

WELCOME

The City of Freeport would like to extend it's warmest welcome to you as an employee of this unique city.

Freeport is rich in history. It was a hunting and fishing area for the Karankawa Indians. Later, Brazoria County was the base for Stephen F. Austin in colonizing Texas. Prior to the Civil War, it was the site of major plantations that made use of the Brazos River for importing supplies and exporting agricultural products.

Velasco (now Surfside) was a Mexican fort until the Texas War for Independence, after which it became a small beach resort. An inland resort and farm community adopted the name of New Velasco, and became just Velasco after the 1900 storm leveled the old town. Much of the inland city was vacated in that storm, and most of the property became dormant until the Freeport Urban Renewal Agency began acquiring it in the 1960's.

Across the river from Velasco, Freeport was created in 1912 when the Freeport Sulfur Company established a town site and began mining sulfur at Bryan Mound.

In 1925 the Navigation District was created by vote, and began the work of diverting the Brazos River from its downstream course. This allowed the dammed lower portion to be dredged to form a dependable deep-sea port (Port Freeport).

The present industrial character of the area began forming when in 1940, Willard Dow purchased 823 acres to begin what is now known as Dow Chemical Texas Operations, the centerpiece of the world's largest basic chemical processing complex.

The cities of Lake Jackson, Clute, Richwood, and smaller communities formed nearby, and this group took the name Brazosport Area and chose to share a school district, community college, chamber of commerce, hospital, and other facilities.

Freeport is a popular Gulf Coast sportfishing site and the majority of the commercial shrimping activity of South Texas takes place in this area of the Gulf of Mexico.

Freeport offers many attractions; these include a Municipal Golf Course, numerous parks, community houses and pavilions, unique restaurants and shops, charter and party boat services, and an award winning school district.

As a city employee you are responsible for carrying out the "Goals of the City" through your departments' goals and objectives. This Policy Handbook sets the standards for all City of Freeport employees to accomplish the City's missions.

Goals of the City of Freeport

- ❖ *Recruiting, developing, and retaining qualified staff*
- ❖ *Providing friendly and professional customer service to our citizens*
- ❖ *Practicing fiscal conservatism*
- ❖ *Providing a safe and inviting environment in which our citizens can live*
- ❖ *Maintaining equipment and resources for delivery of quality services*
- ❖ *Providing for a well planned and strong infrastructure*
- ❖ *Developing a healthy local economy*

CITY
Of
FREEPORT

VISION STATEMENT

The City of Freeport is committed to its citizens in procuring a quality of life that meets the high standards of its leadership.

Building partnerships with industry, schools, and citizens, the City will approach this century with a resolve to make Freeport the standard by which others set their goals.

CHAPTER ONE

GENERAL PROVISIONS

1.01 Purpose of Policy Handbook

The City Council of the City of Freeport deems it advisable to formulate a policy governing the relationship of the City with its employees. The policies in this handbook are guidelines only, and do not constitute any type of employment contract with any employee, nor are they intended to make any commitment to any employee concerning how individual employment action will be handled. This policy also represents an effort to establish governing principles for a fair and equitable system of personnel management. This policy is not intended to be all-inclusive and cover every conceivable personnel situation that might arise. It is understood that this policy will require modification from time and it should not be regarded as fixed or unchangeable, but subject to growth and change.

1.02 Conditions and Amendments

These policies shall become part of the employment conditions of each employee. Employment with the City shall be contingent upon the employee's compliance with all of the provisions of these policies applicable to such employee.

Changes to these policies may be recommended by any employee to their immediate supervisor to be forwarded to the City Manager. The City Manager has the sole authority to change these policies and regulations, subject to the approval of and such exceptions as the City Council may deem necessary.

1.03 Non-Discrimination

The City of Freeport will comply with the Civil Rights Act of 1964 and subsequent amendments thereto, and will not discriminate in its policies because of handicap, race, color, creed, national origin, religion, sex or age. However, it must be recognized that in certain job classifications and performance of the duties of certain positions, qualifications must be set that may direct or restrict, in certain cases, the field of applicants to those who qualify for that particular position. Also some restrictions will be placed on positions that require certain educational and experience qualifications.

It is the policy of the City of Freeport to comply with the Equal Employment Opportunity legislation and be in compliance as an Equal Employment Opportunity Employer.

1.04 At-Will Employment

The City of Freeport is an employment-at-will employer as defined under Texas common law. As such, the employment relationship between the employee and the City is terminable at the will of either the City or the employee, with or without cause, at any time without notice, and for any reason. The City may set rules and regulations governing the conduct of the employees, but no communication or practice shall limit or modify the employment-at-will relationship. This manual is not intended to create a contract of employment. No agreement or promise regarding an individual's employment is binding on the City unless it is in writing and signed by the City Manager or his/her designee. The provisions of this manual control over any conflicting statements made by any Department Director or Supervisor. The City Manager, with the approval of the City Council, has the right to change these policies at any time without notice.

CHAPTER TWO

ORGANIZATION AND PERSONNEL

2.01 Role of Mayor and City Council

The City Council is comprised of four council members and the Mayor, and is the policy making body for the City of Freeport. The Mayor is the presiding officer of the City Council, and is the ceremonial head of the City government.

2.02 Role of City Manager

The City Manager is the Chief Executive and Chief Administrative Officer of the City and is appointed by the City Council. The City Manager is responsible to the City Council for the administration of all affairs of the City. The City Manager appoints and removes all employees, except those whose appointment or removal is otherwise provided for by the City Charter or specific ordinance. Except for purpose of inquiry, the Mayor and City Council shall deal with the administrative services solely through the City Manager and shall not give orders, either publicly or privately, to any employee of the City except the City Manager. Provided however, when the City Manager is unable to perform the duties of his/her office for any reason, or if such office becomes vacant, until an Acting City Manager is appointed, a qualified employee designated in writing by the City Mayor, with the consent of the City Council shall perform the duties of the City Manager hereunder.

2.03 Role of Department Directors

The Department Directors are to supervise their designated department within the City. These Department Directors are appointed by the City Manager. The City Manager and Department Directors make up the management team and are responsible for the efficient operation of City services through team leadership. With the approval of the City Manager, Department Directors may appoint personnel as supervisors to assist them in the fulfillment of their supervisory duties. Department Directors are expected to effectively lead their department employees in meeting and achieving the goals and objectives of their department and establishing policies, which are not inconsistent with these policies, which lead to the fulfillment of the City's mission.

2.04 Role of Operations Personnel

Operations personnel are those employees who are responsible for the day to day operation of City services. Each employee will have a general job description and will be assigned to a particular department. However, each employee works for the City of Freeport and as a City employee, may from time to time, at the discretion of the employee's supervisor, be assigned to jobs outside of his/her regular department and/or outside of the duties of his/her general job description.

CHAPTER THREE

EMPLOYEE APPOINTMENTS

3.01 Equal Employment Opportunity

The City of Freeport is an Equal Opportunity Employer. No hiring or employment decision shall be based upon race, color, religion, sex, national origin, age or disability. However, it must be recognized that in certain job classifications and performance of the duties of certain positions, qualifications must be set that may direct or restrict, in certain cases, the field of applicants to those who qualify for that particular position.

3.02 Americans with Disabilities Act

In compliance with the Americans with Disabilities Act (ADA) of 1990, the City of Freeport will provide reasonable accommodations to otherwise qualified individuals with disabilities as prescribed in accordance with the Act.

A “reasonable accommodation” may be provided when it enables the employee/applicant to perform the essential functions of the job.

3.03 Application Process

When a vacancy occurs in a City position, the Department Director shall notify the Human Resource Department of such a vacancy by submitting a “Vacancy Verification Form”. The Director will acquire the signature of the City Manager on the “Vacancy Verification Form” before announcing the vacancy and seeking qualified applicants. Once a vacancy is announced, applications will be accepted until the closing date specified by the Human Resource Department (minimum seven (7) days). Announcement process is as follows, advertised in the local paper, and posted on city’s website, outside the Human Resource office and at the affected department, other social media as appropriate.

Department Directors may review and interview applicants prior to the closing date, but no final decision shall be made until after the closing date for accepting applications.

If, after reviewing and interviewing, the Department Director feels an appointment recommendation is warranted, he/she shall submit to the Human Resources Department a completed applicant package including Background Investigation signed by the Department Director and Human Resources Screening and Authorization Form signed by the Department Director. After reviewing the Background Investigation, the Human Resources Department will forward the applicant package to the City Manager with a recommendation. Once the City Manager has approved the applicant package, the Human Resources Department will contact the applicant to arrange for a pre-employment drug screen and physical. If the City

Manager does not recommend or approve the application package, the Department Director will be notified and other qualified applicants will be considered or the position will be reposted. If an additional search for qualified applicants is warranted, the Department Director shall notify the Human Resource Department, which shall reinstate the announcement process.

Any vacancy announcement shall state the City's commitment as an Equal Employment Opportunity Employer and shall specify the position title, required and preferential qualifications, and the deadline for and method of application. Such announcement shall also specify the location of a written job description for applicants.

Applications for employment with the City of Freeport shall be provided by the Human Resource Department and should be submitted to the Human Resource Department. All application for employment must be turned into the Human Resource Department. Resumes may be utilized for initial screening of applicants. However, no person shall be employed by the City of Freeport without having a formal application on file with the City of Freeport. As required by law, all solicited applications will be kept on file in the Human Resource Department for two (2) years.

All applicants will be required to meet the qualifications listed in the job description for the position they seek. Additionally, applicants may be required to furnish information that demonstrates compliance with the standards for employment prescribed in the job description.

3.04 Nepotism

No applicant related to the Mayor, any member of the City Council, or the City Manager, within the first and second degree of affinity, (related by marriage) or the first, second, and third degree of consanguinity, (blood relation) shall be appointed to any position of employment in the City of Freeport.

No applicant related to an employee of the City, within the first degree of affinity, or the first and second degree of consanguinity, shall be appointed to any position in the City of Freeport without the written approval of the City Manager.

During the course of employment, should two or more employees within the same department become related by affinity within the first degree, and they wish to remain City employees, they will be prohibited from taking any position which would involve an employee being supervised by a member of his/her immediate family, unless the City Manager, in writing, determines that the appointment would not be detrimental to the operation of the City.

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Consanguinity (Blood Relationships)

<u>1st Degree</u>	<u>2nd Degree</u>	<u>3rd Degree</u>
Father	Grandfather	Great Grandfather
Mother	Grandmother	Great Grandmother
Son	Grandson	Great Grandson
Daughter	Granddaughter	Great Granddaughter
Brother	Uncle	Great Uncle
Sister	Aunt	Great Aunt
Half Brother	Nephew	Great Nephew
Half Sister	Niece	Great Niece
	1st Cousin	Great Cousin

Affinity (Marriage Relationships)

<u>1st Degree</u>	<u>2nd Degree</u>
Mother-in-law	Grandfather-in-law
Father-in-Law	Grandmother-in-Law
Brother-in-Law	Grandson-in-Law
Sister-in-Law	Granddaughter-in-Law
Son-in-Law	Uncle-in-Law
Daughter-in-Law	Aunt-in-Law
Spouse	Nephew-in-Law
Step Father	Niece-in-Law
Step Mother	1 st Cousin-in-Law
Step Son	
Step Daughter	

3.05 Drug Testing and Physical Examinations

Before being appointed, and after a conditional offer of employment, a prospective employee shall undergo a thorough medical, and/or psychological examination, and a drug and alcohol test by a physician designated by the City. All employees are subject to the City’s Policies and Procedures for a Drug-free Workplace and the City’s Mandatory Drug Testing Program, along with the Random Drug Testing Program.

3.06 Eligibility for Rehire

Former employees will be eligible for re-employment with the City at the discretion of the City Manager; however, they shall not receive preference over other applicants on the basis that they were formerly employed by the City. If a former employee is rehired, he/she will be subject to all probationary periods as set forth in the policy handbook.

3.07 Transfers

The Department Director may transfer employees from one position to another within their department. Employees may also be transferred from one department to another with the consent of both Department Directors. The City Manager may also transfer an employee between departments to facilitate an efficient use of City personnel. All transfers must be reported to and approved by the City Manager before becoming effective.

A report of Disciplinary Action must be completed when a transfer is made for disciplinary reasons.

Employees requesting to be transferred within the City, to a vacant position, should submit a letter of interest to the Human Resource Department.

3.08 Promotions

The City of Freeport is committed to a policy of hiring and rewarding qualified employees and shall make every effort to fill vacant positions by promotion of current personnel. When a position becomes vacant, any interested employee shall submit a letter of interest to the Human Resource Department, in accordance with Policy 3.03 Application Process. The Human Resource Department will then forward letter of interest to the Department Director. This letter of interest will be reviewed along with other applications that may be received from applicants not currently employed by the City. All promotions must first be approved by the City Manager.

3.09 Employment of Minors

Minors may be considered for employment within the limitations of state and federal laws.

- I. 16-17 year olds may be hired for any nonhazardous jobs
- II. 14-15 year olds may be employed outside of school hours under the following conditions:
 - a. No more than 3 hours on a school day
 - b. No more than 18 hours in school week
 - c. 8 hour maximum on non-school day
 - d. 40 hour maximum in a non-school week
 - e. Work may not begin before 7 a.m.
 - f. Work may not extend past 7 p.m., except between June 1 and Labor Day, when evening hours are extended to 9 p.m.

III. Under special provision, 14-15 year olds enrolled in an approved work training program may be employed for over 18 hours in a school week, including during school hours; however, prior approval must be obtained by the City Manager.

3.10 Definitions of Employment

The following are definitions of employment status:

- Part-time - Employees who are budgeted to work 40 hours or less per pay period. (No benefits are received).
- Temporary - Employees hired for a defined period of time. (No benefits are received).
- Seasonal - Employees hired for a seasonal period of time. (No benefits are received).
- Full-time (Regular) - Employees who are budgeted to work at least 80 hours per pay period. (Benefits are provided).
- Probationary - Employees who have taken new job responsibilities and who are considered full-time (regular) employees.
- Contract - Individuals who have a written contract from the City to perform specified functions.

3.11 Employee Evaluations

It is the intention of the City of Freeport to recognize the performance of its employees through the administration of Performance Evaluations. These evaluations will assist in the determination of rates, status, employee strengths, and areas of needed improvement.

Performance evaluations shall occur at the discretion of the City Manager. All evaluations shall be executed by the employee’s Director or designated supervisor. Employees who desire to request an appeal of their evaluation may do so through the City’s Grievance Process.

CHAPTER FOUR

PROBATION

4.01 Purpose of Probation

The probationary employment period is utilized to secure the most effective adjustment of the employee to his/her new job responsibilities. During this time, the employee is closely observed by their supervisors to make sure they are fulfilling his/her job duties effectively and in a positive manner. The skills and attitudes identified during the selection process are evaluated and improvements made as needed.

4.02 Length of Probation

During the first six (6) months after original, rehire, or promotional employment, each employee shall be considered a probationary employee; unless, the probationary period is extended at the discretion of the Department Director.

The length of probation can be extended at the discretion of the Department Director on the basis of the employee's performance.

4.03 Completion of Probation

During the probationary period there will be a three (3) month and a six (6) month evaluation performed before an employee may be taken off the probationary status.

Once the probationary period is finished, the employee's supervisor must make a recommendation to the City Manager as to whether the employee exhibits the qualifications necessary for success in the position. The City Manager shall then appoint the employee to the position with regular status or remove the individual from employment with the City.

An appointment to regular status should not be construed as a guarantee of permanent employment by the City of Freeport. Regular status indicates that an individual has successfully completed the probationary period. Employment with the City is "at-will" and the City reserves the right to remove any individual from employment at any time with or without cause. Likewise, an employee of the City is free to resign from employment with the City at any time.

4.04 Removal During Probation

During the probationary period for original or rehire, a Department Director may remove an individual from employment at any time. Where probationary status is for a promotional appointment the Department Director may remove the individual from the position at any time, and may or may not reinstate him/her to his/her former position. All removals or reinstatements within the City are subject to the approval of the City Manager.

CHAPTER FIVE

STANDARDS OF CONDUCT

5.01 Personal Appearance

The City of Freeport understands the necessity for each department to set their own dress standards. Therefore, each department will establish a dress policy for their employees based on the type of duties assigned.

5.02 Ethics – REVISED 02/19/2019

Personal conduct of employees should be such that it is a credit to themselves and the City. In matters of general conduct, within the scope of these policies, employees will be governed by the precepts of good moral behavior observed by law-abiding citizens.

The proper operation of democratic government requires that employees be independent, impartial, and responsible to the people, that government decisions and policy be made within the proper channels of the government structure, that public office not be used for personal gain and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all City employees is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such employees by setting forth those acts or actions that are incompatible with the best interests of the City and interests affecting the City.

5.03 Violations of Policies/Acts of Misconduct

In general, violations of personnel policies or acts of misconduct by City employees shall be cause for disciplinary action. These violations and acts include, but are not limited to the following:

- Conviction of a felony.
- Conviction for illegal possession, transportation, use or sale of intoxicating liquors or drugs.
- Use or being under the influence of intoxicants or drugs while on duty or while in City uniform all or part, or operating a City vehicle.
- Engaging in sabotage or espionage.
- Theft from the City or from other City employees.
- Falsifying City records.
- Immoral conduct or indecency.
- Inciting or engaging in strikes or riots.
- Possessing firearms or explosives on City property or in a City vehicle without authorization. This also applies to employees with a concealed handgun license, except Peace Officers.

- Falsifying information on employment application or employment documents.
- Provoking or instigating a fight.
- Fighting while on duty.
- Sleeping while on duty.
- Insubordination.
- Engaging in horseplay while on duty.
- Unauthorized absence from duty.
- Disregard for safety practice.
- Abuse or unauthorized use of City equipment.
- Neglect of duty.
- Deliberately restricting work output.
- Threatening, intimidation, coercing, or interfering with fellow employees.
- Wasting time, loitering, or leaving the place of work without permission.
- Excessive tardiness or absences.
- Failure to report an on the job injury within twenty-four hours, except injuries that occur during the weekend, which can be reported Monday.
- Failure to report an incident within twenty-four hours, except where they have occurred during the weekend, which can be reported Monday.
- Contributing to unsanitary conditions or poor housekeeping.
- Conduct subversive to proper order, discipline, or morale of municipal service.
- Violation of any of the Personnel Policies made in this manual

The above listings are not intended to be all-inclusive of the types of violations or acts of misconduct that may be cause for disciplinary action. If any employee has any question whether an action is in violation of City policy, they should refer their question to their Supervisor, Department Director, or the City Manager immediately.

5.04 Conflict of Interest

Employees shall conduct their affairs and actions so that there will be no conflict of interest with their employment by the City of Freeport.

Conflict of interest shall include but not be limited to:

- Soliciting, accepting, or agreeing to accept a financial benefit, other than from the City that might tend to influence the employee's performance of duties for the City, of that which the employee knows or should know is offered with intent to influence the employee's performance.
- Accepting employment or compensation that might reasonably induce the employee to disclose confidential information acquired in the performance of official duties.
- Accepting outside employment or compensation that might reasonably tend to impair independence of judgment in performance of the duties for the employee.
- Making any personal investment that might reasonably be expected to create a substantial

conflict between the employee's private interest and duties for the City.

- Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a City employee as a favor to that person.

5.05 Gifts – REVISED 02/19/2019

Gifts should never be accepted in exchange for an employee's favor or which would affect an employee's decision or recommendation. Assuming the gift is not given in exchange for any particular action, the gift may not exceed \$50 in transfer value. (A gift below \$50 may never be in the form of cash, a check, or gift card.)

In addition, an employee who makes decisions about contracts, purchases, payments, claims, or other financial transactions of the city is prohibited from soliciting, accepting, or agreeing to accept a gift from a person interested in or likely to become interested in the contract, purchase, payment, claim, or transaction.

This policy is not intended to apply to normal social practices associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

5.06 Outside Interest – REVISED 04/15/2019

Outside employment, which does not constitute a conflict of interest, interfere in the performance of their normal duties, nor involve the use of City time or equipment, may be permitted with the written approval of the City Manager.

Request for approval of outside employment must be made in writing in advance of accepting outside employment, and in each case, approval by the City Manager must be received in writing before the employee accepts outside employment. A copy of any written approval for outside employment will be placed in the employee's personnel file.

An employee of the City of Freeport is not permitted to engage in outside employment where such employment would, interfere with the performance of the employee's City duties, present a conflict of interest, result in misuse of City property or funds, or result in use of the City position for personal gain.

5.07 Holding Public Office and Participation in City Elections

No employee shall continue in his position with the City after becoming a candidate for nomination or election to any City of Freeport office. Additionally, no employee will be permitted to take an active part in any political campaign for an elective position in the City of Freeport. "Active Part" means making political speeches, passing out literature, writing letters, signing petitions, soliciting votes, and making public remarks about candidates for such elective positions. Any employee who violates the provisions of this section will be subject to disciplinary action.

City employees are not required to contribute, directly or indirectly, to any political fund or offer any political service to any person or party. No employee shall be removed, reduced in classification or salary or otherwise prejudiced for refusing to do so. Any personnel employed with the City of Freeport, who attempts to require such contribution will be subject to disciplinary action.

The City of Freeport encourages all employees to exercise their First Amendment right to vote.

5.08 Solicitations

Solicitations for sale of items or donations and distribution of literature of any kind for any purpose without City Manager approval is prohibited by the public or City employees on City property during working hours.

5.09 Personnel Records Access

The City of Freeport maintains a personnel file for every employee. It is important that accurate, current records be maintained for benefits and employment purposes. Therefore, all employees are required to notify human resources immediately if there is any change in relevant personal or employment information such as changes in address, phone numbers, marital status, emergency contact, insurance beneficiary, number of dependents, or legal name.

All information contained in the personnel file is the property of the City of Freeport and is not available for review by anyone other than the employee, his or her Director, the City Manager, and the human resources department. Employees may examine their personnel files after contacting the human resources department in advance to schedule an appointment; however, these documents may not be removed from the City of Freeport's premises or photocopied without the specific authorization of the City Manager.

If an employee believes that information in their personnel file is incorrect, they must submit a written request to change the information to the human resources department. If such a request is granted by the City Manager, the human resource department will make the change and notify the employee of such change. If the request is denied, an employee can ask to place a statement of disagreement in the file. This statement of disagreement will become a permanent part of the employee's file.

The City of Freeport considers falsification of personnel records to be a serious offense and upon discovery can lead to disciplinary action up to and including termination.

As a municipality, personnel records are subject to the Open Records Act.

5.10 Confidential Information

All City files and information regarded as confidential by federal, state, or local regulations shall be maintained and appropriated according to those regulations.

Such files/information include, but or not limited to: personnel files, medical files, criminal/arrest records, claim files, court files, and any non-public information files.

Medical Information

The City of Freeport strives to protect the privacy of its employee's and citizen's medical information to the greatest possible extent. To that end, we provide the following guidelines regarding the confidentiality of medical information:

- Any medical information concerning employees will be maintained in separate, confidential medical files apart from regular personnel records. Only authorized employees may have access to such files.
- Employees are hereby notified that medical information concerning employees or citizens is absolutely confidential under state and federal laws and may not be discussed at any time with any person under any circumstances, unless an employee needs to do so in order to carry out his or her job duties, or unless the person discussing the information is talking with the subject of the information at that person's invitation. If an employee is concerned about a possible medical condition on the part of a coworker, the employee must receive that information from the coworker.
- Any employee who is found to have discussed medical information about another employee or citizen with anyone else is in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to immediate termination. In addition, state and federal laws may subject such an employee to both civil and criminal action in a court of law.

5.11 Meal and Break Time

Except for public safety personnel, an unpaid lunch period is allowed during a work shift.

Employees in customer service will arrange their breaks so that service is always available. Lunchtime may not be substituted for time off work unless special authorization is granted by the City Manager. Office personnel should not consume food in view of the public, unless a substitute is not available in a customer service department.

Two 15-minute breaks shall be permitted as workload permits, one in the morning and one in the afternoon. Breaks are to be taken out of view of citizens if possible.

Break practices not permitted are:

- Combining two or more breaks into one.
- Dividing one break into several smaller breaks.
- "Banking" break period time from day to day.
- Saving break time to extend lunch period or shorten shift.

5.12 Use of Tobacco

In an effort to meet the needs of smokers and non-smokers and to provide a pleasant and productive working atmosphere for all employees, the use of smoking and smokeless tobacco shall be confined to designated areas as determined by the principal facility Department Director.

All tobacco use is prohibited in any City vehicles, City buildings and while addressing the public.

5.13 Alcohol and Drug Abuse

The City of Freeport is responsible for providing a safe, healthy, and productive work environment for all employees and the public it serves, and expects all employees to report to work fit for duty and free from the influence of alcohol or drugs.

When reasonable suspicion exists to believe that an employee or City contractor is violating the provisions of this policy, the City reserves the right to request an employee to submit to a alcohol/drug test and/or inspection of employee or contractor work areas, which would include City vehicles, desks, lockers, and any personal items brought onto City premises including personal vehicles.

Any employee or contractor refusing to submit to an alcohol/drug test or inspection under this provision, will be removed from his/her position and be subject to discipline up to and including termination. For all testing, except pre-employment, the employee will be required to report to the testing agency within four hours of notification or immediately following an incident. If an employee fails to report within the appropriate time period, the employee is subject to termination.

Any employee testing positive for a prohibited substance will be terminated.

5.14 Gambling

An employee shall not engage or participate in gambling in any form while on duty, in a City uniform, or on City property.

5.15 Harassment in the Work Place

The purpose of this policy is to maintain a professional, businesslike work environment, free from all forms of employee discriminations and to provide procedures for reporting, investigating, and resolution of complaints or harassment, sexual or otherwise.

It is the policy of the City of Freeport that all employees have the right to work in an environment free of all forms of harassment. Therefore, the City does not condone, and will not tolerate, any harassment. The City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

The City of Freeport prohibits harassment because of sex (including sexual harassment, harassment due to pregnancy, childbirth, or related medical conditions and gender harassment) and harassment because of race, religion, color, national origin, medical condition, physical or mental disability, age or any other basis protected by federal, state, or local law, regulation, or ordinance.

The City's anti-harassment policy applies to all individuals involved in the operation of the City, and prohibits unlawful harassment by an employee including officers, supervisors, and co-workers, or by any vendors and/or independent contractors and their employees.

Non-employee violators of this policy are subject to expulsion from City facilities when harassment occurs on City premises. The City may discontinue service to violators of this policy. Furthermore, the City may report violators to the appropriate authority for civil or criminal action.

The City of Freeport prohibits retaliation of any kind against employees, who, in good faith, bring harassment complaints or assist in investigating such complaints.

Prohibited Harassment:

Prohibited harassment because of sex, sexual preference, race, religion, color, national origin, medical condition, physical or mental disability, age, marital status or any other protected basis includes, but is not limited to, the following behavior:

- Explicitly or implicitly ridiculing, mocking, deriding, or belittling any person.
- Making offensive or derogatory comments, slurs or jokes, and other verbal or physical conduct based on color, sex, sexual preference, religion, national origin, physical anatomy or characteristics, medical condition, physical or mental disability, or age either directly or indirectly to another person.
- Making threats of physical harm
- Physical contact such as pushing, punching, shoving, blocking another's way, assault, or interference with another person's work.
- Making "unwelcome" sexually suggestive physical contact or gestures. Any verbal or visual sexually oriented jokes, comments, e-mails, drawings, photos, and propositions.

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- Making threats or demands to submit to sexual advances or requests as a condition of continued employment, offers of employment benefits in return for sexual favors, or to avoid some other negative employment action.
- Retaliation against any employee for making an allegation of harassment or for participating in such an investigation.

Sexual Harassment:

Sexual harassment is defined as “unwelcome” sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee.
- Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment.
- The definition of sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

Employers Responsibilities:

Each supervisor shall be responsible for preventing acts of harassment.

This responsibility includes:

- Monitoring the work environment on a daily basis for signs that harassment may be occurring.
- Counseling all employees in the types of behavior prohibited and the department procedures for reporting and resolving complaints of harassment.
- Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
- Taking immediate action to limit the work contact between two employees where there has been complaint of harassment pending investigation.

Each supervisor has the responsibility to assist any employee of this City, who comes to that supervisor with a complaint of harassment, pending investigation.

Employees Responsibilities:

Each employee of the City of Freeport is responsible for assisting with prevention of

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harassment through the following acts:

- Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
- Reporting acts of harassment to a supervisor immediately following the incident.

Complaint Procedures:

Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.

Any employee who believes that he/she is being harassed shall report the incident to his/her supervisor as soon as possible so steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor.

The City Manager or his designee is to verify whether a violation of law and City policy has occurred and will promptly and thoroughly investigate any complaint of harassment. Where the allegation is verified, prompt and appropriate corrective action and disciplinary measures, up to and including dismissal will be implemented.

The City will inform parties involved of the outcome of the investigation.

Upon receipt of a report on the investigation of a complaint of harassment against the City Manager, the Mayor shall present the report to the City Council. If the City Council determines that the complaint of harassment is founded, it may discipline the City Manager consistent with its authority under the City Charter, ordinances, resolutions or rules governing discipline of the City Manager.

In cases of harassment committed by a non-employee against a City employee in the workplace, the City Manager shall take all lawful steps to insure that the harassment is brought to an immediate end.

Disciplinary action may also be taken, against any employee who fails to report instances of harassment, or who files a complaint of harassment in bad faith.

An employee reporting an incident of harassment or assisting, testifying, or participating in the investigation of such complaint shall not be subject to any adverse employment action unless it is determined that the employee made the allegation knowing it was false.

Employees accused of harassment may file a grievance/appeal in accordance with the City's procedure when they disagree with the investigation or disposition of a harassment claim.

This policy is not intended to replace, but is in addition to, any rights or remedies an employee may have under the state and federal laws.

5.16 Retaliation

The City of Freeport complies with the State of Texas Whistle Blower Act and all other laws regulating retaliation. The City of Freeport encourages employees to report any alleged infraction of the law without fear of retaliation.

5.17 Workplace Violence and Weapons in the Workplace Policies

5.17-A Workplace Violence Policy (Adopted 05/18/2020)

The City of Freeport has a zero-tolerance policy for violence in the workplace. “Workplace Violence” is defined to include, but not be limited by:

- Physically aggressive, violent or threatening behavior, such as attempts to instill fear in others or intimidation.
- Verbal or physical threats of any sort, including via social media (see Social Media Usage Policy 5.24)
- Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage of City property, belligerent speech or a demonstrated pattern of insubordination, and refusal to follow policies and procedures.
- Causing physical damage to City facilities or defacing City property.

If any employee becomes aware of or observes any of the above referenced behavior or actions by a co-worker, contractor, customer, third party vendor, visitor, or any other party, he or she should notify his/her supervisor immediately. Supervisors are required to report this behavior to human resources immediately.

Employees should notify the human resource department if they are aware any non-work-related situation with the potential to erupt into workplace violence.

All reports of violence in the City of Freeport workplace will be taken seriously and will be investigated thoroughly and promptly. The City of Freeport will not tolerate retaliation in any form against an employee who makes a report of workplace violence.

If, after a thorough investigation, the City determines that workplace violence has occurred, appropriate corrective action will be taken, and discipline will be imposed on the offending employee. If a non-employee is responsible for the violent activities, the City will take corrective action to ensure that such behavior is not repeated.

Violating this policy may lead to discipline up to and including termination.

5.17-B Weapons in the Workplace Policy (Adopted 05/18/2020)

It is the desire of the City of Freeport to ensure, to the extent practicable, that the day-to-day operations of the City are conducted in a safe and proper manner and that its employees are provided a safe environment in which to work. This policy includes definitions, rules, and exceptions related to Weapons in the Workplace. This policy adheres to current legal requirements and government code; changes in legal requirements and/or government code will supersede related sections in this policy if necessary until the policy is updated.

DEFINITIONS:

The following words and phrases, when used in this section, shall have the following meanings:

- *Airgun* means an airgun, air pistol, air rifle, or any other device using air pressure, compressed gas, springs or any other means to propel a projectile through a barrel.
- *Building* means a combination of any materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.
- *City premises* shall mean a building or any portion thereof, as well as, all personal and real property or any portion thereof, owned, leased, occupied or in any manner controlled by the City including, but not limited to, offices, parks, and vehicles. A city-owned vehicle does not include a personal vehicle of an employee who receives a vehicle allowance from the City.
- *Concealed handgun* is a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- *Firearm* means (i) any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, or any device readily convertible to that use or (ii) an airgun.
- *Prohibited weapon* shall be defined by the Texas Penal Code Chapter 46. Weapons, including but not limited to a firearm, illegal knife, club, an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, armor-piercing ammunition, a chemical dispensing device, a zip gun.
- *Handgun* means any firearm that is designed, made, or adapted to be fired with one hand.
- *License holder* means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

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- *Reasonable suspicion* as used in this rule is a belief based upon objective facts sufficient to lead a reasonably prudent person to suspect that an employee is carrying a prohibited weapon in violation of this administrative rule.

RULE:

City employees may not possess a "prohibited weapon" as that term is defined in the Penal Code at any time as that is a criminal offense under the Penal Code. Further, at all times when acting within the course and scope of employment for the City, City employees are prohibited from carrying or otherwise possessing any "legal" weapons on any City premises. Some exceptions apply, as noted below:

Consent Requirement for Concealed Carry on City Premises: A person violates this rule if he/she carries a concealed handgun under the authority of **Subchapter H, Chapter 411, Government Code**, on City Premises without written consent from the City Manager and /or his or her designee, which may include the Chief of Police, Fire Chief, or Department Director. Entry on City premises with a concealed handgun by a license holder is forbidden without explicit consent.

Texas Penal Code Chapter 46.03 lists locations that weapons are not allowed. Therefore, consent will not be granted for entry on City premises with a weapon in the following locations:

- Section 46.03(1) Location of school activities;
- Section 46.03(2) Polling locations.
- Section 46.03(3) Courts and offices used by court personnel is prohibited to have firearms unless a Judge consents.

EXCEPTIONS:

Unless otherwise provided in a Police or Fire Departmental rule, regulation or order, this administrative rule shall **not** apply:

- (a) To a peace officer or a commissioned security officer hired by or under contract with the City and acting within the scope of that employment;
- (b) To an employee who holds a valid license to carry under Subchapter H, Chapter 411, Government Code (handgun licensing law) and either:
 1. carries a concealed handgun **with consent noted above** or
 2. with consent noted above possesses a handgun concealed in a locked and secured compartment or container in compliance with all applicable state and federal laws on City premises while rendering

services or acting within the scope of the employee's duties;

- (c) To an employee, with a license to carry under Subchapter H, Chapter 411, Government Code, who keeps a firearm and ammunition in a locked, privately-owned motor vehicle in a parking lot, parking garage, or other parking area that the City provides for employees; or who keeps a firearm or ammunition in a locked, privately-owned motor vehicle while traveling to or participating in an event or training related to City employment.

INVESTIGATORY PROCEDURES:

Investigatory searches will be based upon reasonable suspicion that an employee is carrying a prohibited weapon in violation of this administrative rule. If reasonable suspicion as defined herein exists, as determined by the employee's supervisor, in conjunction with the Human Resources and/or City Management, a search of the person, property, or City premises, wherein the prohibited weapon is suspected to be located, shall be required. However, if a search of an employee's property is required but the affected employee cannot for any reason be present, another employee may be asked to witness the search unless the nature of the search requires such confidentiality to preclude such employee from being present. No notice to the affected employee prior to an investigatory search is necessary. If such search reveals that a prohibited weapon is present or being carried in violation of this administrative rule, such violation will result in disciplinary action, up to and including termination.

5.18 Searches

The City of Freeport has adopted a search policy for the purpose of allowing the City to monitor compliance with reasonable work and safety rules and that all employees are subject to the policy. If a search is requested, it is not an accusation of theft or other wrongdoing; it is merely part of a city investigation. All searches must first be approved by the City Manager.

A search may include, but is not limited to, the employees, their work areas, lockers, vehicles if driven or parked on City premises or used on city business, and any other personal items brought onto City premises. All of the aforementioned areas are subject to search at any time. If the city allows employees to have lockers or other storage areas, the City will either furnish the lock and keep a copy of the key or combination, or allow the employee to furnish a personal lock; however, in that event, the employee must provide the City with a copy of the key or combination.

All searches will be conducted in a careful and considerate manner. If an employee refuses to submit to a search, it may lead to immediate termination.

5.19 Use of City Owned Vehicles

Vehicles are to be used for City business. Where it is deemed justifiable, the City will allow

take home vehicles. Employees assigned to take home vehicles may be permitted to use said vehicles for incidental and periodic personal use. Regular personal use is prohibited.

Employees assigned vehicles must use discretion that would not reflect negatively on the City's image.

No City vehicle will be operated by an employee who does not have a proper license to operate such type of vehicle. No riders except those authorized by an employee's supervisor shall be permitted in City owned vehicles. No city vehicle is to be operated by anyone who is not a City employee.

5.20 Use of City Equipment

The use of equipment by a City employee will be limited and its use will be governed, controlled, and approved by the employees' supervisor.

Any equipment damaged or broken due to negligence by the employee may subject the employee to disciplinary action.

5.21 Use of Personal Vehicles for City Business

The City will reimburse mileage at the Internal Revenue Service rate. Prior approval must be obtained from the Department Director. The City pays for maintenance costs through the mileage charge. Consequently, the City will not pay employees for maintenance or mechanical repairs.

5.22 Use of Telephone/Cellular Phones

Telephones/Cellular phones in City offices, warehouses, police station, fire stations, and other City buildings are for City business. Employees are allowed to make local personal calls but should hold them to a minimum. These calls should be made, if at all possible, on the employee's break time. Any person abusing the use of the telephones/cellular phones is subject to disciplinary action. Personal communication devices such as cell phones and pagers are not allowed while on duty.

5.23 Internet Usage

Internet services are provided by the City of Freeport to support open communications and exchange of information and the opportunity for collaborating government-related work. The City of Freeport encourages the use of electronic communications by its agencies and employees. Although access to information and information technology is essential to the missions of government agencies and their users, use of Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement is required. Agencies of the City are expected to maintain and enforce this policy.

The use of the City’s automation systems, including computers, fax machines, and all forms of Internet/Intranet access, is for business and is to be used for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks, or before or after regular work hours), and does not result in expense to the City of Freeport.

Use is defined as “excessive” if it interferes with normal job duties, responsiveness, or the ability to perform daily job activities. The City’s automation systems are City resources and are provided as business communication tools. Electronic communication should not be used to solicit or sell products, distract co-workers, or disrupt the workplace.

Inappropriate computer usage includes, but is not limited to:

- Sending chain letters.
- Engaging in private or personal business activities.
- Misrepresenting oneself or the City of Freeport.
- Engaging in unlawful or malicious activities.
- Using abusive, profane, threatening, racist, sexist or otherwise objectionable language in either public or private messages.
- Sending, receiving, or accessing pornographic materials.
- Becoming involved in partisan politics.
- Causing congestion, disruption, disablement, alteration or impairment of networks or systems.
- Using recreational games.
- Defeating or attempting to defeat security restrictions on City systems and applications.
- Accessing other personnel’s computers without proper authorization.

Using City automation systems to create, view, transmit or receive racist, sexist, threatening or otherwise objectionable or illegal material is strictly prohibited. “Material” is defined as any visual, textual or auditory entry. Such material violates the City’s anti-harassment policies and is subject to disciplinary action. The City’s electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or state, city, province or other local jurisdiction in any way. Use of City resources for illegal activity can lead to disciplinary action up to and including termination and criminal prosecution.

Ownership and Access of Electronic Mail and Computer Files

The City of Freeport owns the rights to all data and files in any computer, network or other information system used in the City. The City of Freeport also reserves the right to monitor electronic mail messages and their content. Employees must be aware that the electronic mail messages that they send and receive using City equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by the City at all times.

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No employee may access another employee's computer, computer files or electronic mail messages without prior authorization from either the employee or the Department Director.

Confidentiality of Electronic Mail

As noted above, electronic mail is subject at all times to monitoring and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of City policy for any employee, including system administrators to access electronic mail and computer systems files to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

Message Tone for Electronic Mail

City employees are expected to communicate with courtesy and restraint with both internal and external recipients. Electronic mail should reflect the professionalism of the City and should not include language that could be construed as profane, discriminatory, obscene, sexually harassing, threatening, or retaliatory. Employees should remember that e-mail is a form of business communication and the language they use should reflect that fact at all times. E-mail is also subject to the Open Records Act.

Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

Policy Statement for Internet/Intranet Browser(s)

This policy applies to all uses of the Internet, but does not supercede any state or federal laws or City policies regarding confidentiality, information dissemination or standards of conduct. The use of City automation systems is for business purposes. Brief and occasional personal use is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks) and does not result in expense to the City. Use is defined as "excessive" if it interferes with normal job function, responsiveness or the ability to perform daily job activities. Examples of inappropriate use are defined in "Inappropriate Use of the Internet/Intranet" found below. The City Manager will determine the appropriateness of the use and whether such use is excessive.

The Internet is to be used to further the City's mission, to provide effective service of the highest quality to the citizens of Freeport and staff and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet accesses are the City's resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications.

Employees are individually liable for any and all damages incurred as a result of violating City security policy, copyright, and licensing agreements. All City policies and procedures apply to employees' conduct on the Internet, especially but not exclusively, relating to: intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of City resources, anti-harassment and information and data security. Violation of these policies and/or state and federal laws can lead to disciplinary action up to and including dismissal and possible criminal prosecution.

Internet/Intranet Security

The City of Freeport owns the rights to all data and files in any information system used in the City facilities. Internet use is not confidential and no rights to privacy exist. The City reserves the right to monitor Internet/Intranet use, both as it occurs and in the form of account histories and their content. The City has the right to inspect any and all files stored in private areas of the network in order to assure compliance with policy and state and federal laws. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities. Existing rules, policies, and procedures governing the sharing of work-related or other confidential information also apply to the sharing of information via the Internet/Intranet. The City has taken necessary actions to assure the safety and security of our network. Any employee who attempts to disable, defeat or circumvent the City security measures is subject to disciplinary action up to and including termination.

City employees that inadvertently access a compromising web site must notify their supervisor immediately. Documentation of such access should be forwarded to their personnel file.

5.24 Social Media Usage: [Adopted 4-20-2020]

An employee's use of social media, both on-duty and off-duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or

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mission of the City. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City. Online behavior, whether on- or off-duty, must not otherwise cause harm to or misrepresent the City or its interests. Harassing, bullying, or demeaning coworkers, or otherwise creating a hostile work environment for any employee through online posting, violates this policy.

The term "social media" encompasses all platforms, including but not limited to: Facebook, Twitter, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

Use of City's Internet:

Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the Internet Usage outlined in Section 5.23 and the Social Media Policy outlined below when posting information on the City's Social media sites.

Interpretation in Conjunction with Other City Policies:

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides avenues by which employee complaints can be heard and addressed, without resorting to social media.

EMPLOYEE GUIDELINES

Use of City's Social Media on Work Time:

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.

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- Employees must obtain written authorization from the City Manager or the Department Director to update or post on social media sites on behalf of the City and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

Use of Personal Social Media While Not on Work Time:

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Employees are expected to recognize that postings on their social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- Respect co-workers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything on your personal social media site that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type

that could identify you as an employee of the City. Be mindful that the City’s harassment policy covers both work and non-work time, including postings on social media sites.

- Do not post inappropriate pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

5.25 Computer Passwords Policy: (Adopted 10-05-2020)

Objective

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of the City of Freeport’s entire City network. As such, all City of Freeport employees (including contractors and vendors with access to City of Freeport systems) are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

This policy establishes a standard for the creation of strong passwords, the protection of those passwords and the frequency of change. This policy may be updated as needed to comply with changing industry standards related to system security. IT System Administrators designated by the City may advise users on variations required for different systems and/or shared servers at City facilities.

Police and Fire Department systems may have more stringent standards based on Criminal Justice Information Systems (CJIC) requirements.

Scope

The scope of this policy includes all employees or approved third-party vendors who:

- Have access to, or are responsible for account access, on any system that resides at any City of Freeport facility;
- Who have access to the City of Freeport network;
- Who store any non-public City of Freeport information.

User Authentication

Every user must be assigned a unique user account (user ID) and a password for access to City of Freeport systems. Shared or group user IDs are prohibited for user-level access, unless a shared system is specifically designed and identified as such by the designated City IT System Administrator. Systems and applications must authenticate using a password or token entry. The use of non-authenticated user IDs (i.e., those without passwords) or user IDs not associated with a single identified user are prohibited. While third-party vendors' systems may have varying threshold definitions, the City requires that City accounts, and recommends that third party accounts, be established to lock a user out after a maximum of six invalid login attempts within a maximum of 30 minutes. Locked accounts should remain locked for at least 30 minutes or until the Information Technology (IT) System Administrator unlocks the account. Users may contact the IT department to have their account unlocked. Multifactor authentication or virtual escorting are required for all users accessing City of Freeport systems remotely.

Password Management

Passwords must be created and managed in accordance with this section.

Password Requirements:

- All user-level City of Freeport network passwords will expire a maximum every 90 days and must be changed.
- New passwords cannot be the same as the previous four passwords.
- Passwords must be at least eight characters in length. Longer is better.
- Passwords must contain both uppercase and lowercase characters (e.g., a-z and A-Z).
- Passwords must contain at least one number (e.g., 0-9).
- Accounts shall be locked after six failed login attempts within 30 minutes and shall remain locked for at least 30 minutes or until the Information Technology (IT) System Administrator unlocks the account.

To unlock an account or change a password without logging in, some City of Freeport systems require the IT System Administrator to provide a new temporary password to the user. In such cases, passwords must be provided verbally and the user must immediately log in and change the account password.

Passwords should not be shared with anyone, including third party vendors' IT support personnel, unless approved by the City' IT System Administrator. Note that Freeport City Hall and the Freeport Police Department may have different IT System Administrators.

All passwords are to be treated as sensitive, confidential information. If someone requests your password(s), please inform him or her that you cannot provide that information per City of Freeport policy and contact the IT System Administrator about

the request. If you suspect an account or password has been compromised, report the incident immediately and change all related passwords.

The IT System Administrator or authorized outside “penetration testers” may perform password cracking or guessing on a periodic or random basis to test the security of the City of Freeport network. If a password is guessed or cracked during one of these scans, the user will be required to change it. Password cracking and guessing are not to be performed by anyone outside of the City’s IT Systems Administrators or an approved third-party auditor.

The IT department strongly encourages the use of a password manager program to help ensure that all passwords are strong, unique and easily changed. Users should request for more information on password managers allowed on the City of Freeport network and for assistance in getting the password manager installed and configured on their computer.

Guidelines for Password Construction

A strong password:

- Contains both uppercase and lowercase characters (e.g., a-z and A-Z).
- Contains digits and punctuation characters (e.g., 0-9 and !@#\$%^&*).
- Is at least 6-15 alphanumeric characters long and is a passphrase (e.g., “Ohmy1stubbedmyt0e”).
- Is not a single word in any language, slang, dialect or jargon (e.g., “password” or “Fluffy”).
- Is not based on personal information, names of family members, etc.

Passwords should never be written down or stored online. Employees should try to create passwords that can be easily remembered. One way to do this is to create a password based on a song title, affirmation or other phrase. For example, the phrase might be “This may be one way to remember,” and the password could be “TmB1w2R!” or “Tmb1W>r~” or some other variation.

Enforcement

Any employee found to be in violation of, or to have violated, this policy may be subject to disciplinary action, up to and including termination of employment.

CHAPTER SIX

DISCIPLINE PROCESS

6.01 General Provisions

It is an objective of the City of Freeport to maintain an effective and productive work force in order to deliver quality services. Each employee is responsible for performing their job in a safe, productive, and effective way and within the instructions and standards established by their supervisor. In addition, employees are expected to maintain acceptable standards of conduct in their employment. Supervisors are charged with assisting employees in correcting unsatisfactory performance and unsatisfactory conduct through disciplinary procedures up to and including termination.

When taking disciplinary action, the City will adhere to the following general guidelines:

- Employees will be treated fairly and equitably. Action will be taken in an objective and professional manner and shall not be based on the personal feelings of the individual administering the disciplinary action.
- The decision to take disciplinary action shall be based on a careful assessment of the circumstances of each case. Factors to consider in the assessment are: the prior disciplinary record of the employee, and the potential effect of the violation on other personnel and/or the City organization.
- All disciplinary action shall be documented and forwarded to the employee's personnel file.

6.02 Reasons for Disciplinary Action

The following list of actions are intended to serve only as a guide to the types of problems for which disciplinary action may be appropriate. The list is not intended to be all-inclusive.

- Incompetence.
- Absenteeism.
- Absence without approved leave.
- Tardiness.
- Lying.
- Misuse of break periods.
- Inappropriate attire.
- Violation of departmental and city policies.
- Careless, negligent, or improper use of City property or equipment.
- Discourteous treatment of the public or other employee.

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- Neglect or carelessness in the performance of duties.
- Failure to meet or maintain specified conditions of employment, such as failure to obtain or maintain a license or certificate required as a condition for performing a job.
- Theft of, aiding in, or encouraging the theft of any property, public or private.
- Destroying City records without authorization.
- Falsifying information on City records, including his/her application for employment, medical information or other information concerning his/her employment status.
- Willful damage of public property or willful waste of public supplies, service, or equipment.
- Insubordination.
- Illegal use and/or possession of drugs.
- Physical assault committed on the job, upon a City employee, member of the public or City official.
- Using an official position or office for economic gain or soliciting favors or gratuities for performing services required by the employee's position.
- Disclosing confidential information.
- Unauthorized use or possession of City funds.
- Unlawful possession or use of dangerous weapons, such as firearms or knives on the job.
- Making threats against another employee or a member of the public.
- Engaging in any employment activity or enterprise that constitutes a conflict of interest.
- Using City property or equipment without authorization.
- Violating the City drug and alcohol abuse policy.
- Using abusive language toward employees, supervisor, or the public.
- Unnecessarily disrupting the work of other employees.
- Operating or conducting gambling on the job or on City property.
- Violating safety rules or practices which endanger the employee or others or damages City property or equipment.
- Playing tricks or jokes or engaging in horseplay on the job.
- Violating the City's sexual harassment or other harassment policies.
- Engaging in personal business while on duty without authorization of his/her supervisor.
- Failure to report damage to City property, equipment, or property of others.
- Unofficial use of City information.
- Sleeping on the job.
- Falsely reporting illness or injury, or otherwise attempting to deceive any official of the City as to a health or medical condition.
- Conviction of a felony or misdemeanor involving moral turpitude.
- Repeated conviction of a misdemeanor, whether or not involving moral turpitude.
- Unnecessary rudeness.
- Failure to meet credit obligations.
- Embezzlement.

Employees may also be dismissed by the Department Director or City Manager when, in the judgment of the Department Director or City Manager, it is in the best interest of the City, to maintain discipline within the organization.

6.03 Types of Disciplinary Action

The purpose of any type of disciplinary action is to insure that violations of policy or acts of misconduct do not occur again. Therefore, the type of disciplinary action administered in a given situation depends on an assessment of the cause and type of the offense. The following are some types of disciplinary actions that may be administered.

- Verbal warning
- Written warning
- Transfer
- Demotion
- Suspension with or without pay
- Termination

This list is not all-inclusive and other types of action may be utilized that fit the situation.

All disciplinary action shall be considered effective at the time that it is initiated by the Department Director.

CHAPTER SEVEN

GRIEVANCE PROCESS

7.01 Right to Grievance

Any employee of the City of Freeport, who feels that they have been improperly or unfairly treated in their work relationship with the City, shall have the right to file a grievance (complaint). Employees are encouraged to use the following grievance procedure and will not be discouraged from submitting a grievance.

7.02 Grievance Procedure

Any employee who has a grievance may submit, within five (5) days, a written statement, with all pertinent details of the grievance, to his/her Department Director. Within five (5) days of receiving the grievance, the Department Director will meet with the employee to discuss the grievance and decide what action, if any, to take regarding the grievance and the employee's right of appeal to the City Manager. The Department Director will have five (5) days to render his/her decision concerning the grievance. If a satisfactory adjustment of the grievance is not reached, the employee may appeal, in writing, to the City Manager for an adjustment of the grievance. Such appeal must be made within five (5) days of the decision of the Department Director.

When an appeal is made, the City Manager shall be given a copy of the grievance, the result of the meeting with the Department Director, and the reason for the appeal. Within five (5) days of receiving the appealed grievance, the City Manager shall meet with the employee to discuss the grievance and decide what action, if any, to take regarding the grievance. The City Manager shall have ten (10) days to decide what action, if any, to take regarding the grievance and notify the employee in writing of the decision. The decision of the City Manager, regarding any action on the grievance, is final.

CHAPTER EIGHT

ATTENDANCE AND LEAVE POLICY

8.01 Attendance

Employees are to be at their place of work on time as prescribed by their respective supervisor. All departments shall maintain daily attendance records. An employee who will be late for work for any reason should attempt to notify their supervisor before working hours begin. Unauthorized tardiness or absences will be cause for disciplinary action.

8.02 Vacation

All probationary or regular status personnel shall acquire vacation credits according to the following schedule and are entitled to take vacation with pay after reaching regular status and a minimum of six (6) months of employment with the City of Freeport. An Employee may not use any accrued vacation until successfully completing the initial employment probationary period unless approved by the City Manager.

<u>Year of Employment</u>	<u>Hours Per Year</u>	<u>Per Pay Period</u>
0/4th	80 hrs	3.08
5 th /14 th	120 hrs	4.62
15 th /over	160 hrs	6.15

Maximum Rollover Per Year: 120 hours

On their anniversary date any accrued hours in excess of the maximum rollover amount will be reduced to the maximum rollover amount. Any variance from this must be approved in writing by the City Manager. More than the allowable maximum will be lost.

No employee shall receive additional compensation for working through his/her vacation without the written approval of the City Manager. Vacation time must be scheduled with the Department Director, who shall consider the needs of the City, the number of personnel needed to effectively operate his/her department, and the schedule and desires of the employee. All vacation scheduled must be approved by the Department Director prior to being taken.

Personnel with regular status, who leave employment with the City, shall be paid for vacation time. The payment will be made in their final check.

An employee, who the city demotes, promotes, or laterally transfers will retain accrued vacation leave.

Employees on unpaid leave will not accrue vacation time.

Exception to this policy are Fire Fighters/EMS on a 53 hours' work schedule see the Fire Fighter/EMS combined vacation/holiday accrual policy Appendix A.

8.03 Holidays

All personnel with probationary or regular status are entitled to holidays designated by the City Council each year.

The holidays usually observed are:

New Year's Eve (half day)
New Year's Day
Martin Luther King Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day (2)
Christmas Eve
Christmas Day
Birthday Observation Day

Total of one hundred and eight (108) hours per year.

All holidays shall be paid at the time of occurrence (exception: Fire/EMS). If an employee works on a holiday, that employee will be paid their overtime rate for the hours that they work on that holiday (Up to eight hours). **Note: (Sick/Bereavement policies apply with all pay policies).

Holidays may not be accumulated nor be carried over into the following calendar year without authorization of the City Manager. In addition, no compensation will be made for holidays that have not occurred. Only personnel that have completed their probationary period will be paid their floating holiday upon termination.

Employees who are absent on a scheduled workday, before or after a holiday, may be required by their Department Director to submit a written statement from a physician attesting to their illness.

8.04 Inclement Weather

Employees should not assume the City offices or operations are closed. We are a service operation and as such we are obligated to the citizens to perform our duties. In the event of conditions such as freezing, flooding, etc., employee safety will be considered. If you feel it is unsafe to drive you must contact your supervisor and notify him/her. If you cannot make it to work, you may be charged a day of personal leave or leave without pay. In the event of emergencies that require evacuation (such as hurricanes, major disasters), employees shall refer to their department policy pertaining to emergency procedures.

8.05 Sick Leave

All personnel, who have probationary or regular status, shall be eligible to earn up to fifteen days of sick leave per year. Credit shall accumulate at the rate of 4.62 hours for each bi-weekly pay period. Unused sick leave can accumulate to a maximum of 720 hours.

Sick leave will be charged by the hour and used for employee or family illness where the employee is too ill to be able to work safely, or an ill family member requires their presence. Family is defined as the employee’s spouse, children, parents, spouse’s parents, brother, sister, grandparents, or grandchildren.

Employees shall notify their supervisors of their intent to take sick leave prior to, or within two (2) hours before, the time they are scheduled to begin their duties. Failure to give such notification will require the absence to be charged as leave without pay, except in cases of an emergency or an unusual event.

To discourage the abuse of sick leave, employees that call in sick will limit their presence away from their residences, to the doctor’s office and pharmacy. Employees, who are out sick for three (3) consecutive days, may be required to provide a doctor’s full release before returning to work. The City of Freeport does not typically offer light duty in any of its departments. Personnel who violate the provisions of the sick leave policy shall be subject to disciplinary action up to termination.

8.06 Family Medical Leave Act

As required by the Department of Labor, the City of Freeport provides FMLA benefits to qualifying personnel. To be eligible for FMLA benefits, an employee must:

- (1) work for a covered employer
- (2) have worked for the employer for a total of 12 months
- (3) have worked at least 1,250 hours over the previous months; and
- (4) work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

An eligible employee is granted up to a total of 12 workweeks of unpaid leave during any 12-month period with continued health care benefits.

It is the policy of the City of Freeport to run FMLA leave concurrently with any paid leaves. Along with other unpaid extended leaves of absence, sick leave benefits shall not continue to accumulate during FMLA leave.

Arrangements will need to be made by the employee to pay their share of insurance premiums and Flexible Spending accounts where applicable.

For further information and regulations concerning FMLA you may contact the Human Resource Department.

8.07 Worker's Compensation

Personnel injured on the job shall be eligible for leave with pay for up to seven (7) days (56 hours). These days shall not be charged against the employee's sick leave. Employees injured on the job will be eligible for workman's compensation on the eighth (8) day of injury leave upon certification of a physician that the employee is not able to fulfill his/her job duties.

Personnel may return to a position with the City, although it may be a different one from the one they left, when a physician certifies that the employee is able to fulfill their job duties and return to work.

No more than six (6) months may be authorized for injury leave without the approval of the City Council upon recommendation of the City Manager.

8.08 Leave Without Pay

The City Manager, upon recommendation of the Department Director, may grant leaves of absence, without pay, to employees who have achieved regular status. The maximum length of any leave of absence shall be six (6) months. The six month period does not include approved leave taken under FMLA.

If an employee remains on leave of absence in excess of six (6) months, that employee will be terminated, regardless of the reason for their absence.

Personnel granted leaves of absence may return to a position with the City, although it may be a different one from the one they left. When applicable, certification may be required.

8.09 Bereavement Leave

Personnel, who have probationary or regular status, may be granted up to 40 hours leave with pay, by their Department Director for cases of death of a member of an employee's immediate family. Immediate family is defined as the employee's spouse, children, parents, spouse's parents, brother, sister, grandparents or grandchildren.

8.10 Judicial Leave

Personnel, with probationary or regular status, who are summoned to serve on a jury or who are under subpoena are expected to serve or appear when called. Such absences shall be authorized, without loss of pay, provided that satisfactory evidence of such service or appearance is presented to the Department Director.

If an employee is excused from jury duty prior to end of shift, he/she will be expected to return to work or receive permission from his/her supervisor for authorized absence.

8.11 Military Leave

Employees, with probationary or regular status, who are members of the National Guard, or any reserve component of the armed forces of the United States, shall be entitled to leave with pay when ordered by proper authorities to be engaged in field training, encampment, or ordered to regular duty. Such leave shall be authorized for up to fifteen (15) days, to be computed as eight (8) hour days, during a calendar year.

Employees taking military leave of absence in excess of fifteen (15) days may elect to use some or all of their vacation to supplement their military pay. Employees must notify the human resource department of their request in writing.

CHAPTER NINE

EMPLOYEE WAGE AND BENEFITS

9.01 Texas Municipal Retirement System

All employees with probationary or regular status will be enrolled as a member of the Texas Municipal Retirement System. Members will deposit by payroll deduction, seven percent (7%) of their gross salary. The City will match such deposit in an amount to be determined by state law and City Council ordinance (Currently 2 for 1).

If an employee leaves the service of the City, they may withdraw the deposits they have made, plus interest earned on those deposits. The deposits made by the City cannot be withdrawn unless the employee is eligible for retirement.

Members may also be responsible for paying taxes on the amount withdrawn and should communicate with Texas Municipal Retirement System in regards to possible taxation of withdrawn deposits.

Employees will become vested in the system after five (5) years of employment. “Vesting” means that employees who terminate their employment with the City after five (5) years and do not withdraw their deposits, will be entitled to retirement benefits, based on deposits and interest earned, at sixty (60) years of age or 20 years of service.

Employees should contact Texas Municipal Retirement System for information on retirement benefits or when preparing for retirement.

9.02 Social Security

All employees will make deductions, by payroll, to the Social Security system. The City will match the employee's contribution as required by Federal law.

9.03 Group Health, Life, and AD&D

All employees with probationary or regular status are covered by a group health, life, and AD&D insurance program. The premiums for this program are paid by the City. Employees may also cover their dependents under the health insurance program by paying the premiums for their dependents.

See Human Resources, at City Hall, for additional information.

Section 9.04 Long-Term Disability – REVISED 06/03/2019

All employees with probationary or regular status are covered by a long-term disability

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insurance policy. This insurance policy provides for 60% of your monthly salary after 90 days of serious illness or injury, according to the following schedule. The premiums for this policy are paid by the City.

Maximum Benefit Period: Determined by your age when Disability begins, as follows:

Age	Maximum Benefit Period
61 or younger.....	To age 65, or 3 years 6 months, if longer.
62.....	3 years 6 months
63.....	3 years
64.....	2 years 6 months
65.....	2 years
66.....	1 year 9 months
67.....	1 year 6 months
68.....	1 year 3 months
69 or older.....	1 year

9.05 Workman's Compensation Insurance Program

All employees of the City of Freeport are covered by Workman's Compensation Insurance. Workman's Compensation Insurance covers employees if they are injured on the job. Any injury that occurs on the job or is job-related must be reported to the employee's supervisor immediately or as soon as a possible claim is noticed.

9.06 Allowances - REVISED 08/03/2020

At the will of the City, and if financially feasible, the City may provide allowances as describe below.

Uniform Allowances: The City may furnish uniforms or provide allowances for employees who must wear uniforms in the performance of their duties. Uniform allowances may be approved for certain positions when City uniforms are not issued. Uniform allowances must be approved by the Department Head and City Manager, and must be submitted to HR for entry into payroll. When applicable, uniform allowances are paid in payroll checks each pay-period. Uniform allowances are \$600.00 per year, paid out at \$23.08 per pay period. This rate may be subject to change at the discretion of the City Manager.

Cell Phone Allowances: The City may furnish City-issued cell phones or provide cell phone allowances for employees who must routinely utilize personal cell phones in the course of daily work on behalf of the City. Cell phone allowances may be approved for certain positions when City cell phones are not issued, and are generally approved for management or Director-level positions. Cell phone allowances must be approved by the City Manager and must be submitted to HR for entry into payroll. Where applicable cell phone allowances are paid in payroll checks in the first pay pay-period of each month. Cell phone allowances are \$50.00 per month. This rate may be subject to change at the discretion of the City

Manager.

Automobile Allowances: The City may provide automobile allowances for employees who must routinely utilize personal automobile in the course of daily work on behalf of the City. Automobile allowances may be approved for certain positions when City vehicles are not assigned. Automobile allowances are provided at the discretion of the City Manager and are generally approved for senior management or Director-level positions or above. Automobile allowances must be approved by the City Manager and must be submitted to HR for entry into payroll. Where applicable automobile allowances are paid via payroll checks each pay-period.

Relocation/Moving Allowances: The City may provide a relocation/moving allowance as part of a recruiting package. Relocation/moving allowances are negotiated at the discretion of the City Manager and are generally approved for senior management or Director-level positions or above. Where applicable relocation/moving allowances are paid via payroll upon presentation of receipts.

9.07 Overtime/Compensatory Time -REVISED 08/03/2020 and UPDATED 9/08/2020

Employees fall into two categories, exempt and non-exempt as defined by the Fair Labor Standards Act.

As a condition of employment, employees may be requested and required to work beyond their scheduled hours without advance notice at any time. Refusal to work beyond their regular schedule when requested is prohibited. If an employee’s personal affairs require that they be relieved of the potential for unscheduled work on any given day, the employee must request relief from unscheduled work as soon as possible.

It is the policy of the City of Freeport to pay for time worked. All overtime will be paid monetarily or compensatory time off as defined by FLSA. Compensatory time is only allowed at the discretion of the City Manager. All overtime must be approved by Supervision before it is worked. In accordance with FLSA, overtime may be calculated as a weighted overtime rate which includes education pay, longevity pay, and certification pay.

If an employee uses vacation time, sick leave, or bereavement leave during a work week or work period, overtime will not be paid where applicable until the vacation/sick/bereavement leave during that work week or work period is made up at the regular rate. Vacation, sick, and bereavement time are not considered “time worked” for the purposes of overtime calculations.

Fire/EMS and Police Overtime and Work Period Definitions:

The City of Freeport complies with Section 7(k) of the FLSA, which provides that employees engaged in fire protection or law enforcement may be paid overtime on a “work period”

basis. A “work period” may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28. Under this plan at the City of Freeport, fire protection personnel are paid overtime after 106 hours worked during a 14-day work period, and law enforcement personnel are paid overtime after 86 hours worked during a 14-day work period.

9.08 Paydays and Hours of Work – REVISED 06/03/2019

The City of Freeport pays on a bi-weekly basis. Checks are currently distributed to Department Directors on Fridays. Copies of checks that are direct deposited are available to employees through the payroll system self-service.

All Departments are subject to the Department of Labor regulations concerning hours of work. Directors and/or designated supervisors are responsible, at their sole discretion, for the scheduling of their department employees.

Exempt employees are not required to turn in a timesheet; however, the Human Resource Department must be notified of any leaves taken. Non-exempt employees must turn in a timesheet electronically.

9.09 Deductions from Pay

The City of Freeport may deduct money from an employee’s pay for reasons that fall into the following categories:

- Court ordered disbursements.
- Taxes.
- Premiums for medical/dental plans.
- Contributions made to retirement or pension plans.
- Contributions made to cafeteria plans.
- Over payments of wages.
- The cost of personal long-distance calls that an employee makes on the City’s phone systems.
- The cost of unreturned uniforms.
- The cost of repairing or replacing any supplies, materials, equipment, money, or other property that an employee damages, loses, fails to return, or takes without appropriate authorization from the City of Freeport during their employment.
 - If an employee takes paid vacation or sick leave in advance of the date he/she would normally be entitled to it and he/she separates from the City of Freeport before accruing time to cover such advance leave, the value of such leave taken in advance.

Deductions from Leave

All absences from work for full-time (regular) status employees will require leave and/or compensatory time benefits to be used for those absences.

The City of Freeport will make all efforts to notify the employee before such deductions are made.

9.10 Longevity Pay - REVISED 08/03/2020 and UPDATED 09/08/2020

The City of Freeport provides longevity pay for all full-time employees in recognition of the value of long-term service with the City. Eligibility for longevity pay commences at the beginning of the fiscal year (Oct. 1st) after an employee has completed one full year of continuous employment.

Effective in fiscal year 2021-2022 (Oct. 1st, 2020), Longevity Pay is paid-out to active, eligible employees on a per-pay-period basis. Eligible full-time employees who are actively employed on Oct. 1st earn \$60.00 per year after their first full year of employment, and this amount is paid-out on per- pay-period basis. An additional \$60.00 per year is added for each consecutive year of service thereafter if the employee is still employed at the beginning of the next fiscal year (on Oct. 1st).The total longevity amount is pro-rated and paid-out on a per-pay-period basis.

Employees with six (6) or more years of continuous employment at the time of this rate change (10/01/20) may be grandfathered at their existing higher total annual amount, paid-out on a per-pay-period basis.. This higher total annual amount will be frozen for our longer tenured employees until the new rate calculation surpasses the grandfathered total annual amount. At this point the new higher calculated amount will be paid, on a per-pay-period basis.

Longevity Pay is intended to be a recognition of long-term service for active employees. Because longevity pay is paid-out on a per-pay-period basis no pro-rated longevity pay is paid-out when an employee separates from employment.

9.11 Tuition Reimbursement – REVISED 06/30/2019

All regular status employees are eligible for 100% college tuition reimbursement for work related courses with the approval of their Department Director and the City Manager. The maximum tuition reimbursement is seven (7) hours per semester, not to exceed \$700.00 per semester. The City of Freeport will only reimburse courses that are completed with a minimum grade of 80% or B-. Reimbursement will be made after the course is completed and after required documentation is received, and is for tuition only, no books or supplies are covered by this policy.

9.12 Section 125 Flexible Spending Accounts

All employees with probationary or regular status are eligible to participate in the City’s pre-tax dependant care expense accounts and pre-tax unreimbursed health care expense accounts. These accounts assist employees by providing pre-tax options for their dependant care and health care needs.

9.13 Supplemental Insurance

The City currently offers full-time employees the opportunity to participate in supplemental insurance policies. These policies are offered through a representative of the providing insurance and are at the expense of the employee.

9.14 Travel Reimbursement - REVISED 08/03/2020

The City of Freeport will pay per diem expense for travel based on the U.S. General Services Administration (GSA) Standard Rate dependent upon destination. Employees must submit an event schedule that includes start and end times, including meals. Meals that are provided and covered in registration fees will be deducted from per diem. Approved meals will be reimbursed at GSA Standard Rates for meals and incidentals.

9.15 457 Deferred Compensation Plan

All employees with probationary or regular status are eligible to participate in the 457 Deferred Compensation Plan offered by the City of Freeport. This plan is an additional retirement savings options for the City of Freeport employees; however, no contributions will be made by the City. This retirement plan is offered to public service personnel only and is regulated by the Internal Revenue Service.

9.16 Education Pay – REVISED 08/03/2020

The City of Freeport provides education pay for all full-time employees in recognition of the highest degree earned according to the following schedule:

DEGREE	YEARLY	PER PAY PERIOD
Associate Degree	600.00	23.08
Bachelor Degree	1,500.00	57.70
Master Degree	2,500.00	96.16

All education pay is calculated based on the highest education level achieved (not multiple levels). In combination with Certification Pay in Section 9.17 the maximum combined pay for Education and Certification is \$ 5,000.00.

Effective fiscal year 2020-2021 (Oct. 1, 2020) all education is paid-out on a per pay period basis, not annually. The per pay period calculation is the highest education pay level earned divided by 26 pay periods. In order to receive education pay, appropriate documents (official certified transcript) must be on file in the Human Resource Department. Pay begins in the pay period following receipt of certified transcripts in HR. Education Pay is not retroactive. Because education pay is paid-out to active employees on a per pay period basis, no additional education pay is issued upon separation of employment.

These education benefits apply to qualifications above and beyond the minimum requirements stated in job descriptions.

9.17 Certification Pay – REVISED 08/03/2020

Effective fiscal year 2020-2021 (Oct. 1, 2020) all certification pay is paid-out on a per pay period basis, not annually. Written proof of certification is required. Pay begins in the pay period following receipt of official certificate in HR. Certification Pay is not retroactive. Because certification pay is paid-out to active employees on a per pay period basis, no additional education pay is issued upon separation of employment.

See Certification Pay Table on Next Page.

These certification benefits apply to certification(s) above and beyond minimum requirements stated in job descriptions.

In combination with Education Pay in Section 9.16 the maximum combined pay for Education and Certification is \$5,000.00.

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CERTIFICATION PAY

POLICE/TCO:	YEARLY	PER PAY PD
Intermediate	\$ 500.00	\$ 19.23
Advanced	\$ 1,000.00	\$ 38.47
Master	\$ 1,500.00	\$ 57.70
FIRE/EMT:	YEARLY	PER PAY PD
Intermediate	\$ 600.00	\$ 23.08
Advanced	\$ 900.00	\$ 34.62
Master	\$ 1,500.00	\$ 57.70
Fire Engine Operator/Driver	\$ 3,600.00	\$ 138.46
EMS (TDSHS):	YEARLY	PER PAY PD
EMT-Intermediate	\$ 2,400.00	\$ 92.31
EMT-Paramedic	\$ 4,800.00	\$ 184.62
DEPARTMENT SPECIFIC CERTIFICATIONS:	YEARLY	PER PAY PD
Designated Language Interpreter [as deemed necessary for Dept. by Director] (ex. Spanish-speaking)	\$ 600.00	\$ 23.08
Functional Specialization: [as deemed beneficial and approved by Director & City Manager-excludes minimum certifications required in position descriptions] (ex. Utilities/Waste Water, Heavy Equip. Operator; Pesticide Handler; SHRM-CP)	\$ 600.00	\$ 23.08
Secondary Specialization: Maximum of Two Specialized Certifications, with second paid at 50%	\$ 300.00	\$ 11.54

CHAPTER TEN

EMPLOYEE SAFETY

10.01 General Safety

The City of Freeport desires to provide a safe working environment for its employees. To accomplish this, the City will provide all reasonable safeguards to ensure safe working conditions. The City recognizes the need to follow good safety principles, and therefore, believes that no job is so important and no order is so urgent that we cannot take time to perform our work safely. The cooperation of all City employees in observing safety rules and procedures will provide safe working conditions and accident free performance, which will benefit both the employees and the citizens of Freeport.

10.02 Motor Vehicle Safety

All employees of the City must have a valid Texas Drivers License to operate a City owned vehicle, and where required, a commercial license abiding by all DOT regulations.

It is the vehicle operator’s responsibility to operate his/her vehicle in a safe and courteous manner, and obey all traffic laws. City vehicles are constantly under observation of the citizens and must be operated in a safe manner.

Employees may be subject to reimbursement of cost incurred by the City due to an employee’s excessive neglect or due to multiple accidents involving an employee.

Employees shall immediately report all vehicle accidents to their supervisor, and the supervisor shall notify the Freeport Police Department. The employee shall not leave the scene of an accident until an investigation has been made. Failing to report an accident will result in disciplinary action.

An incident report must be immediately sent to the City Manager and the Human Resource Department.

10.03 Job Injuries

An employee must immediately notify his/her supervisor of any on the job injury. Failure to notify the supervisor is grounds for disciplinary action. The supervisor shall notify the Department Director, who shall notify the City Manager and the Human Resource Department.

The supervisor or injured employee shall complete or have completed an Incident Report, and submit or have it submitted, to City Hall within two (2) days of the incident.

10.04 Hazard Reporting

It shall be the responsibility of each employee to identify dangerous and hazardous conditions in and around their work area and report them to their supervisor, so that appropriate corrective action can be taken.

10.05 Incidents and Claims

Employees must immediately notify his/her supervisor of any incident or claim involving the City of Freeport. The supervisor shall notify the Department Director, whom shall notify the City Manager.

The supervisor shall complete or have completed an Incident Report, and submit or have it submitted, to City Hall within two (2) days of the incident.

CHAPTER ELEVEN

TERMINATION OF EMPLOYMENT

11.01 Resignation

To resign in good standing, an employee of the City must give 14 days notice to the department supervisor of his/her intention to resign. Employees who terminate their employment other than by discharge will receive their final paycheck on the next scheduled payday.

11.02 Termination

The Human Resource Department or Department Director will insure that all issued equipment owned by the City is returned, such as uniforms, City identification, keys, etc.

11.03 Reductions in Force

At any time, the abolition of any position or authorized reduction in force may be required at the discretion of the City Council.

11.04 Exit Interview

The Human Resource Department shall conduct an exit interview for all employees terminating employment with the City. The interview is for the purpose of completing the employee's file by listing the person's reason for leaving City employment and insure that all issued equipment owned by the City is returned. All final paychecks must be picked up at the Human Resource Department.

11.05 Final Pay

Upon termination the employee will be paid as follows:

Pay Type	Payout
Holidays	All occurred holidays for the budget year **note – see holiday policy
Vacation-None- Fire/EMS	All will be paid **note – maximum carry over is 120 hours
Comp Time Earned	All will be paid
Regular and Overtime Hours	All hours worked will be paid
Vacation for Fire/EMS	All will be paid ** note- maximum carry over is 159 hours

CHAPTER TWELVE

MISCELLANEOUS

12.01 Financial Responsibility of Employees

Employees are expected to maintain a good credit standing and pay their obligations promptly, especially with respect to City taxes and utility charges. The City will not serve as a collection agency and failure to pay or make reasonable provisions for payment of obligations to such an extent that such failure is detrimental to City service, shall subject employees to disciplinary action.

12.02 Hurricanes/Disasters

See City of Freeport Hurricane Policy.

12.03 Department Policies

It is recognized that the various departments of the City may have, develop, and issue written policies for their specific departments. These individual department policies shall only be used to supplement and not to replace the City's Personnel Policy Handbook.

12.04 Emergency Closing Operations Policy

The purpose of this policy is to outline procedures to be followed in the event of a declaration of disaster or other emergency event during an emergency closing of City of Freeport operations. This policy will be in effect when the Mayor or City Manager closes City offices for business due to the emergency event. The City shall provide paid leave for "essential" and "nonessential" employees during an emergency closing, and/or disaster pay for employees called on to work in the event of certain emergencies including, but not limited to:

- a. Hurricanes
- b. Tornadoes
- c. Floods
- d. Other acts of God
- e. Nuclear, chemical, and biological emergencies
- f. Terrorist attacks
- g. Any other emergency declared by a federal, state or local authority

The local municipal authority shall be the Mayor, or in the Mayor's absence, the Mayor Pro-Tem or the City Manager if necessary.

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When there is an emergency closure of City offices, all essential employees, nonexempt and exempt (their salary will be converted to its hourly equivalent), who are required to work during an emergency closure will be compensated at one-and-one half times (1-1/2) their hourly rate for the duration of the emergency closure for all hours worked associated with the emergency. Worked hours must be properly recorded on the special timesheet, during which they actually worked. The term “actually worked” means time actively engaged in physical or mental exertion related to the City’s business (at the direction and control of the Department Head or Director) either on the City’s premises or actively engaged in the same manner in the City’s business off premises at the direction and control of the Department Head or Director. The term “actually worked” shall include stand-by and stand-by/sleep time as recognized under the Fair Labor Standards Act (FLSA) only in instances where the employee is required by their Department Head or Director to stay on City premises engaged to wait on instructions to work and the employee does, in fact, stand by and/or sleep on the City premises. Following are examples for each FLSA classification:

Exempt -7 day FLSA – A Police Department Captain who is designated as an essential employee during an emergency closure will receive their regular scheduled hours as excused pay (EXC-Excused hours) plus one-and-one half times(1-1/2) their hourly rate for all hours worked associated with the emergency and hours will be recorded as DDO-Declaration Disaster Overtime. Their regular salary will be converted to an equivalent hourly rate of pay.

Nonexempt -7 day FLSA – Street Department or Parks Department employees who is designated as an essential employee during an emergency closure will receive the number of hours of excused pay (EXC) for each normally scheduled workday plus one-and-one half (1-1/2) times their hourly rate of pay for all hours (DDO) actually worked associated with the emergency during the emergency closure.

Police Officers -14 day FLSA - who are designated as essential employees during an emergency closure whose work week is based on a 14 consecutive-day work period with a maximum of 86 hours of straight-time pay, will receive the number of hours of excused pay (EXC) for each normally scheduled workday, plus one-and-one half (1-1/2) times their hourly rate of pay for all hours (DDO) actually worked associated with the emergency during the emergency closure.

Firefighters – 28 day FLSA - who are designated as essential employees during an emergency closure whose work week is based on a 14 consecutive-day work period with a maximum of 212 hours of straight-time pay, will receive the number of hours of excused pay (EXC) for each normally scheduled workday,

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plus one-and-one half (1-1/2) their hourly rate of pay for all hours (DDO) actually worked associated with the emergency during the emergency closure.

The maximum number of work hours which may be recorded for any work day is 24 hours during the first 72 hours of the emergency closure and 18 hours per day thereafter.

If an employee works in a building not owned by the City and it closes for business due to an emergency event and if the employee(s) cannot be utilized by the department at a different location, then the employee(s) will be compensated for their regular scheduled hours as excused pay (EXC). Excused pay hours do not count towards the earning of comp time or overtime hours.

Reserve Police Officer - Reserve Officers that serve under the Police Department, working the emergency closure, will be compensated at the equivalent of a Patrol Officer based on the City of Freeport Pay Schedule for the current fiscal year.

Non-exempt regular full-time and part-time employees who perform non-emergency job duties during the city closure shall record those hours as regular hours and be calculated and paid at the employee's base hourly rate.

Exempt employees who perform non-emergency job duties during the city closure shall record those hours as regular hours and count those hours towards the earning of comparable time off (hour for hour).

City employees classified as "essential" who fail to report to work as scheduled during an emergency closure event may be subject to disciplinary action, up to and including job termination, if the employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services.

All essential employees must be designated and made aware of their assignments prior to an emergency. A list of essential employees shall be provided to the Emergency Management Coordinator and the Human Resources Director. Essential employees are those who are required to stay or report to their assigned areas performing necessary tasks during the emergency, or those who are required to return to work after an immediate threat is over. The list for each department shall be updated annually. Such personnel may include police officers, firefighters, Emergency Management staff, Streets, Parks, Golf Course, Building and Code Enforcement, and a limited number of support department personnel (Payroll, Purchasing, and Information Systems). In the event an unpredictable situation occurs, City of Freeport reserves the right to require employees to be designated on an *ad hoc* basis as essential personnel. In

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these rare cases, the department Director will make every effort to give as much notice as possible to the affected employees.

Non-Essential Employee Leave and Pay: Regular full-time, exempt and non-exempt and regular part-time employees with nonessential job duties will be granted administrative leave (EXC-Excused) for the duration of the emergency closing. Nonessential employees will be compensated at their regular hourly rate of pay for hours the employees would have worked but for the emergency closing. Temporary employees are not paid administrative leave.

Any employee who is off work or scheduled to be off on sick leave, sick pool, vacation, bereavement leave, workers' compensation, FMLA, or disciplinary leave shall have their leave recorded as such. Should an emergency closure occur when the employee is scheduled to return from leave, the employee will be granted administrative leave (EXC-Excused) for that day and thereafter for the duration of the emergency closure.

When the emergency closure ends, all employees are expected to report to work as scheduled. Excused pay for employees will end on the day the city reopens for business. Employees that do not return to work at the end of the city closure must use their own vacation hours and/or comp hours. Sick hours cannot be used unless a doctor's excuse can be provided for all days the employee was absent from work from the time when the city reopens for business. If the employee does not have any paid leave available, the employee will not be compensated and leave without pay (LWOP) hours will be recorded for those days.

When the emergency closure ends and the City has opened for business to the public, employees still working the emergency event will be paid according to the non-closure emergency policy. Premium overtime hours earned (DDO) during the closure will not count towards hours worked for the purpose of earning comp time or overtime wages.

Supervisor's Responsibility

Supervisors must assist in the consistent and fair application and implementation of this policy.

Supervisors must develop and maintain the list of essential employees within their department. Supervisors are responsible for certain essential functions with the help of employees whose job function have been designated as essential in an emergency.

Supervisors must stay up to date of the situation at hand by staying in contact with their Department Director and by monitoring the City of Freeport public notices through news and social media.

Supervisors must remain in contact with their employees regarding assignments and return to duty information.

Supervisors must track, approve and submit all employees' time worked and not worked during the emergency closure, on the appropriate timesheet, to the Human Resources Payroll department.

Supervisors must document and recommend disciplinary action resulting from any violations of this policy.

Employee's Responsibility

Employees designated by their department director as essential personnel are required to report to and/or remain in the City on the job or at a designated location during an emergency and are subject to being utilized as needed directed by the department director during a City closing.

Employees designated by their department director as non-essential personnel are required to remain in contact with their supervisor regarding assignments and return to duty information. Non-essential employees may be deemed essential if more staff is needed during the closure to assist in the preservation and restoration of essential public services required for the health, safety and quality of life within the City. During the closure, it is possible that non-essential personnel will be needed after the immediate crisis is over for reestablishment of city operations and preparing the office to a pre-disaster state. Employees called into work during this time will be paid according to the emergency closure policy.

Employees are responsible for recording accurate time of work performed during the emergency closure. Employees must ensure correct project/job codes are being used for their assignments. After the workweek is complete, employees are responsible for turning in a true and correct signed timesheet to their supervisor for approval.

The City reserves the right to amend, change, or delete this policy at any time, with or without prior notice. Furthermore, this policy does not grant a right or benefit to any employee, either expressed or implied, that in any way alters the "at will" basis of employment that is intended by the City.

12.05 Emergency Event Leave Policy [Updated 04-07-2020]

Purpose

The purpose of this policy is to provide guidance and instruction to employees on how to manage time away from work if a leave of absence is needed during a declared emergency event.

Background

In the event of a wide scale emergency, and when authorized by the City Manager or an authorized designee, the City of Freeport must balance a variety of objectives when determining how best to ensure the continuity of operations and reduce the impact on the workplace. In the event an emergency rises to the level that results in school dismissals, child care program closures, quarantine, and the like, it will permit an employee appropriate time away from work to provide care for their children, themselves and/or other immediate family members in a manner that allows for the continuity of the required City operations and service delivery.

Definitions

- **FMLA (Family Medical Leave Act)** – As authorized by Personnel Policy Handbook, a leave designation that applies to qualified employees experiencing serious health conditions themselves or by their immediate family members and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker’s compensation, as well as leave without pay.
- **Leave of Absence** – As authorized by Personnel Policy Handbook, a leave designation that applies to situations not covered by FMLA and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker’s compensation, as well as leave without pay.
- **Telecommuting** – an arrangement in which an employee regularly performs work at an alternative work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Freeport business, does not constitute telecommuting.

Scope

This policy will take immediate effect whenever an emergency declaration is executed by the Mayor. This policy will remain in effect until the City determines that the circumstances causing the emergency declaration have been resolved. No part of this policy will be effective to the extent it conflicts with State or Federal law.

Procedures & Responsibilities

If an emergency is declared by the Mayor, employees may be forced to evacuate from their worksite and perform work from home, while others may need to take sick leave to recuperate from illness or assist with caring for immediate family members. It is important that all employees understand the various pay and leave flexibilities that may be utilized during an emergency crisis and to enable employees to stay home either for their safety or when ill, to care for an ill family member and/or dependent, or their children’s schools or childcare programs close, or dismiss as a result of the emergency. Employees required to stay home to take care of a child where the school or day care has closed, but there is no illness, will not qualify for the use of sick leave accruals under the current policy.

Therefore, in the event of an emergency, the City reserves the right to adjust its leave policies, as well as may allow eligible employees to realize an appropriate negative sick leave balance.

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Before an employee shall be allowed to enter into a negative sick leave balance they shall have exhausted all other applicable accrual balances such as vacation, and compensatory time. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave in the event a local emergency is declared by the City Manager or authorized designee. In addition to the first 80 hours, First Responders may be permitted to accrue up to 80 hours of additional negative sick leave. To be eligible, the employee must be a full-time employee, exempt or non-exempt, who work a minimum of forty (40) hours per week on a regular basis and have exhausted all other accrued leave balances. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the City either through future accruals or cash payment.

If the leave qualifies as FMLA-protected leave, the City will require the employee to use paid sick leave, vacation leave, and other accruals pursuant to the FMLA policy in the Employee Policy Manual.

If State or Federal mandates or laws amend or expand FMLA-protected leave or leave provisions for employees, the City will comply accordingly.

If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining.

During an emergency, the City may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

In the event of a wide scale emergency or pandemic, where the employee is not ill, the employee may not take leave, or refuse to work, simply to avoid possible exposure to a causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with the emergency are encouraged to notify HR in order to seek an accommodation under The City's disability policy.

Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to disciplinary action in accordance with City policy up to and including termination.

If the need arises, employees who hold positions that are suitable for telecommuting may enter into a Telecommuting Work Arrangement approved by the City Manager.

Accountability

Employees who are found to be in violation of any part of this policy may be subject to disciplinary action as outlined in the Personnel Policy Handbook.

Enforcement

Human Resources will be responsible for the enforcement of this policy.

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