless a child of that marriage is living. If an employee is a relative to the Department Director within the second degree of affinity or third degree of consanguinity, decisions affecting the employee's status or compensation will be made by the City Manager or designee.

#### **F. PROBATIONARY PERIOD**

Every Classified Service employee must successfully pass the six(6)-month probationary period. An employee who fails to perform adequately during this probationary period may be terminated without recourse.

#### **G. PERFORMANCE PLANNING AND REVIEW**

To ensure that the quantity and quality of work performed by employees meet the needs of the City, employees and their supervisors will define and reach a mutual understanding concerning the performance standards and objectives set for each employee. The Human Resources

Department provides the methods by which supervisors should establish these standards and objectives.

## **H. REDUCTION IN FORCE**

Whenever the effective and efficient operation of the City may require it, a reduction in force (RIF) may be implemented. All employees are subject to the RIF; however, RIF benefits will not be offered to employees in grant funded positions, employees in the Executive Pay Plan, temporary employees, or where superseded by Federal, state law or collective bargaining agreement.

Departments will identify Reduction in Force (RIF) positions and provide the RIF employee with written notification with as much advance notice as possible. When there is more than one employee in the affected classification, performance will be evaluated for all employees. Performance will be the first criteria for determining which employee will be affected by the RIF, then the employee with least seniority.

An employee subject to the RIF may be offered a transfer or voluntary demotion to a vacant position if the employee meets minimum qualifications, has had satisfactory performance and is currently at the same or higher grade level as vacant position. The receiving department will have an opportunity to interview the employee and must agree with the placement.

Promotions to a higher grade level will remain a competitive process with no preferential consideration for RIF employees.

The Human Resources Department maintains a Recall List of RIF employee for twelve months from the date of RIF ("Recall Period"). If during the Recall Period, a RIF employee possesses the minimum qualifications for a vacant position, the employee will be interviewed for the position and given preferential consideration. If the employee is capable and willing to perform the essential functions of the position, the Department Director must provide a compelling argument for rejecting the candidate, in writing, to the Director of Human Resources. The Director of Human Resources will make the final decision upon discussion with the Department Director. In certain circumstances, the employee may be given a sixty (60)-day work trial period before the placement becomes final.

In cases of equally qualified RIF employees, the vacant position will be offered based on performance ratings are used to determine placement opportunity and then seniority. Persons selected from the Recall List during the Recall Period will be offered the same compensation as received immediately prior to the RIF, unless such compensation exceeds the maximum rate for the pay grade, in such cases the maximum rate will be paid. Recall consideration is terminated once an employee refuses the second job offer or fails to notify the City of acceptance within four (4) business days after offer is received. All recall opportunities immediately cease twelve (12) months from effective date of the RIF.

Persons rehired from the Recall List during the Recall Period are given credit for an equivalent amount of unpaid accrued sick leave as of the date of the RIF. They may also be given prior service consideration as may be authorized under City ordinance.

RIF employees are terminated as of effective date of the RIF. RIF employees are eligible to apply for unemployment benefits with Texas Workforce Commission and have the option for continued health insurance coverage under COBRA provided the employee previously had City health insurance coverage. (as amended December 15, 2014)

#### **IV. COMPENSATION**

The City of Corpus Christi will strive to provide equitable compensation for its employees in the form of pay and fringe benefits in order for the City to attract and retain qualified individuals for all positions. These policies will not apply to Police and Fire Personnel who are covered under collective bargaining agreements.

##### **A. PAYMENT OF OVERTIME**

###### **1. Exempt Employees**

Exempt employees are salaried employees and are not eligible for overtime compensation. Exempt employees are expected to work forty (40) hours per work, and any additional time necessary to get their work completed. However, time off in the form of administrative leave with pay may be provided at the discretion of the Department Director. Such leave shall not exceed the length of the employee's regularly scheduled shift for exempt employees who, due to operational needs, must regularly be available for work in excess of the normally scheduled work period. Additional leave must be approved by the City Manager, or designee.

###### **2. Non-exempt Employees**

Generally, for non-exempt employees, overtime is any time worked in excess of forty (40) hours in a week. Overtime is paid as required by law, at one and one-half (1½) times the employee's regular rate of pay. A Department Director may grant compensatory time in lieu of cash payment for some or all department employees. Compensatory time will be credited at the rate of one and one-half (1½) hours for each hour of overtime worked. A non-exempt employee may accrue up to eighty (80) hours of compensatory time. Compensatory time must be used within a forty-five (45) day period following the week in which it is earned, unless otherwise authorize by the City Manager. If not used within forty-five (45) days, it will be paid out.

##### **B. BENEFITS**

###### **1. Leave**

(Vacation and sick leave benefits for employees in Plan II are defined and delineated separately in the Municipal Code of Ordinances. Section 39.343).

Leave may be granted by the Department Director upon request by an employee. Work schedules and operational requirements of the Department are necessary considerations, which



may preclude granting of leave. Leave must be requested a reasonable time in advance and the granting authority has a responsibility to respond in a reasonable time.

**a. Paid Leave**

Paid leave is paid for at the same rate as hours worked during the basic work week and paid leave hours are counted as hours in the employee’s work period and apply toward the employee’s eligibility for earning benefits, except for overtime calculations. All regular part-time employees accrue paid leave on a pro-rated basis determined by their regularly budgeted work hours.

**b. Holidays**

The following holidays are declared official holidays for City employees.

- New Year’s Day..... January 1
- Memorial Day..... Last Monday in May
- Independence Day..... July 4
- Labor Day..... First Monday in September
- Thanksgiving Day.....Fourth Thursday in November
- Friday after Thanksgiving
- Christmas Day..... December 25

- (1) When a holiday listed above falls on a Sunday, the following business day is considered a holiday. When any holiday listed above falls on a Saturday, the preceding Friday is considered a holiday.
- (2) Part-time and temporary employees are not compensated for holidays, except for time actually worked which will be paid at the straight time rate.
- (3) Holiday day pay is generally defined as equivalent to eight (8) hours of work.

**c. Vacation Leave Accrual**

(1) Employee will accrue vacation leave at the following rate:

<b>Years of Services</b>	<b>Hours per Year</b>
Less than 6 years of service	88 Hours
Beginning the 6 <sup>th</sup> year	104 Hours
Beginning the 11 <sup>th</sup> year	120 Hours
Beginning the 16 <sup>th</sup> year	144 Hours
Beginning the 21 <sup>st</sup> Year	168 Hours

Beginning the 26 <sup>th</sup> year	200 Hours
Beginning the 31 <sup>st</sup> year	240 Hours

- (2) Annual carryover limited to thirty (30) days.
- (3) Up to maximum of thirty (30) days paid at termination, retirement, or death.
- (4) Twelve (12) months of service with the City is required before vacation is paid at termination.
- (5) Six (6) month probationary period must be completed before vacation accrual can be used.

**d. Sick Leave**

- (1) Employee accrues twelve (12) days per calendar year (based on 8-hour shift).
- (2) 960 hours can be carried over year to year.
- (3) Payment of 50% of accrued hours not greater than three-hundred sixty (360) hours at disability/service retirement or upon death.

**e. Personal leave**

- (1) Effective August 1<sup>st</sup> of each year, each full-time employee shall receive forty (40) hours of personal leave. Airport public safety officers who work shifts of twenty-four (24) hours on and forty-eight (48) hours off, who shall receive sixty (60) hours of personal leave.

Full-time employees hired on or between August 2<sup>nd</sup> to April 30<sup>th</sup> shall receive personal leave hours as follows in the first year they are employed:

- Hired on or between August 2<sup>nd</sup> through October 31<sup>st</sup> shall receive 30 hours;
- Hired on or between November 1<sup>st</sup> through January 31<sup>st</sup> shall receive 20 hours;
- Hired on or between February 1<sup>st</sup> through April 30<sup>th</sup> shall receive 10 hours;
- Hired on or between May 1<sup>st</sup> through July 31<sup>st</sup> shall not receive personal leave hours until personal leave hours are awarded on August 1<sup>st</sup>.

Full-time Airport Public Safety Officer hired on or between August 2<sup>nd</sup> to April 30<sup>th</sup> shall receive personal leave hours as follows in the first year they are employed:

- Hired on or between August 2<sup>nd</sup> through October 31<sup>st</sup> shall receive 45 hours;
- Hired on or between November 1<sup>st</sup> through January 31<sup>st</sup> shall receive 30 hours;
- Hired on or between and February 1<sup>st</sup> through April 30<sup>th</sup> shall receive 15 hours;

- Hired on or between May 1<sup>st</sup> through July 31<sup>st</sup> shall not receive personal leave hours until personal leave hours are awarded on August 1<sup>st</sup>.

- (2) Personal leave hours must be requested and approved in advance in the same manner as vacation leave.
- (3) Personal leave must be taken within the fiscal year received and does not accrue.
- (4) Personal leave may be used within the first six (6) months of employment with the City.
- (5) Personal leave hours are not paid out at termination.

(amended August 1, 2014)

#### **f. Bereavement Leave**

- (1) Up to twenty-four (24) hours of bereavement leave will be granted to full-time employee due to the death of an immediate family member, except for public safety officers who work shifts of twenty-four (24) hours on and forty-eight (48) hours off who will be granted up to thirty-six (36) hours.
- (2) Immediate family include the employee's parents, spouse, common law spouse, domestic partner, children, brothers, sisters, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, son-in-law and daughter-in-law, employee's or spouse's step-mother and step-father, employee's or spouse's grandparents and grandchildren. Exceptions for family relations not identified in this list may be granted by the City Manager on a case-by-case basis.
- (3) Employees who receive bereavement leave must provide a copy of the obituary, or other related documentation, to their Department Director.

#### **g. Military Leave**

An employee who presents official orders for military training or other active military duty is entitled to military leave with pay for a period or periods not exceeding a total of fifteen (15) working days in any one calendar year. Employees who perform and return from military service retain such rights with respect to employment, reinstatement, seniority, vacation, layoffs, compensation, and length of service pay increases as may be from time to time provided by applicable statutes of the United States, such as the Uniformed Services Employment and Reemployment Rights Act of 1994, and the State of Texas, and official City policy.

#### **h. Leaves without pay not related to usage of sick leave**

A Department Director may authorize an employee to be absent without pay for personal reasons that are not related to use of sick leave or Family Medical Leave Act (FMLA) for a combined maximum total of thirty (30) calendar days in a twelve-month period. Such leaves without pay in excess of a combined maximum total of thirty (30) calendar days in a twelve-month period will require approval of the City Manager, or designee.

### **i. Leaves with pay deemed beneficial to City operations**

The City Manager may authorize special leaves of absence with pay for up to nine (9) months for the following purposes: Attendance at a college, university, or business school for the purpose of training in subjects directly related to the employee's work that benefits the City 's operational needs for that specific related training; serving on a jury; attending a court as a witness on City -related business; and for other purposes deemed beneficial to the City 's mission of providing quality public services.

### **j. Leaves with or without pay in excess of other special leave limitations**

Upon the recommendation of the City Manager, the City Council may grant leaves of absence with or without pay in excess of the limitations of other leaves for attending extended courses of training at a recognized university or college and for other purposes that are deemed beneficial to the City public services.

### **k. Interruption of Continuous Service and Prior Service Credit**

- (1) Leaves without pay of less than thirty (30) days do not interrupt continuous service but are deducted for all other purposes. Leave without pay in excess of thirty (30) days, except for disability leave and extended service with the Armed Forces of the United States, are deducted in computing total service but will not serve to interrupt continuous service. In case of repeated one-day absences without leave, the City Manager, or designee, may consider the service of the employee interrupted and will have the personnel record of the employee shows the same.
- (2) Upon interruption of service followed by reinstatement or return to duty, the continuous service date is the effective date of reinstatement or return to duty.
- (3) Prior service may be recognized for continuous service credit, but will be reduced by the rate of one calendar month for each calendar month or part thereof absence, upon approval of the City Manager, as recommended by the Department Director. The effective date of reinstatement is adjusted by the amount of prior service recognized.
- (4) Prior service of less than six (6) months, or prior service as a temporary employee, will not be considered in computing continuous service credit.
- (5) Recognition of prior service for continuous service credit will not be granted until satisfactory completion of probationary period.

### **l. Catastrophic Leave Program**

The City Manager, or designee, is authorized to develop a catastrophic leave program to provide full-time employees with the possibility of obtaining additional sick leave days to avoid loss of compensation due to a catastrophic illness or injury when the employee has exhausted all accrued leave.

### **m. Family and Medical Leave Policy**

(1) The City complies with the Family and Medical Leave Act (FMLA) of 1993. Employees who have been employed for at least twelve (12) months of continuous services, and who have worked at least 1,250 hours during the preceding twelve month period are eligible for family and medical leave. Except for those employees designated as “key employees,” employees will be returned to the same or an equivalent position upon their return from leave.

(2) All eligible employees will be granted family or medical leave consisting of accrued vacation and personal leave or sick leave, when appropriate, and unpaid leave; for a combined total of up to twelve weeks during the calendar year for the following reasons:

**Family Leave** (i. the birth of the employee’s child and in order to care for the child; ii. the placement of a child with the employee for adoption or foster care); or

**Medical Leave** (i. to care for a husband, wife, child or parent who has a serious health condition; ii. a serious health condition that renders the employee incapable of performing the functions of his or her job.)

(3) Employees are eligible to take medical leave intermittently or on a reduced leave schedule only when medically necessary. Employees are not entitled to take family leave intermittently or on a reduced leave schedule unless approved by their Department Director.

(4) Any family leave must be taken within twelve months from the date of the birth or placement of a child for adoption or foster care.

(5) If medical leave is requested, the employee may use accrued sick leave. After an employee’s accrued sick leave has been exhausted, vacation leave may be used as sick leave upon request of the employee. If family leave is requested, the employee may use accrued vacation leave. For the birth of the employee’s child and in order to care for the child, the employee may use accrued sick leave.

(6) If appropriate paid leave is exhausted, the remainder of the family or medical leave period will consist of unpaid leave. Any use of accrued leave under this section will count toward the 12 week annual family and medical leave allotment.

#### (7) Request for Leave

An employee should request leave in writing. An employee who intends to take family or medical leave for planned medical treatment must submit a request to their Department Director at least thirty days before the leave is to begin. When circumstances do not allow for a thirty days advance notice, the employee must give notice as soon as possible but no later than two business days after the employee learns of the need for the leave. The request must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

A Department Director may require satisfactory proof of the proper use of medical leave and may disallow medical leave in the absence of such proof.

The Department Director shall, within five business days of receipt of sufficient information, determine that the leave request qualifies for FMLA leave, and provide employee with written confirmation of FMLA leave and employee responsibilities while on FMLA leave.

(8) Benefits Coverage during Leave

While on family or medical leave, employees have the option to continue health and other benefits coverage under the same conditions that applied before the leave began. For coverage to continue, employees will continue to pay premiums that they would be required to pay if they were actively at work. Failure to pay the premiums may result in loss of coverage.

(9) Return to Work

Other than key employees under certain circumstances, employees eligible for family and medical leave will be returned to their old position or to a position with equal pay, benefits, and other terms and conditions of employment. The City cannot guarantee that employees will be returned to their original jobs. The City will determine whether a position is an equivalent position.

This policy does not entitle any employee to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave. For example, if during an employee's approved leave, the employee is terminated for reasons unconnected with a legitimate leave, or his/her position is eliminated through a reduction in force, the commitment to return the employee to a position with the City will cease at the time the employee is terminated or the position is eliminated. An employee on medical leave for five consecutive working days or more for his or her serious health condition must provide a Return to Work Release from the employee's health care provider before the employee will be permitted to return to work. The Return to Work Release must state that the employee is able to resume work.

(10) Failure to Return to Work

Employees who do not return to work after using all family or medical leave will be subject to immediate termination unless additional leave has been requested and granted. Employees should submit a written request for an extension of leave to the Department Director. This written request should be made as soon as the employee knows that he or she will not be able to return on the original return date.

An employee who fails to return to work after the expiration of the leave will be required to reimburse the City for the City's portion of health premiums paid during the leave, unless the reason the employee fails to return is a serious health condition which prevents the employee from performing his or her job, or if the circumstances are beyond the employee's control.

**n. Jury Duty & Service as Witness**

Full-time employees receive their regular pay for jury duty. Employees may keep jury service paid by the court. Employees shall provide their supervisor copy of the summons and court statement confirming attendance. Employees are to return to work if at least two hours of work schedule remain.

Serving as a witness in a case in which the City is a party is considered time worked. Otherwise, employees must use their own compensatory time, vacation leave or personal leave for time not worked.

## **2. Health Related Benefits**

### **a. Medical and Dental Coverage**

Medical and dental insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by City Council on an annual basis.

### **b. Term Life Insurance**

The City provides fifty thousand dollars (\$50,000.00) basic term life insurance for all employees holding Executive positions and makes available additional term life insurance for these employees on an optional basis at personal expense. Other full-time employees receive the basic ten thousand dollars (\$10,000.00) of term life insurance, or a greater amount of basic life insurance as determined by the City Manager and will have the option to purchase supplemental term life insurance at personal expense.

### **c. Disability income protection plan**

Full-time employees who are assigned to Leave Plan I will automatically be members of the city's disability income protection plan and eligible to apply for extended benefits under that plan. Employees at age sixty-five (65) may decline or discontinue participation. The member employee and the City will share in the cost of any level of coverage on a percentage basis as defined by the City Manager.

### **d. Former employee participation in the City's group health insurance program**

City employees are eligible to participate as retirees in the City's group health insurance program at retiree group rates when any of the following conditions exist: (1) when eligible for retirement under requirements of the Texas Municipal Retirement System (TMRS); or (2) due to disability retirement. An employee who meets one of these conditions who desires to participate in the City's group health insurance program is required to establish automatic deduction from their personal bank account to pay for the health insurance premiums. The Financial Services Department, Accounts Receivable Division, will administer the collection process and will notify the Human Resources Department benefit staff if the payment is delinquent ninety (90) days. The benefits staff will notify the carrier and/or the third party administrator of terminated coverage due to non-payment of premiums upon being ninety (90) days delinquent, and will notify the retiree of

termination of coverage. The effective date of termination of health insurance coverage will be the last day for which the retiree made any required premium payment for the plan.

An employee who terminates employment in good standing, may be eligible for continued group health insurance program coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), provided that the employee meets the eligibility and other COBRA requirements.

### **3. Other Benefits**

#### **a. Employee Assistance Program**

The City may offer an Employee Assistance Program (EAP), which is a professional, confidential counseling service available to help eligible employees and eligible dependents resolve personal problems. When funding is available, the City will provide this program at no cost to employees.

#### **b. Deferred Compensation**

The City provides employees the option to voluntarily defer compensation including unused vacation and sick leave pay through a deferred compensation plan, which is governed by Section 457 of the Internal Revenue Code.

#### **c. Flexible Spending Accounts**

The City offers flexible spending accounts, which allows deductions of premiums for health, term life, self-funded dental insurance before Federal taxes are calculated, which may increase employee's take home pay. The City offers a Flexible Spending Account on the plan year August 1 through July 31, include the use of pre-tax dollars to pay for:

- ✓ Out-of-pocket medical expenses
- ✓ Day care expenses for childcare and/or elder care
- ✓ Use pre-tax dollars for reimbursement of health, dental or vision insurance premium through source other than City of Corpus Christi

#### **d. Education Assistance**

All full-time City employees, who have completed their initial probationary period, are eligible for education assistance for qualifying courses or programs for which approval was obtained prior to beginning the course or program.

#### **e. Benefit Coverage during no-pay status**

Upon an employee going on no-pay status, the department payroll clerk will submit notification (Form 12) to the Human Resources department indicating the beginning date of the employee no pay status. Terminated employees on appeal to the Civil Service Board may continue benefit program coverage so long as they pay the employee premiums. If termination is upheld by the board, the date of the ruling is used for the date of termination of benefit coverage, unless



coverage was previously terminated for non-payment. The employee is responsible to pay employee portion of benefit premiums. The Financial Services Department, Accounts Receivable Division, will bill the employee each month for premiums, and will notify the Human Resources benefit staff if payment is delinquent. Upon return to work, unpaid past premiums will be deducted automatically from the employee's paycheck based upon the established schedule for arrears payments. Benefit payments in arrears are deducted from employee's final paycheck. Any unpaid amounts are billed to the employee by the Financial Services Department Accounts Receivable Division.

## **V. REPORTING MISCONDUCT AND VIOLATIONS OF LAW**

### **A. REPORTING FRAUD, MISMANAGEMENT AND MISUSE OF CITY RESOURCES**

Fraud, mismanagement and misuse of City revenue, property, information, or other assets are prohibited. Each employee has responsibility to report knowledge or suspicion of fraudulent behavior or actions. An employee who has knowledge or reasonable suspicion of fraud, illegal act, irregular conduct or mismanagement will immediately notify his/her supervisor and the City Manager's hotline 361-826-8484 or the City Auditor at 361-826-3661, or may report the incident through the fraud hotline, 361-826-8477, or via email at [fraudhotline@cctexas.com](mailto:fraudhotline@cctexas.com).

The City Auditor has primary responsibility to investigate any suspected acts of fraud or similar irregularities. Supervisors and City Management shall communicate any suspected or known fraudulent acts to the City Auditor. Supervisors shall not attempt to investigate or to discuss the matter with anyone other than necessary management personnel, the City Manager, the City Attorney and the City Auditor's Office.

The City Auditor will notify the City Manager and City Attorney of material reported allegations of fraudulent, illegal or other irregular conduct prior to the commencement of the investigation, and keep these officials informed of pertinent findings. Upon conclusion of the investigation, material results will be reported to the City Council Audit Committee and City's external auditors.

All investigations will be conducted in confidence insofar as reasonably possible. The name(s) of those communicating information about a fraudulent act and name(s) of those suspected will only be revealed when required by law in conjunction with the investigation or legal action. Employees contacted by the media regarding audit investigation must refer the media to the City Manager or City Attorney.

Each department will maintain internal controls to protect the department and City from loss or other damages as a result of a fraudulent act. City management and departments are responsible for instituting and maintaining internal controls to provide reasonable assurance for the prevention and detection of fraud, misappropriation of funds, and other irregularities. Management should be familiar with types of improprieties that might occur within their areas of responsibility, be alert for any indications of such conduct, and follow reporting procedures described above.

## **B. REPORTING HARASSMENT, DISCRIMINATION AND, RETALIATION**

### **1. Harassment**

The City does not condone and will not tolerate harassment of any of its employees on the basis of race, color, religion, national origin, sexual orientation, age, citizenship, veteran status, disability, work related injury or illness, or genetic information. Harassment can include physical or verbal conduct, including jokes which belittle, denigrate or intimidate on the basis of the above listed categories, or insulting remarks, as well as graphic representations. Employees who experience harassment must report the violation to the Department Director, or any Assistant City Manager, or Director of Human Resources, or to the City Manager for investigation.

### **2. Sexual Harassment**

Sexual harassment of employees by supervisors, co-workers, customers, visitors, vendors, or other third parties will not be tolerated. The City of Corpus Christi specifically prohibits the following behaviors:

a. Unwelcome sexual advances, defined as any invitation, no matter how blatant or subtle, which is intended to result in coerced sexual intercourse; requests for sexual favors; and all other verbal or physical conduct of a sexually offensive nature.

b. Unwelcome sexually explicit comments, such as describing a person's body; sexually explicit jokes and/or innuendoes; and other sexually oriented statements which include the use of derogatory and insulting terms related to an employee of the same or opposite sex; offensive calendars, magazines, or posters; suggestive or insulting sounds; leering; whistling; obscene gestures.

Employees who experience sexual harassment should first tell the offender to stop the offensive behavior and report the violation to the Department Director, or any Assistant City Manager, or Director of Human Resources, or to the City Manager.

### **3. Discrimination and Retaliation**

The City prohibits discrimination in the promotion, transfer, compensation, terms, conditions or privileges of employment on the basis of race, color, religion, sex, pregnancy, age,

national origin, sexual orientation, gender identity, military status, citizenship, work related injury or illness, disability, or genetic information. Retaliation, in any form, against an employee for reporting a complaint in good faith, or for assisting in the investigation of such a complaint, is prohibited. Employees who experience discrimination or retaliation must report the violation to the Department Director, or any Assistant City Manager, or Director of Human Resources, or to the City Manager for investigation. *Amended 12.10.15*

#### **4. Reporting Violations**

Supervisors have an obligation to promote a harassment and retaliation free workplace environment. Any employee who feels he or she has been harassed, discriminated or retaliated against must immediately report the incident directly to their Department Director, any Assistant City Manager, the Director of Human Resources, or the City Manager. No employee should assume that the City is aware of a problem. Employee must bring complaints and concerns to the attention of management so that appropriate steps can be taken. Employees must cooperate and is required to participate in any investigation, when requested by the City.

#### **C. REPORTING CHANGES TO DRIVER'S LICENSE STATUS AND REPORTING DWI ARRESTS**

An employee must notify their Department Director, the Director of Human Resources, and the Risk Management Department, within one working day, when their driver's license is suspended, revoked, or confiscated; or when they receive a Driving While Intoxicated (DWI) conviction or probation, regardless of whether the violation was committed on or off the job. The Department Director will consult with Director of Human Resources and Risk Management to determine available options which may include, but are not limited to the following:

- Allow the employee to return to regular duty
- Allow the employee to return to restricted duty
- Place the employee on paid administrative leave
- Discipline up to and including termination.

#### **D. REPORTING VIOLATIONS OF LAW BY CITY EMPLOYEE**

City employees are subject to disciplinary action and/or job restriction for violations of law, on or off duty. This applies to acts prohibited by law that result in charges being filed, arrest, confinement or indictment, as well as to acts prohibited by law not resulting in charges, filed, arrest, confinement, or indictment. An employee confined by law enforcement authorities who fails to report to work at regularly scheduled time and/or to provide timely notification to his or her supervisor, will be subject to disciplinary action for unauthorized absence.

Employees must contact their immediate supervisor (or have someone else contact the supervisor on employee's behalf) at the beginning of the next work shift after being arrested, confined or indicted to report the arrest, confinement or indictment and reason for such.

The Department Director will consult with the Director of Human Resources to determine available options which may include, but are not limited to the following:

- Allow the employee to return to regular duty
- Allow the employee to return to restricted duty
- Place the employee on paid administrative leave
- Discipline up to and including termination.

Employees must provide immediate written notice to their Department Director of any final conviction, deferred adjudication or probation for any violations classified as Class B misdemeanors or above, found against the employee, as well as notice of any dismissed charges, findings of not guilty, or no bill.

#### **E. CONFIDENTIALITY CANNOT BE ASSURED**

Under existing Texas law, confidentiality of any information provided regarding a complaint or report of misconduct cannot be assured and requests for information may have to be referred to the Texas Attorney General. Investigations may necessitate divulging information to individuals who are directly named in the complaint, to witnesses or to others with right or need to know.

### **VI. GRIEVANCES**

Employees may submit grievances related to wages, hours of employment, or conditions of work through the grievance procedure established by the City Manager. Any employee may present a grievance individually, or as group.

The following may not be filed as a grievance under this policy, as alternate processes to address such concerns are provided and listed below:

1. Performance appraisals. An employee may submit a written rebuttal for placement in official personnel file maintained by the Human Resources Department.
2. Letters of counseling or reprimand. An employee may submit a written rebuttal for placement in official personnel file maintained by the Human Resources Department.
3. Position grade designations. The City's Classification and Compensation Plan evaluates positions and determines appropriate grade.
4. City pay plans and corresponding City pay ranges. Pay plans and corresponding pay ranges are established under the City's Personnel Ordinance, and approved by City Council. An employee may meet with a representative of the Human Resources Department to address questions regarding pay plans and pay ranges.

An employee who wishes to report allegations of sexual harassment, discrimination, harassment, or retaliation should directly notify their Department Director, an Assistant City Manager, the Director of Human Resources, or the City Manager to report such allegations.

Grievance Procedure:

**Step 1:**

The employee must first discuss the grievance with their immediate supervisor within five (5) business days of the date of the incident or the time the employee should have been aware of the issue.

If the employee is dissatisfied with response, the employee has five (5) business days from receipt of supervisor's verbal response to submit a written grievance to immediate supervisor.

The immediate supervisor responds, in writing, within five (5) business days.

If employee is dissatisfied with the response, the employee has five calendar days to submit the City Grievance Form to the Department Director, within five calendar days of receipt of immediate supervisor's response. If employee does not present the grievance to the Department Director within five (5) business days of receipt of immediate supervisor written response, the grievance shall be considered settled on the basis of immediate supervisor's answer

**Step 2:**

The Department Director or designee meets with employee within five (5) business days of receipt of the grievance to attempt to resolve the grievance.

The Department Director shall answer the grievance, in writing, within five (5) business days of the meeting.

If employee is dissatisfied with the Department Director or designee's response, the employee has five (5) business days to appeal, in writing, to the applicable Assistant City Manager, or City Manager and include all previous reports, findings and decision with the appeal.

Upon receipt of the grievance form from the applicable Assistant City Manager or City Manager, shall provide a copy of the grievance to the Director of Human Resources in order that a fact-finding review of the grievance may be conducted.

If employee does not present the grievance to the applicable Assistant City Manager or City Manager within five (5) business days of receipt of Department Director's written response, the grievance shall be considered settled on the basis of Department Director's or designee's answer.

**Step 3:**

The Director of Human Resources, or designee, shall prepare, within fifteen (15) business days of receipt of the grievance by the applicable Assistant City Manager or City Manager, a fact-finding report, regarding the grievance, for review and consideration by the applicable Assistant City Manager, or City Manager.

The applicable Assistant City Manager or City Manager will meet with the grievant within ten (10) business days and render a decision within twenty (20) business days after such meeting. The City Manager's decision shall be final and not subject to appeal.