



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, DECEMBER 7, 2023 - 6:00 PM

AGENDA

1. **CALL TO ORDER** December 7, 2023, at 6:00 PM

2. **CALL OF ROLL**

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

6. **CONSENT AGENDA**

6.1. Consider approval of the November 2, 2023 and November 16, 2023 Regular City Council Meeting Minutes. (Tammy Heller, City Secretary)

7. **PRESENTATION AND POSSIBLE ACTION**

7.1. Receive an update from Hays County Environmental Health Specialist, Eric Van Gaasbeek, regarding Floodplain Administration. (Nathan Glaiser, Director of Planning and Public Works).

7.2. Receive an update from Gilpin Engineering regarding the proposed crosswalk on Old Kyle Road. (Tim Patek, City Administrator)

7.3. Receive a presentation from the Wimberley Valley Arts and Cultural Alliance regarding the Oak Park Mural, and consider possible action. (Leanne Kirby, Tourism Director)

7.4. Receive an update from Ted Gartner, regarding the 2024 Solar Eclipse Event. (Leanne Kirby, Tourism Director)

8. DISCUSSION AND POSSIBLE ACTION

- 8.1.** Discuss and consider action to amend Chapter 1, Section E of the Historic District Design Guidelines. (Nathan Glaiser, Director of Planning and Public Works)
- 8.2.** Discuss and consider action on the Personnel Policy for the City of Wimberley. (*Tim Patek, City of Wimberley*)

9. CITY COUNCIL REPORTS

- 9.1.** Announcements
- 9.2.** Future Agenda Items

10. ADJOURNMENT

EXECUTIVE SESSION NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, December 4, 2023, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Tammy Heller, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Tammy Heller at (512) 648-2403 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	1. Consider approval of the November 2, 2023 and November 16, 2023 Regular City Council Meeting Minutes. <i>(Tammy Heller, City Secretary)</i>
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	11/28/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

I am bringing the November 2, 2023 minutes forward to update item 8.1. It was incorrectly stated that we would enter into an ILA with Hays County regarding the OSSF program.

Updated language is below:

Nathan Glaiser, Director of Planning and Public Works, provided an update on the proposed amendment to the On-Site Sewage Facility (OSSF) Regulations and the desire to repeal this ordinance in its entirety. The City will contract with Hays County to perform plan reviews, inspections, and to enforce the City's OSSF regulations. He provided the differences and similarities within the City and County Ordinance and stated repeal of this Ordinance will grant Hays County the authority to take over and enforce their regulations moving forward.

REQUESTED ACTION

Motion

FINANCIAL

STAFF RECOMMENDATION

Consider minutes as attached or amend if necessary.

ATTACHMENT/S

1. 11-02-2023 Regular Meeting Minutes updated
2. 11-16-2023 Regular Meeting Minutes



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, NOVEMBER 2, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER

November 2, 2023, at 6:00 PM

Mayor Pro Tem Rebecca Minnick called the Regular Meeting to order at 6:00 p.m.

2. CALL OF ROLL

Council Members Present:

Rebecca Minnick, Place 1
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Council Members Absent:

Gina Fulkerson, Mayor

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning & Public Works
Richard Shaver, Director of Parks & Recreation
Bryce Burkhalter, Natural Resource & Maintenance Manager
Erica Flocke, Park Operations Manager
Leanne Kirby, Tourism Director
Charlie Zech, City Attorney

3. INVOCATION

Kevin Schubert, St. Stephens Episcopal

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Pro Tem Minnick led the pledges of allegiance.

5. CITIZENS COMMUNICATIONS

No comments this evening.

6. CONSENT AGENDA

A motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve the consent agenda. The motion carried unanimously (5-0).

- 6.1. Consider approval of the October 19, 2023 Regular City Council Meeting Minutes. (*Tammy Heller, City Secretary*)

7. PRESENTATION AND POSSIBLE ACTION

- 7.1. Receive an update from Greg Webb on the Dark Sky International Award. *(Richard Shaver, Parks and Recreation Director)*

Greg Webb, Chair of Wimberley Valley Dark Sky Committee, provided a short history of the committee and stated that Wimberley was designated a dark sky community in 2018. The annual "Under One Sky" Global Conference will be held this week and he announced that Wimberley would receive the International Dark Sky Community of the year award at this event. He explained the process and effort that was put in to become a designated dark sky community and he expressed his appreciation to the committee for their hard work in this process. Mr. Webb also expressed his appreciation to the Wimberley Valley Radio Station and the Wimberley View for their help with marketing and partnering with their organization. Mr. Webb stated the committee would begin a weekly night sky forecast on the radio. The council expressed their appreciation to the committee.

- 7.2. Discuss and consider possible action regarding a new logo and vision statement for the Wimberley Parks and Recreation Department. *(Richard Shaver, Parks and Recreation Director)*

Richard Shaver, provided the proposed vision statement and logo for the Wimberley Parks and Recreation Department. The proposed vision statement: Wimberley Parks and Recreation CARES - - We build Community! We ensure Accessibility! We provide Recreation! We support Education! We promote Sustainability!

The council members expressed their support of the new logo and statement and expressed their appreciation for the work staff has put into this project. Council Member Cohen suggested adding stars or a dark sky within the logo.

A motion was made by Council Member Chiles, seconded by Council Member Shell, to approve the new logo and vision statement for the Parks and Recreation Department as presented. The motion carried unanimously (5-0).

- 7.3. Receive an update and hold discussion on current water conservation efforts in the City. *(Rebecca Minnick, Mayor Pro Tem)*

Mayor Pro Tem Minnick introduced this item and noted that the City of Boerne won the Excellence Award at the Texas Municipal League Conference for their Water Data Dashboard project. She provided a brief update on the Boerne Water Data dashboard and illustrated the features. The dashboard allows citizens to see utility, surface water, rain & drought, groundwater and reclaimed water data on a daily basis. Mayor Pro Tem Minnick spoke about the One Water Conference in Boerne last week and their efforts in conserving and re-using water. She stated that one development will have 2500 homes built, so the City of Boerne is working with the developer and a side by side reclaimed and potable water system will be built for this subdivision. Mayor Pro Tem Minnick went on to explain that the platform Boerne uses may be accessible to other communities, like Wimberley, and discussions will continue with various stakeholders and partners for possible implementation. This will help get the word out about conservation and for our citizens to be aware of our current water situation. She stated that Mayor Fulkerson and Nick Dornak provided a presentation on the Blue Hole Primary School One Water system. She stated there is a lot of awareness about conservation and all the communities in our area need to work together. Mayor Pro Tem Minnick attended the Edwards Aquifer Authority (EAA) Summit in San Antonio and stated the EAA has more jurisdiction and authority than we do in our area. We could use this as a guide to help our communities work together and be more proactive in our conservation measures.

Council Member Cohen attended a virtual meeting hosted by David Baker and it was stated the Blue Hole Primary School One Water System collects 1,000 gallons of water per day from air conditioning condensate. He also stated the City needs to work on steps that can be taken to get AquaTexas into compliance and to be a better partner. Mayor Pro Tem Minnick stated the Hays Trinity Groundwater Conservation District and the Trinity Edwards Springs Protection Association are working on addressing some of these concerns.

Council Member Sheffield stated the water data dashboard could be managed by the Cypress Creek Watershed Coordinator position that was recently funded by the City of Wimberley, Hays County, the City of Woodcreek, the Watershed Association and the Meadows Center for Water and the Environment.

8. PUBLIC HEARINGS AND POSSIBLE ACTION

- 8.1.** Hold a Public Hearing and consider action on Ordinance 2023-32, repealing Ordinance 2009-053 On-Site Sewage Facility Regulations and providing for findings of fact, savings, severability, repealer, effective date, and property notice and meeting. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, provided an update on the proposed amendment to the On-Site Sewage Facility (OSSF) Regulations and the desire to repeal this ordinance in its entirety. ~~The City will contract with Hays County to perform plan reviews, inspections, and to enforce the City's OSSF regulations.~~ He provided the differences and similarities within the City and County Ordinance and stated repeal of this Ordinance will grant Hays County the authority to take over and enforce their regulations moving forward.

Questions were posed by the Council related to enforcement, violations reporting, lot size requirements, and the ability for citizens to access county services.

Mayor Pro Tem Minnick opened the Public Hearing at 6:45 p.m. There being no comments, Mayor Pro Tem Minnick closed the Public Hearing at 6:45 p.m.

A motion was made by Council Member Sheffield, seconded by Council Member Chiles to approve Ordinance 2023-32, as presented. The motion carried unanimously (5-0).

9. DISCUSSION AND POSSIBLE ACTION

- 9.1.** Consider possible action on Ordinance 2023-33, amending Chapter 2, Article 2.04 – Boards, Commissions and Committee, Section 2.04.005 - The Hotel Occupancy Tax Advisory Committee of the Wimberley City Code of Ordinances; and providing for findings of fact, savings, severability, repealer, and effective date, and proper notice and meeting. (*Tim Patek, City Administrator*)

Tim Patek, City Administrator, provided an update on the proposed revisions to the Hotel Occupancy Tax Advisory Committee Ordinance. This proposed change helps the city come into compliance with best practices and provides a clearer charge for the committee. Council Member Sheffield identified a discrepancy in the ordinance and asked that (C) *Responsibilities* (4) be updated to read biannually instead of quarterly. The council concurred.

Upon completion of discussion, a motion was made by Mayor Pro Tem Minnick, seconded by Council Member Chiles to approve Ordinance 2023-33, as presented and with the proposed change as recommended. The motion carried unanimously (5-0).

- 9.2.** Consider possible action on Resolution No. 13-2023, authorizing the submission of a Solid Waste Program Grant application to the Capital Area Council of Governments (CAPCOG); and authorizing the City Administrator to act as the authorized representative in all matters pertaining to the city's participation in the Solid Waste Grant Program.

Mayor Pro Tem Minnick introduced this item and stated she approached Keep Wimberley Beautiful about this grant and ideas were discussed regarding this grant. City Administrator, Tim Patek met with Keep Wimberley Beautiful as well and discussed the possibility of a tire disposal event. However, the minimum for the grant is \$10,000 and to meet this threshold it would require at least three containers. The consensus from Keep Wimberley Beautiful was to continue with the Spring Clean Up event that is happening next year and discuss if something different is needed.

Discussion was held on eligible projects, minimum grant limits, and community needs.

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve Resolution No. 13-2023 as presented. The motion failed with a vote of 1 in favor (Cohen) and 4 in opposition.

10. CITY COUNCIL REPORTS

10.1. Announcements

The following announcements were made:

1. Progress on Sidewalk Grant
2. Progress on Resilient Communities Grant
3. Reminder of Historic Preservation Training

10.2. Future Agenda Items

None.

11. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Chiles, to adjourn the regular meeting at 7:17 p.m. The motion carried unanimously (5-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Rebecca Minnick, Mayor Pro Tem





City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, NOVEMBER 16, 2023 - 6:00 PM

MINUTES

1. CALL TO ORDER

November 16, 2023, at 6:00 PM

Mayor Gina Fulkerson called the Regular Meeting to order at 6:00 p.m.

2. CALL OF ROLL

Council Members Present:

Gina Fulkerson, Mayor
Rebecca Minnick, Place 1
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Director of Planning & Public Works
Leanne Kirby, Tourism Director
Lee Simmons, City Attorney

3. INVOCATION

Scott Tidwell, Fellowship of the Crossroads

4. PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Fulkerson led the pledges of allegiance.

5. CITIZENS COMMUNICATIONS

Andrew Weber, addressed the Council regarding item 9.3 on the agenda, related to the Resolution of Support for the Texas State University Camp property. Mr. Weber received news about the potential sale of this property and he began making contacts and no one was in favor of seeing this property sold. Weber expressed his support of item 9.3 and asked for the council's approval of this item.

Gary Wellborn, spoke on lack of sidewalks and striping in the downtown area.

6. CONSENT AGENDA

A motion was made by Council Member Chiles, seconded by Council Member Cohen to approve the consent agenda. The motion carried unanimously (5-0).

- 6.1. Consider approval of the following minutes:
a. November 2, 2023 Regular City Council Meeting

b. November 6, 2023 Joint City Council and Planning and Zoning Commission Meeting

- 6.2.** Approval of the October 2023 Revenue and Expenditure Report for the City of Wimberley. *(Tim Patek, City Administrator)*

7. PRESENTATION AND POSSIBLE ACTION

- 7.1.** Discuss and consider action on the naming of the City Facility located at 280 Old Kyle Road and receive an update regarding preliminary plans. *(Leanne Kirby, Tourism Director)*

Leanne Kirby, Tourism Director, introduced Dax Morton, of the Office of Architecture to discuss the preliminary plans for the Welcome Center on Old Kyle Road. Discussion was held on foundation, structural modifications, parking, lighting, and proposed event space for the welcome center.

A discussion was held on the naming of the facility and it was noted that consistency in naming facilities should be considered and there should be no confusion with the Chamber of Commerce Visitor Center. The consensus was to consider the naming of the facility at a future date.

Mr. Morton provided an update on the construction status and stated plans should be completed in a few weeks and the bidding process will start after the new year. Construction could start around February with an estimated construction completion date prior to the eclipse event in April.

8. PUBLIC HEARINGS AND POSSIBLE ACTION

- 8.1.** Hold a Public Hearing and consider action on Ordinance 2023-34, an application for a Conditional Use Permit (CUP-23-014) to allow for the operation of a Vacation Rental (STR2) at 213 Blue Hole, Wimberley, Texas. *(Nathan Glaiser, Director of Planning & Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-014, a Conditional Use Permit application that would allow for the operation of a Vacation Rental (STR2) on a property located at 213 Blue Hole Ln, Wimberley, Texas. The Planning and Zoning Commission considered this item last week and unanimously approved the recommendation to the City Council.

Mayor Fulkerson opened the Public Hearing at 6:36 p.m.

Zachary Lowe, applicant, spoke in support of the Conditional Use Permit and answered questions presented by the City Council.

April Anderson, operator of Hill Country Premiere Lodging, commented on communications with visitors that are staying at short-term rentals that are on the waterway and stated they do alert them of any potential flood concerns.

There being no further comments, the Mayor closed the Public Hearing at 6:40 p.m..

Upon completion of discussion, a motion was made by Council Member Cohen, seconded by Council Member Sheffield to approve Ordinance 2023-34, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 213 Blue Hole Lane, as presented. The motion carried unanimously (5-0).

- 8.2.** Hold a Public Hearing and consider action on Ordinance 2023-35, an application for a Conditional Use Permit (CUP-23-015) to allow for the operation of a Vacation Rental (STR2) at 900 FM 2325, Wimberley Texas. *(Nathan Glaiser, Director of Planning & Public Works)*

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding a Conditional Use Permit for a Short Term Rental (STR) located at 900 FM 2325. The Planning and Zoning Commission considered this item last week and unanimously recommended approval with the condition that the STR use

be limited to the Shed building and A-Frame only.

Mayor Fulkerson opened the Public Hearing at 6:46 p.m.

There being no comments, the Mayor closed the Public Hearing at 6:46 p.m.

With no further discussion, a motion was made by Council Member Minnick, seconded by Council Member Chiles to approve Ordinance 2023-35, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 900 FM 2325, with the condition that this be limited to the shed building and A-frame only. The motion carried unanimously (5-0).

- 8.3.** Hold a Public Hearing and consider action on Ordinance 2023-36, an application for a Conditional Use Permit (CUP-23-016) to allow for the operation of a Vacation Rental (STR2) at 100 Box Canyon, Wimberley Texas. (Nathan Glaiser, Director of Planning & Public Works)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding a Conditional Use Permit for a Short Term Rental (STR) located at 100 Box Canyon. The Planning and Zoning Commission considered this item last week and recommended approval, conditioned upon an approved On-Site Sewage Facility (OSSF) that services 14 people and is limited to the main house.

Mayor Fulkerson opened the Public Hearing at 6:50 p.m.

Jessica Verma, property owner, spoke in support of the request and stated numerous upgrades will be done before the house is ready to be rented.

There being no further comments, the Mayor closed the Public Hearing at 6:50 p.m.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Sheffield to approve Ordinance 2023-36, an application for a conditional use permit to allow for the operation of a Vacation Rental (STR2) at 100 Box Canyon, with the condition of an approved adequate OSSF. The motion carried unanimously (5-0).

- 8.4.** Hold a public hearing and consider action on Ordinance 2023-37 an application for a zoning amendment (ZA-23-005) to change the zoning for a property located at 151 Old Kyle Rd, Wimberley, TX, from Commercial Low Impact (C-1) to Commercial High Impact (C-3). (*Nathan Glaiser, Director of Planning and Development Services*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on a zoning amendment request, that would change the zoning from Commercial Low Impact (C-1) to Commercial High Impact (C-3) on a property located at 151 Old Kyle Rd. The Planning and Zoning Commission considered this item last week and unanimously approved the recommendation to the City Council.

Mayor Fulkerson opened the Public Hearing at 6:56 p.m.

Collette Resnikoff, expressed concern about traffic, congestion, and more water use.

Greg Ward, representative of the buyers, provided the proposed use of the property and there are plans to increase the parking.

There being no further comments, the Public Hearing was closed at 6:58 p.m.

Mr. Glaiser addressed the concern related to parking and stated requirements would be based on the proposed use of the property.

Upon completion of discussion, a motion was made by Council Member Sheffield, seconded by Council Member Minnick, to approve Ordinance 2023-37, an application for a zoning amendment to change zoning from Commercial Low Impact (C-1) to Commercial High Impact (C-3) on a property located at 151 Old Kyle Rd. The motion carried unanimously (5-0).

9. DISCUSSION AND POSSIBLE ACTION

- 9.1.** Discuss and consider action on the Personnel Policy for the City of Wimberley. (*Tim Patek, City of Wimberley*)

Tim Patek, City Administrator, stated the personnel policy was last updated in 2008. He provided updates related to overtime, probationary period, comp time, vacation accrual, and personal days.

Mr. Patek asked for the Council's consideration regarding early closure on Fridays. Upon completion of discussion, consensus was to bring the personnel policy and the potential closure back at the next meeting for consideration.

- 9.2.** Discuss and consider possible action on Resolution No. 14-2023, designating authorized signatories for contractual and financial documents pertaining to the Community Development Block Grant Mitigation (CDBG-MIT) Resilient Communities Program through the General Land Office.

Tammy Heller, City Secretary, stated this is a formality of the recent Resilient Community Program Grant the City received. Signatories need to be approved for all contractual and financial documents related to this grant.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Cohen to approve Resolution No. 14-2023 as presented. The motion carried unanimously (5-0).

- 9.3.** Discuss and consider possible action on a Resolution and/or Council Letter to Texas State University expressing support for a public/parks use for the Texas State University Camp.

Mayor Fulkerson read the resolution of support. Mayor Pro Tem Minnick stated this land is in an environmentally sensitive area and the sale of this property was on the Texas State University Board of Regents agenda. Once it was discovered, state representatives, county commissioners and other representatives worked together and were able to get this removed from the agenda for the time being. Options are being discussed for future use of the land.

A motion was made by Council Member Minnick, seconded by Council Member Shell to approve Resolution No. 15-2023 regarding the public and preservation use of the University Camp as presented. The motion carried unanimously (5-0).

10. CITY COUNCIL REPORTS

- 10.1.** Announcements

Tim Patek, City Administrator wished everyone a safe and Happy Thanksgiving.

- 10.2.** Future Agenda Items

No items were added.

11. ADJOURNMENT

A motion was made by Council Member Cohen, seconded by Council Member Chiles to adjourn the regular meeting at 7:36 p.m. The motion carried unanimously (5-0).

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor





AGENDA ITEM:	1. Receive an update from Hays County Environmental Health Specialist, Eric Van Gaasbeek, regarding Floodplain Administration. (Nathan Glaiser, Director of Planning and Public Works).
SUBMITTED BY:	
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Receive an update from Gilpin Engineering regarding the proposed crosswalk on Old Kyle Road. (Tim Patek, City Administrator)
SUBMITTED BY:	
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	3. Receive a presentation from the Wimberley Valley Arts and Cultural Alliance regarding the Oak Park Mural, and consider possible action. (Leanne Kirby, Tourism Director)
SUBMITTED BY:	
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Don Minnick of WVACA will provide an update on the mural at Oak Park.

REQUESTED ACTION

Discussion
Other

FINANCIAL

STAFF RECOMMENDATION

Select Mural Option

ATTACHMENT/S

1. Wade Woerhmann mural 1
2. Wade Woerhmann mural 2
3. Candace McIntyre Mural

PROPOSAL 1 of 2 – ACRYLIC DIRECTLY PAINTED ON SILO.

Mural proposal 1 of 2 -

Hand painted mural in acrylic paint direct application.

Artist bio / qualifications proposal.

W. Wade Woehrmann, I am an accomplished Artist, Architectural Illustrator and Land planner. My skill set includes both real media and digital. Since starting my career in 1986 I have come full circle with the use of media. Where once pencil, pen and paint were the standard for building illustrations, I being self-taught mastered the digital world as well. This world includes creating worlds in 3D for both animation and print. While I have been able to bring a warmth and character of hand painting to computer-generated work, I have always enjoyed the Acrylic and oil-based paints. Working from precises drawings and design intent has been my standard of practice. So I will listen to, incorporate, adhere to, and executed the direction of the city as guidance is given.

My ties to the Heart of Texas run deep having been born in Austin, and for years now enjoy spending weekends and long holiday weeks in Wimberly on our family's property on the river at 1400 Flite Acres Road. Past times while relaxing on the river include dunking in the Blanco on a frosty Christmas day or soaking on a toasty hot afternoon in August. As well I often retreat to painting and throwing pottery. It did not take long for me to start to paint a riff on "The Stary Night over the river" with fireflies dancing on the river bottom and the homes on the hill glowing alongside the clear bright stars on the dark sky. Most of these paintings were sold as quickly as finished at my booth #231 in the Wimberly Lions market.

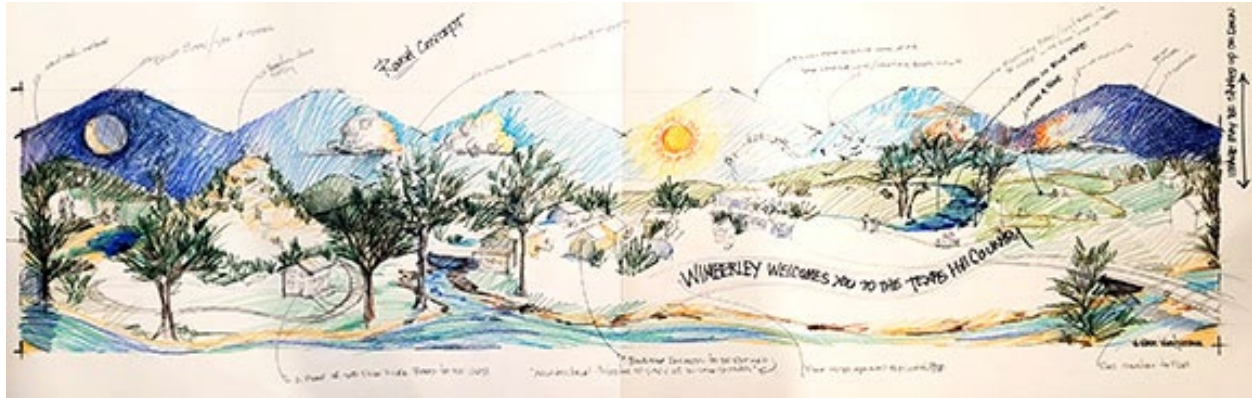
I think I have found a niche painting or throwing clay while at the booth and talking and walking folks through the prosses. Paintings have sold while the paint is still wet right off the easel! These then taken back to California, Colorado, Dallas, and New Braunfels by visitors of Wimberly to remember their stay and share the story with friends. As well I have walked market visitors through the process of throwing a small clay bowl, then fired it for them, and had the guests return to glaze the next month. For adults or youth this has been a huge hit and something that I really enjoyed doing.



PROPOSAL 1 of 2 – ACRYLIC DIRECTLY PAINTED ON SILO.

I hope to enjoy working with the powers that be to flesh out a meaningful and fun work of art to be painted on the silo at the Oak Park & Welcome Center As well while working and painting I always enjoy the bit of banter and conversation that can be forged while on site. Why not be an ambassador and greeter as well as painter?

The sketch provided while largely complete is but a rough draft, the concept, and details to be worked over with input from those who have instigated this process. OR – give me a green light and I'll knock it out of the park in short order. 😊



PROPOSED COMPOSITOIN – details to be refined with feedback from city.

My paintings have been on numerous substrates both large format and small. My years of land planning, landscape design, and understanding of building materials, continuing education give me a deep understanding of public Art and appreciation for process, procedure, and use of proper materials for murals. Best practices for proper surface preparation, using paints with light has/ uv fastness). Once the work has been applied to modern standards, appropriate protection will be employed. There are several options worth considering from varnish to anti-graffiti coatings. Specific materials will or can be presented to the City for approval at each step. Done well the work should last for decades.

W. Wade Woehrmann
13022 Tall Spruce Drive
Cypress Texas 77429

1400 Flite Acres Road
Wimberley, Texas

Lions Club Market Booth 231
Wimberley, Texas

Woehrmann@SBCGlobal.net / <https://www.linkedin.com/in/wade-woehrmann-78185928/>
713-898-4014

PROPOSAL 2 of 2 – ARTWORK IN 3D OR PAINTED BUT PRINT ON VINYL AND APPLIED.

Mural proposal 2 of 2 -

Work to be created on computer or hand painted then printed on vinyl wrap and applied.

Artist bio / qualifications proposal.

W. Wade Woehrmann, I am an accomplished Artist, Architectural Illustrator and Land planner. My skill set includes both real media and digital. Since starting my career in 1986 I have come full circle with the use of media. Where once pencil, pen and paint were the standard for building illustrations, I being self-taught mastered the digital world as well. This world includes creating worlds in 3D for both animation and print. While I have been able to bring a warmth and character of hand painting to computer-generated work, I have always enjoyed the Acrylic and oil-based paints. Working from precise drawings and design intent has been my standard of practice. So, I will listen to, incorporate, adhere to, and execute the direction of the city as guidance is given.

My ties to the Heart of Texas run deep having been born in Austin, and for years now enjoy spending weekends and long holiday weeks in Wimberly on our family's property on the river at 1400 Flite Acres Road. Past times while relaxing on the river include dunking in the Blanco on a frosty Christmas day or soaking on a toasty hot afternoon in August. As well I often retreat to painting and throw pottery. It did not take long for me to start to paint a riff on "The Starry Night over the river" with fireflies dancing on the river bottom and the homes on the hill glowing alongside the clear bright stars on the dark sky. Most of these paintings were sold as quickly as finished at my booth #231 in the Wimberly Lions market.

I think I have found a niche painting or throwing clay while at the booth and talking and walking folks through the process. Paintings have sold while the paint is still wet right off the easel! These then taken back to California, Colorado, Dallas, and New Braunfels by visitors of Wimberly to remember their stay and share the story with friends. As well I have walked market visitors through the process of throwing a small clay bowl, then fired it for them, and had the guests return to glaze the next month. For adults or youth this has been a huge hit and something that I really enjoyed doing.

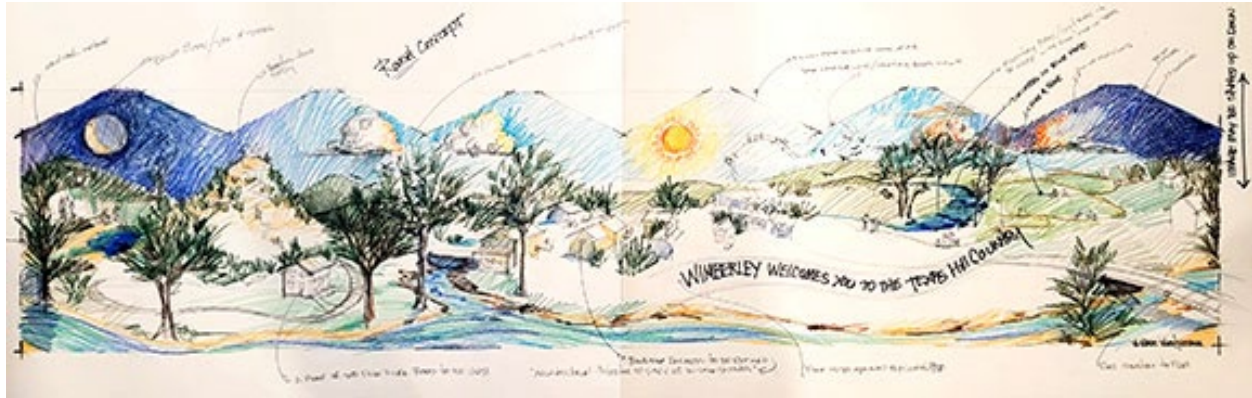
Market days fun – interactive



PROPOSAL 2 of 2 – ARTWORK IN 3D OR PAINTED BUT PRINT ON VINYL AND APPLIED.

I hope to enjoy working with the powers that be to flesh out a meaningful and fun work of art to be painted on the silo at the Oak Park & Welcome Center As well while working and painting I always enjoy the bit of banter and conversation that can be forged while on site. Why not be an ambassador and greeter as well as painter?

The sketch provided while largely complete is but a rough draft, the concept, and details to be worked over with input from those who have instigated this process. OR – give me a green light and I'll knock it out of the park in short order. 😊



PROPOSED COMPOSITOIN – details to be refined with feedback from city.

My paintings have been on numerous substrates both large format and small. My years of land planning, landscape design, and understanding of building materials, continuing education give me a deep understanding of public Art and appreciation for process, procedure, and use of proper materials for murals. Best practices for proper surface preparation, using paints with light has/ uv fastness). As an option the Artwork can be created on computer in 3D or painted and scanned/photographed then printed on vinyl and applied as a wrap. Done well, the work should last for several years then be reprinted and reapplied.

W. Wade Woehrmann
13022 Tall Spruce Drive
Cypress Texas 77429

1400 Flite Acres Road
Wimberley, Texas

Lions Club Market Booth 231
Wimberley, Texas

Woehrmann@SBCGlobal.net / <https://www.linkedin.com/in/wade-woehrmann-78185928/>
713-898-4014

Wimberley Welcomes You to The Texas Hill Country: Candace McIntyre

13601 elm ridge lane apartment 1226
78727 Austin, Texas.
candace.mcintyre10@gmail.com
858-401-9747

Dear Wimberley Valley Arts & Cultural Alliance,

I am writing to express my sincere interest in ‘Wimberley Welcomes You to The Texas Hill Country’ mural. I am a recent graduate of the University of Texas at Austin, where I specialized in Fine Art.

My education served as the foundation for my artistic pursuits, encouraging me to explore various media and develop a unique voice as a visual artist.

One of the hallmarks of my artistic journey has been my work in creating murals. These large-scale artworks have allowed me to not only express my creativity but also engage with the broader community. I have had the privilege of working on mural projects for diverse clientele, including private commissions, communities, restaurants, hotels, and apartments. This diversity of experience has enriched my creative perspective and honed my ability to adapt to various artistic contexts.

Artist Statement:

I go into my compositions with inspiration from impressionism combined with realism to define the space between the depiction of reality and the reality that we individually experience

My murals are a component of my work of which I find great fulfillment in. Creating murals that tell a story and bring people together is the most rewarding outcome I have had the opportunity to experience. Whether I'm working on a mural for a developing community or a personal commission, my process always begins with extensive research and a deep understanding of the client's needs. When creating murals for developing communities, I am especially mindful of the location's geography and cultural significance. I aim to create a design that is not only aesthetically pleasing but also resonates with the community and reflects their unique identity. I work meticulously to ensure that every detail of the mural is perfect, from the initial sketches to the final execution. My goal is always to create a work of art that not only meets the client's expectations but also tells a powerful story through visual imagery. In all of my work, I strive to create pieces that inspire, unite, and uplift people. I believe that art has the power to bring people together and create positive change in the world. Through my murals, I hope to contribute to this movement and inspire others to do the same.

The following designs are intended to depict for the ‘Wimberley Welcomes You to The Texas Hill Country’ mural





Cypress Creek:

The first design immerses viewers in the timeless beauty of Cypress Creek, serving as a serene dedication to the town's enduring connection with nature. This brings to life the meandering waterway that has witnessed the flow of generations. Lush, vibrant greens and the gentle flow of the creek symbolize the harmony between our community and the serene waters that embrace the town.

Patsy Glenn Bird Sanctuary:

The second design shines a spotlight on two exquisite avian residents: the Northern Cardinal and the Painted Bunting. We celebrate the sanctuary's role as a tranquil haven for both our feathered friends, the human spirit as well as our appreciation for the delicate and vulnerable. This design captures the harmonious coexistence and the tenderheartedness of those in the community that have worked to conserve wildlife and educate others on the importance of the ecosystem and our environment.

Sunset Over the Hill Country:

The third design is a portrayal of the setting sun over the undulating landscapes of the Hill Country. With a warm and earthy color palette, intended to evoke the vibrant hues of the breathtaking sunsets. Silhouettes of trees and a spectator, the departing sun encapsulates the essence of serenity and wonder. Together, they offer a diverse yet harmonious narrative of Wimberley's identity and the intricate dance between art and nature.

With great anticipation, I am looking forward to the opportunity to bring these designs to life in the 'Wimberley Welcomes You to The Texas Hill Country' mural. I am genuinely excited to embark on this creative journey and contribute to the community. I eagerly look forward to hearing back about this opportunity, and I am hopeful for the chance to make this artistic vision a reality.

Candace McIntyre



AGENDA ITEM:	4. Receive an update from Ted Gartner, regarding the 2024 Solar Eclipse Event. (Leanne Kirby, Tourism Director)
SUBMITTED BY:	
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	1. Discuss and consider action to amend Chapter 1, Section E of the Historic District Design Guidelines. (Nathan Glaiser, Director of Planning and Public Works)
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Staff would like Council to review and discuss Chapter 1, Section E of the Historic District Design Guidelines. This sections details what types of alterations must go before Planning and Zoning and what can be approved by staff. In order to facilitate faster processing of applications, staff recommends making the following changes:

1. Allow signs to be approved by staff, instead of going to P&Z.
2. Allow fences to be approved by staff, instead of going to P&Z
3. Remove the regulation of outdoor heaters, televisions, and mounted electrical equipment.

Staff will still retain the ability to send these types of alterations to P&Z if they wish. Ideally, only major modifications or new buildings should require P&Z approval and minor alterations can be approved by staff. This expedites the process while still maintaining the integrity of the design guidelines. The regulation of fences and signs is very straight forward, and staff is comfortable making these permitting decisions.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Chapter 1 Section E Design Guidelines

E. When to Use the Guidelines?

EMERGENCY REPAIR

In the case of an emergency repair, it is acceptable to make necessary repairs to protect and/or stabilize the building. While making repairs, every effort should be made to retain the historic materials and character of the building.

Apply for certificate of appropriateness as soon as possible after making emergency repairs.

WHAT REQUIRES REVIEW?

The following is a list of changes that must be brought before the **Planning and Zoning Commission** for design review:

- The construction of a new structure.
- Addition to a structure.
- The alteration or restoration of any exterior features of an historic resource.
- The removal or demolition, in whole or in part, of an historic resource.
- Applying a new exterior siding material.
- Adding a new window, door, or dormer.
- Creating a driveway or a parking area.
- Adding a satellite dish (TV) or other mechanical equipment, solar panel, etc.
- Building or enclosing a porch, carport, deck, fence, or garage.
- Adding outdoor heaters, televisions, mounted electronic equipment, and similar items.
- The alteration of any exterior features of commercial structures, non-residential structures, bed and breakfasts, or residential structures used as or changing to non-residential or commercial use.
- The construction of a new sign and changes to existing signs.

The following is a list of changes that must be brought before **City Staff** for design review:

- Routine repairs and maintenance.
- Minor alterations.

WHAT DOES NOT REQUIRE REVIEW?

The following is a list of changes that do not need to be reviewed by the Planning and Zoning Commission:

- Painting and paint colors
- Backyard landscaping
- Interior work
- A/C and systems repair



AGENDA ITEM:	2. Discuss and consider action on the Personnel Policy for the City of Wimberley. <i>(Tim Patek, City of Wimberley)</i>
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The current personnel policy for the City is from 2008 and is in need of an update. This document was reviewed by city staff and the legal team. A personnel policy is designed to acquaint all employees of the City of Wimberley and provide information about working conditions, employee benefits, and policies affecting employment. This policy cannot anticipate every circumstance that may arise and, due to changes in state and federal employment laws, portions of these policies may be superseded by such new legislation and it is the intent of the city to monitor and follow any such legislation. The city reserves the right to revise, supplement, or rescind any policy or portion of the Personnel Policy Manual from time to time as it deems appropriate.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

Approve the updated personnel policy as presented or make recommendations if necessary.

ATTACHMENT/S

1. Employee Personnel Policy Manual (Final)

City of Wimberley, Texas



PERSONNEL POLICY MANUAL

Updated: December 2023

PLEASE READ IN ALL ASPECTS OF THIS POLICY CAREFULLY

WELCOME

This Personnel Policy Handbook is provided for your information regarding certain policies and procedures affecting you as an employee of the City of Wimberley as well as advising you of what is expected of you in the way you perform your job.

Under our form of government, six City residents are elected by voters in the City limits to serve two-year terms as the City Council. The City Council is composed of the Mayor and five Council Members. The City Council passes ordinances and sets policies to be followed by employees and the City as a whole. While the City fully intends to offer the benefits and policies as written, the City reserves the right to change or revoke them, permanently or temporarily, as needed.

This handbook is to be used as a guideline in the broad interpretation of the City policies as they relate to you, your working conditions, and to the overall efficient operation of the City as a whole. Because every situation may not be covered, and because changes in policies and procedures may occur, it is anticipated that this handbook will be supplemented from time to time. In cases where you encounter matters not covered or not clearly defined, you should consult the City Administrator. It is important that City employees have a complete understanding of personnel policies as well as positions and job assignments. Oral statements by fellow City employees that are inconsistent with the policies stated in this handbook must be considered as invalid.

City employees are at-will employees. This means that the employment relationship can be terminated by the employee or by the City at any time for any reason or for no reason. Employees of the City have no vested interest in their employment. This handbook is a guide only and does not constitute a contract, express or implied, of employment. Please complete the attached policy acknowledgement forms and immediately return them to the City Administrator.

Each employee is expected to perform his or her duties in an efficient and organized manner. The citizens' opinion of the city government will be influenced by the manner in which each employee performs his/her duties in a fair, impartial and courteous manner. It will be the responsibility of each employee to read, understand and comply with the policies, procedures, rules, regulations, and practices of the City of Wimberley.

Sincerely,

City Administrator

NOTICE TO EMPLOYEES

The City of Wimberley operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and federal law regarding employment, can transfer, demote, dismiss, or administer any other form of employment discipline to an employee at any time, with or without notice, for any reason or no reason. The City will attempt to ensure that employee discipline actions, including dismissals, are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The City has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the City means the City of Wimberley, Texas.

MISSION STATEMENT

“The City of Wimberley is a livable, caring community focused on conserving our environmental assets, preserving our historical character, natural beauty and cultural traditions while providing outstanding City services.”

CORE VALUES

Quality of Life

- ❖ Environmental Responsibility & Sustainability
 - ❖ Preservation of community's character
 - ❖ Green Space
- ❖ Thoughtful, responsible resource management & development
 - ❖ Cultural and Recreational resources for all citizens

Health & Safety

- ❖ Emergency Preparedness and Management Systems
 - ❖ Public health communication and support
 - ❖ Pedestrian & traffic safety
- ❖ Safety & cleanliness of environmental resources

Sustainable Economy

- ❖ Development & improvements consistent with our Quality-of-Life values
 - ❖ Fiscal responsibility
 - ❖ Maximize and diversify revenue sources
 - ❖ Infrastructure stability and maintenance
- ❖ Affordable and inclusive housing for sufficient local employment

Relationships

- ❖ With our citizens and community at large
 - ❖ With staff: Wimberley as an exemplary place to work
 - ❖ Transparency and open communication with all stakeholders
- ❖ With other cities, county, state & federal entities and non-profit organizations

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1.0 GENERAL POLICIES

1.01 AUTHORITY

These policies are established by the City Council, and any deletions, amendments, revisions, or additions to the policies must be approved by a resolution of the City Council.

The City Administrator is responsible for implementing these policies. He or she may delegate authority to appropriate staff to act on his or her behalf in the administration and implementation of these policies.

These policies completely replace and supersede all personnel policies previously adopted, individually or as a set of policies, by the City Council.

In addition to these personnel policies, department heads may establish departmental rules and regulations that relate specifically to personnel issues in their departments, if they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies shall prevail. Additionally, departmental rules and regulations must be approved by the City Administrator, ratified by the City Attorney for legal compliance, and placed officially on file with the City Secretary.

1.02 SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal law or regulations will supersede these policies and/or departmental policies from the effective date of the law or regulation forward.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

The City Administrator is responsible for the administration of these personnel policies. The City Administrator may delegate authority to appropriate staff members, including department heads, to act on his or her behalf in the administration of these policies. The City Administrator serves at the will of the City Council.

Except for matters of appointments and other personnel actions reserved to the City Council by statute or charter provision, final authority, in the form of review and approval, is reserved to the City Administrator regarding all personnel matters and subjects covered by these regulations.

1.04 PURPOSE OF PERSONNEL POLICIES

These rules and regulations inform employees of their rights, duties, and obligations; encourage an efficient and cooperative working relationship within a uniform Personnel Policy Handbook. They were prepared and adopted to promote consistent, equitable, and effective practices by employees and supervisors resulting in high-quality public service to the citizens of the City of

Wimberley. These policies do not constitute a contract between the employer and any of its employees, but, rather, are intended as guidelines for personnel administration.

1.05 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies and procedures apply equally to all employees of the City unless a class of employees is specifically exempted. The following are not employees covered by the terms of these policies: City Council members, City Board Members, City Attorney, Municipal Judge, and incarcerated persons performing community service work for the City in lieu of jail time. In general, some policies apply to volunteers, temporary and seasonal employees.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

1.06 DISSEMINATION OF PERSONNEL POLICIES

The City Administrator oversees the maintenance of the official set of personnel policies with all revisions for reference by employees. In addition, the City Secretary is responsible for the revisions and maintenance of the official set of personnel policies. The Finance/Personnel Coordinator will provide copies of all subsequent revisions to each employee. If a question arises about a policy, the official set of policies maintained by the City Secretary should be consulted and will prevail.

Each City employee receives a copy of these policies and is required to read it carefully and to adhere to the rules and regulations stated herein. Every employee must sign an acknowledgment of having read and understood the policies in this Personnel Policy Handbook.

1.07 AT-WILL EMPLOYMENT

The City of Wimberley operates under the legal doctrine of “employment-at-will” and within the requirements of state and federal laws regarding employment, the City may dismiss an employee at any time, with or without notice, for any reason.

Texas law allows the City to maintain this “at will” employment relationship with its employees. This means that either the employee or the City can decide that the employee will leave the job without either party having to give a reason.

1.08 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Wimberley to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, compensation, leaves of absence, training and other aspects of employment or any other aspect of personnel administration based on a person's race, color, age, religion, color, disability, national origin, sex, veteran's status, or any other protected class under federal, state, or local laws.

An employee will not engage in conduct at work that involves the use of jokes or derogatory remarks related to any protected class. Reports of such conduct will be investigated, and disciplinary action will be taken, if appropriate.

The City prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

1.09 AFFIRMATIVE ACTION

The City of Wimberley will take affirmative action to see that applicants are employed, and employees are treated during their employment, without discrimination based on race, color, disability, religion, sex, national origin, age, or political affiliation or belief. In addition, the City will seek actively to include qualified members of minority, disabled, and Vietnam-era veteran groups in applicant pools. Protected class?

1.10 HARASSMENT PROHIBITED

It is the policy of the City to provide and maintain a work environment that is free of all forms of harassment based on race, color, age, religion, color, disability, genetics, national origin, sex, veteran's status, or any other protected class under federal, state, or local laws.

No City employee may engage in conduct at work that involves or could be construed as involving harassment toward any City employee, resident, customer, or visitor based on race, color, age, religion, color, disability, genetics, national origin, sex, veteran's status, or any other protected class under federal, state, or local laws.

The City will not tolerate such harassing behavior at any time or for any reason. Reports of harassment shall be made to the employee's immediate supervisor. If the harassment involves the employee's immediate supervisor, the report of harassment shall be made to City Administrator or his/her designee. Reports of such conduct will be investigated, and necessary corrective action will be taken by the City Administrator, or by his or her designee, up to and including termination.

Prohibited conduct is conduct based on any harassment (including sexual harassment) for any protected class under federal, state, or local laws, and if:

- Submitting to the conduct or being subjected to the conduct because of being within a protected class, is a term, condition, or privilege of employment, including hiring, promotion, pay, fringe benefits, job training, classification, referral, and other aspects of employment; or
- The conduct unreasonably interferes with an individual's performance on the job, or it creates a hostile, abusive, offensive, or intimidating work environment.

Harassment may include offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Sexual harassment may also include unwelcome sexual advances, request for sexual favors and other physical, verbal, or visual conduct of a sexual nature. It is against the City's policy for any worker, male or female, to harass another worker or to create a hostile work environment by either committing or encouraging- including but not limited to:

- Physical assaults on another employee, including, but not limited to, rape, sexual battery, molestation, or attempts to commit these assaults; or
- Intentional physical contact that is sexual in nature, including, but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
- Unwanted sexual advances, propositions, or sexual comments, including making sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct in his or her presence is unwelcome; or
- Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

1.11 SEXUAL AND OTHER TYPES OF HARASSMENT

The City is committed to taking all steps necessary to maintain a productive work environment free of harassment and intimidation of any type, including based on race, color, age, religion, color, disability, genetics, national origin, sex, veteran's status, or any other protected class under federal, state, or local laws.

It is against the policies of this employer, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. This employer is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person, or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment includes conduct which occurs in work-related settings outside of the workplace, such as business trips, business meetings and business-related social events.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- (1) either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- (2) touching or grabbing a sexual part of an employee's body;
- (3) touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- (4) continuing to ask an employee to socialize on or off-duty when that person has indicated s/he is not interested;
- (5) displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- (6) continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- (7) referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- (8) regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- (9) retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- (10) derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- (11) harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
- (12) off-duty conduct which falls within the above definition and affects the work environment.

1.12 REPORTING HARASSMENT (OR DISCRIMINATION)

In the event this employer receives a complaint of sexual or other harassment, discrimination, or otherwise has reason to believe that sexual, other harassment, or discrimination is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The employer is committed, and required by law, to take action if it learns of potential sexual or other harassment, even if the aggrieved employee does not wish to formally file a complaint.

Any employee who believes that she or he has been the target of sexual or other harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of sexual or other harassment, is encouraged, but not required, to directly inform the offending person or persons that such conduct is offensive and must stop. Additionally, the employee is encouraged to immediately notify his or her immediate supervisor or the City Administrator. If the employee's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's supervisor or to the City Administrator.

After an incident described by this section has been reported, the Administrative Department will conduct and investigate or determine whether to hire an outside independent investigator, and when appropriate, local law enforcement officials will be involved to ensure the safety of employees. If it is determined that discrimination or harassment described by this section did occur, the City will evaluate how take prompt corrective action to end the harassment or discrimination, restore a proper workplace environment, and discipline the harasser. An employee who is found to have engaged in conduct in violation of this section is subject to appropriate disciplinary action, including termination.

The Administrative Department (or independent investigator) shall investigate the allegations presented as follows, with some discretion about how to proceed:

1. Get both sides of the story. The person accused of discrimination or sexual harassment will be advised of the allegations and given the chance to respond.
2. Keep records of the investigation. Documentation must be kept of all phases of the investigation, from the initial complaint to any written warning or action taken.
3. Attempt to resolve the complaint. The City Administrator will present findings and recommendations to the appropriate parties.
4. Maintain confidentiality and privacy to the extent possible. All aspects of the investigation are confidential. Once the supervisor has contacted the City Administrator, any discussion regarding this issue should be limited to those directly involved in the investigation.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual or other harassment complaint.

To emphasize the importance of this policy and ensure every employee's understanding, the City requires each employee to sign a statement acknowledging receipt and understanding of this policy. Employees are expected to participate in the process. The signed acknowledgement is kept in the employee's personnel file.

1.13 PERSONS WITH DISABILITIES

The City of Wimberley will follow applicable Federal and State guidelines and statutes as they relate to reasonable accommodation of individuals with disabilities and their capabilities to perform essential job functions and that will not create an undue hardship for the City.

Investigation and the interactive process into reasonable accommodation options for persons with disabilities will involve initial input by, but not limited to, Personnel Coordinator, the individual's physician, the supervisor, and the individual. To this end, the City of Wimberley will analyze and respond to each medical situation on a case-by-case basis using the most current evidence available and applied consistently in similarly situated circumstances. This policy will be administered consistently with the City's obligations under the ADAAA to evaluate all considerations for reasonable accommodation under the law.

1.14 VIOLENCE IN THE WORKPLACE

The City of Wimberley prohibits any form of violence or threats in the workplace. The City is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States. The City has also taken steps to help prevent violence at City offices.

The City is committed to preventing workplace violence and to maintaining a safe work environment. All employees, including supervisors and temporary employees, must always be treated with courtesy and respect. The City will not tolerate any acts of violence or threats. In this regard, it is the policy of the City to expressly prohibit any acts or threats of violence by any City employee or former employee against any other employee in or about the City's facilities or elsewhere at any time. Furthermore, the City will not condone any acts or threats of violence against City employees, customers, or visitors on the City's premises at any time while they are engaged in business with or on behalf of the City, on or off the City's premises. In keeping with the spirit and intent of this policy and to ensure that The City's objectives regarding prevention of workplace violence are attained, the City is committed:

- To provide a safe and healthy work environment, in accordance with the City's Health and Safety policy.
- To take prompt remedial action, up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
- To take appropriate action when dealing with customers, former employees, or visitors to the City's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and seeking prosecution of violators of this policy to the maximum extent of the law.
- To prohibit employees, former employees, customers, and visitors from bringing unauthorized firearms or other weapons onto the City's premises.
- To establish viable security measures to ensure that the City's facilities are safe and secure to the maximum extent possible and to properly handle access to City facilities by the public, off-duty employees, and former employees.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on City property or at City-sponsored events or functions will be removed from the premises as quickly as

safety permits, and must remain off City premises pending the outcome of an investigation. The City of Wimberley's response to violent acts, threats, or behavior may include, but is not limited to, employment suspension or termination, suspension or termination of business relationships, or criminal prosecution of the persons involved.

In furtherance of this policy, employees have a "duty to warn" their supervisors of any suspicious workplace activity or situations or incidents that they observe or that they are aware of involving other employees, former employees, customers, or visitors that give rise to concerns regarding potential workplace violence. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, and threatening or offensive comments or remarks. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. The City will not condone any form of retaliation against any employee for making a report under this policy.

Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the City Administrator a copy of the petition and declarations used to seek the order, a copy of any temporary protective order or restraining order which is made permanent. City employees must immediately advise their department director and City Administrator of any protective or restraining order issued against them or issued in their favor.

1.15 WEAPONS

Employees are prohibited from carrying personal handguns, firearms, or other weapons, as defined by Texas Penal Code section 46.01, onto City premises, facilities, or vehicles unless such activity is required by virtue of the employee's status as a law enforcement officer. Violation of this policy will result in disciplinary action up to and including termination of employment.

With the exception of peace officers authorized and licensed to carry weapons, unless approved in writing by the City Administrator, the City of Wimberley prohibits City employees from carrying weapons of any kind in City premises, facilities or vehicles or while representing the City in any capacity. Prohibited weapons include, but are not limited to, the following:

- Any form of weapon or explosive;
- All firearms;
- All illegal knives and other knives with blades more than five inches in length; and
- Any implement of combat, mayhem and personal violence that could inflict harm upon another.

Weapons and explosives related to the official performance of an employee's duties are permitted, but only in the areas or facilities where they are needed for the performance of those official duties, and only if they are specifically authorized by the City Administrator or his or her designee.

If an employee is unsure whether an item is covered by this policy, he or she should contact the City Administrator's office for verification. Any violation of this policy will result in disciplinary action up to and including termination.

While Wimberley has a policy prohibiting weapons, nothing in this policy shall be construed as creating any duty or obligation on the City's part to take any actions beyond those required of an employer by existing law.

This policy does not prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

1.16 SEARCHES

Employees have no right of privacy in any City property, such as City vehicles, lockers, closets, electronic devices (including, but not limited to, computers, phones, electronic notebooks, electronic storage devices, etc.) and desks, for alcohol, prohibited drugs, drug paraphernalia, explosives, and all types of prohibited weapons and knives without the consent of the employee.

The use of privately owned padlocks or other locking mechanisms for City property is prohibited. If an employee does use a privately owned padlock or other locking mechanism on any City property, the City shall remove it, and the employee shall not be entitled to any reimbursement for damage to the mechanism. The use of any privately owned padlock or other locking mechanism for City property does not create an expectation of privacy regarding any contents within the locked City property.

Employees have no privacy rights in any materials brought into the workplace, including but not limited to personal effects, briefcases, vehicles, computer software, electronic storage devices, information on social media outlets etc., and any such materials are subject to search at any time if a reasonable suspicion exists that alcohol, prohibited drugs, drug paraphernalia, explosives, prohibited materials, and any type of prohibited weapons or knives may be found. If the employee is available, he or she will be asked to consent to the search. If the employee does not consent, any attempt to conduct a search of materials brought into the workplace will not be continued. However, the employee's refusal to cooperate will be noted in his or her employee file, together with a statement that reasonable suspicion existed to conduct the search. In addition, such refusal to consent to an administrative workplace misconduct search shall be considered insubordination subjecting the employee to disciplinary action up to and including termination.

1.17 TOBACCO POLICY

In general, smoking, use of tobacco or vaping is prohibited within all City facilities. City employees may not smoke or use other types of tobacco or vaping products while using City vehicles, City equipment, or in the City facilities/buildings, except in designated areas. No smoking will be allowed in areas shared with other employees or which are accessible to the public.

- A. Employees may smoke or use tobacco products outside of City buildings while on designated breaks or on the employee's personal time.
- B. Non-employee visitors to City buildings will be directed to comply with the City's smoking and tobacco use policy.
- C. Work breaks may be scheduled by supervisors to accommodate smokers in compliance with these policies and procedures covering such breaks.

1.18 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS

These personnel policies may be amended, revised and/or new policies may be added, at any time, with or without notice, upon the approval of the City Council. In addition, the City Administrator or his delegate will conduct an annual review of these policies. All employees will be notified by the Personnel Coordinator of any changes to the policies as soon as practicable.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL EMPLOYEE RESPONSIBILITIES

The City is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to maintain good relationships with the public, supervisors, City officials, and fellow employees.

2.02 STANDARDS OF CONDUCT

The City of Wimberley is a public, government office. In Order to maintain public confidence in the City, employees are expected to maintain the highest standards of professionalism, honesty, integrity, impartiality, confidentiality, and avoidance of even the appearance of illegal or unethical conduct always. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, and to do their part in maintaining good relationships with the public, their supervisors, City officials, and their fellow employees.

In addition to the provisions in these policies, employees are responsible for complying with any federal and state law or regulations or local ordinances governing their conduct. All employees must always behave in a way befitting their status as employees of the City. A violation of the standards of conduct is cause for disciplinary action, which may be in addition to any penalty prescribed by law. Disciplinary action may include verbal counseling or reprimand, written counseling or reprimand, probation, suspension with or without pay, demotion, termination and other action as deemed appropriate.

2.03 PERSONAL CONDUCT

- Do not willfully damage or misuse City property, equipment, or materials.
- Do not use or allow the use of City property, equipment, or materials for other than City purposes. However, as stated by the Texas Ethics Commission, incidental use of state resources, such as an occasional local phone call, is permitted.
- Immediately report the loss or damage of any City property.
- Be courteous to and maintain a helpful attitude toward other employees and the public.
- Do not sell or solicit items or products to employees during work hours or on City property.
- Do not use your position in business matters that could result in a financial or personal gain.
- Do not falsify employment records or other state documents or make false statements about employment or other employees.
- Do not solicit for private business purposes for a for-profit organization, or for a nonprofit organization during office hours or on City property, without receiving prior authorization from the City Administrator.
- Do not advocate the election of or solicit contributions to any political candidate during office hours or on City property.
- Do not accept a fee for services performed on behalf of the City unless policy or state law requires the fee, and the fee is properly accounted for in the City's revenues.
- Do not accept gifts from individuals and entities that do business or prospective business with the City. (Gifts other than cash or negotiable instruments with a value of under \$50.00 may be accepted with prior supervisory approval.)
- Do not accept an honorarium or tip for performing a service you would not have been asked to provide if you were not a City employee.
- Do not have firearms or dangerous weapons at the work site. (This policy does not apply to a peace officer lawfully acting within the scope of the peace officer's duties; and/or licensed security guard)
- Maintain a clean, safe work area.
- Observe all safety and security rules.

This is not a comprehensive list but includes the minimum expectations for conduct. The City maintains its right to evaluate conduct for disciplinary evaluation.

2.04 PROFESSIONAL APPEARANCE

Attire. City employees are hired to provide services to the citizens of Wimberley and to perform specific tasks professionally. As representatives of the City, employees should present a positive professional image to our customers and each other. Our values must include quality service, being worthy of trust, and demonstrating mutual respect. An employee's appearance can impact our citizens' perceptions of the City relative to these values. Employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner which is

appropriate to the job being performed. A neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the City's work force.

Dress Policy. This policy establishes "business casual" as the foundation of our professional dress policy. This means that on normal business days, an employee will wear "business casual" attire. However, if business needs of the day warrant it, you may be required to dress in business wear (i.e., for a meeting with boards or committees). We understand that not all employees are comfortable in business casual dress, so this is an option and not a requirement. No matter what dress policy you follow, your clothing should always be neat and clean. For clarification of appearance standards consult your supervisor. Below are examples of inappropriate attire:

- Shirts with slogans or large emblems that may be deemed inappropriate by citizens/customers and/or the Supervisor or City Administrator
- Untucked tailed shirts
- Shirts that expose the body above the waistline
- Spaghetti strap or strapless shirts or dresses; Tank tops with less than 2" wide straps (Unless covered by another top, sweater or jacket)
- Sweat suits, wind suits or shorts of any type
- Floppy shoes (i.e., flip flops, thongs, or beach wear)
- Shoes not in good repair and inappropriate for safety environments

Employees who report to work in unacceptable dress may be required to go home and change into acceptable clothing. Repeat offenders will be subject to the progressive discipline system, which includes suspension and up to termination.

2.05 PERSONAL VISITORS IN THE WORKPLACE

If a non-work-related person visits an employee during working hours, the employee is responsible for the conduct and safety of his or her visitor(s).

2.06 UNIFORMS

Some City departments require employees to wear uniforms. In all cases, the employees must keep their uniforms neat and clean. Employees who have been issued City or Parks uniforms must return these uniforms before leaving City employment and are subject to final payroll deduction for the uniforms not returned. No alterations are permitted to City purchased or leased uniforms.

2.07 TIMELINESS AND ATTENDANCE

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

An employee who expects to be late no more than 15 minutes from their scheduled start time for work or absent from work must report the expected tardiness to his or her direct supervisor as soon as practical or for an absence at least 1 hour prior to the employee scheduled start time for work.

Failure to report the need for tardiness or absence in accordance with this policy will result in the time being designated as an unauthorized absence without pay.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence.

If an employee is absent for medical reasons for more than three consecutive workdays, it must be reported to their supervisor. The employee may not return to work without a report from a doctor giving the date of illness or injury, and a statement releasing the employee for return to work without limitation or accommodation assessment under this policy.

Where the nature of the absence necessitates an extended period off, longer reporting intervals may be approved by the Department Supervisor and City Administrator. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

2.08 OUTSIDE ACTIVITIES

Employees may not engage in any outside employment, activity, or enterprise determined by the City Administrator (1) to be inconsistent or incompatible with employment with the City; or (2) affect the employee's job performance adversely.

An employee who wishes to engage in outside employment, activity, or enterprise, must prepare a full and complete written request describing the activity for which permission is requested, and must have the advance approval in writing of his or her department head and the City Administrator before engaging.

If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee may not file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Administrator may have determined that the outside employment satisfied the City's prerequisites.

The City accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a City employee.

Employees are not covered by the City's workers compensation insurance while working for another employer. Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, any unpaid leave of absence, or on restricted or light duty to engage in any outside employment. Any exceptions must be expressly authorized in writing by the department head or by the City Administrator.

2.09 GIFTS AND GRATUITIES

An employee may not accept any gift or free services from contractors, vendors, or other persons that might tend to influence his or her official actions or impair his or her independence or

judgment in performance of duties for the City. In addition, the City expects an employee to avoid any gift, food, entertainment, honoraria, transportation, or lodging that might appear to or tend to affect his or her official actions or to exceed the limitations on gifts and benefits prescribed by the Texas Penal Code. City Employees are required to comply with all ethics regulations adopted by the City. City employees are expected to comply with all state and local laws and statutes related to ethical obligations.

2.10 CONFLICT OF INTEREST

An employee of the City shall neither have financial interests, direct or indirect, in any contract with the City, nor be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service.

An employee of the City may not:

1. Solicit or accept or agree to accept a financial benefit, other than from the City, which might reasonably tend to influence his or her performance of duties for the City or that he or she knows or should know is offered with intent to influence the employee's performance;
2. Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
3. Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the City;
4. Make any personal investment that might reasonably be expected to create a substantial conflict between the officer's or employee's private interest and duties for the City; or
5. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.

2.11 POLITICAL ACTIVITY

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. The time for voting shall be paid time for all employees.

An employee, in his or her official capacity, may not:

- Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office.

- Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.
- Use funds provided by the State of Texas to influence the passage or defeat of any legislative measure in the Texas Legislature or the outcome of any election.
- Spend or authorize the spending of any public funds in advocating the passage or defeat of any election or election measure. Public funds include, but are not limited to City telephones, computers, copiers, facilities, work time offices, etc. (This includes making political speeches, soliciting by telephone, distributing political literature, or writing or handling letters related to a political campaign or activity).

In addition, any City employee who is subject to the provisions of the Federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) City employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

All City employees are prohibited from participating in any way in any political activity while wearing a City uniform, regardless of whether the employee is on duty or in his or her own time. In addition, no City- owned property, vehicle, building, and/or office may be used for displaying campaign materials for conducting any partisan political activity.

An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

Violation of this policy is grounds for discipline, dismissal and/or disapproval of funding for the position occupied by the employee involved.

2.12 COMMUNICATION

Staff to City Council, Public, and Media. Communication with the public and the media about City issues or problems is the responsibility of the City Administrator. Employees are to refer members of the news media to the City Administrator if a question is non-routine, controversial, or outside the scope of the employee's normal duties, and are to notify the City Administrator of scheduled interviews with the news media.

Internal Communications. Sometimes, an employee may be given work instructions from or asked questions by a City employee or official outside the normal chain of command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor in a timely manner about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Supervisors are responsible for reporting these

incidents promptly through the chain of command to the City Administrator in those instances where there could be adverse consequences.

Council to Staff. The City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Administrator solely through the City Administrator. Neither the City Council nor any of its members shall give work instructions or orders to any City employee, either publicly or privately, unless specifically authorized by statute.

2.13 CHAIN OF COMMAND

Individual City employees must report to their head department or a designated supervisor by the City Administrator. Supervisors, Head Departments, and Directors are responsible to the City Administrator. The City Administrator is responsible for the City Council. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command as illustrated in the organizational chart contained in this document.

2.14 SOLICITATION OF FUNDS FOR CITY PROJECTS

At times, projects may be undertaken whereby funds are solicited from private citizens, businesses, and organizations on behalf of the City. Before any solicitation of funds is begun, the department head must notify and receive the approval of the City Administrator. Any City employee participating in a fundraising effort on behalf of the City is voluntary.

City employees are free to engage in fundraising efforts for outside organizations at the employee's choice, but the solicitations shall be made during the employee's non-working hours, and the employee must not either represent himself or herself as a City employee or wear a City uniform when engaged in non- City-sponsored fundraising solicitations.

2.15 EMPLOYEE FUNDRAISING

City employees are free to engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's non-working hours. (Nonworking hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a City employee or wear a City uniform when engaged in non-City-sponsored fundraising.

2.16 USE OF TELEPHONES, PERSONAL CELL PHONES, AND CITY ISSUED CELL PHONES

Telephones are to be used for City business. It is understood that occasionally personal calls are necessary; however, use of telephones (regardless of a City telephone or a personal cell phone) for personal use is permitted only if the number and length of calls are kept to a minimum. Personal use should never interfere with the employee's responsibilities or duties of his/her position.

City employees and board officials may not place personal long-distance telephone calls on City telephone equipment unless the charges are billed directly by the telephone company to the

individual's personal account. If the City furnishes a City official or employee with cellular telephone service, the City reserves the right to hold the City official or employee responsible for excessive personal use.

All supervisory and service personnel must furnish the City a telephone number at which they can be reached during off duty hours or have ready access to a telephone which they could use to respond to a page. Employees do not receive either additional compensation or reimbursement for maintaining this telephone service.

Personal phone calls and visits should be brief and kept to a minimum. Employees should discourage any unnecessary infringement upon time during business hours. Employees should use their own cell phones to make personal long-distance phone calls, and these must not be charged to the City. The City does not accept collect calls, except those with prior authorization relating to City business.

Use of electronic mobile devices while driving a City vehicle or in a personal vehicle while in the course and scope of employment is prohibited, with the exception of talking on the cell phone with a hands-free device. Violations are subject to discipline up to and including termination.

All employees are custodians of City information, and communications, including social media on City telephones, personal cell phones, and City cell phones involving City business are subject to the Texas Open Records Act.

2.17 USE OF CITY COMPUTERS, INTERNET ACCESS, AND ELECTRONIC MAIL

By accepting an account password, related information, and accessing the City's network or Internet system, an employee agrees to adhere to the City policies regarding their use. The employee also agrees to report any misuse or policy violations to his/her supervisor.

Use of the Network and the Internet is a privilege, not a right. Use of Network and Internet access extends throughout an employee's term of employment, providing the employee does not violate the City's policies regarding Network, Internet, or Intranet use.

The City reserves the right to suspend access at any time, without notice, for technical reasons, possible policy violations, security, or other concerns.

The City, at its sole discretion, will determine what materials, files information, software, communications, and other content/activity will be permitted or prohibited.

Network and Internet access is provided as a tool for our organization's business. The City reserves the right to monitor, inspect, copy, review, and store at any time and without prior notice all usage of the Network and the Internet, as well as all materials, files, information, software, communications, and other content transmitted, received, or stored in connection with this usage.

All such information, content and files are the property of the City. An employee should have no expectation of privacy regarding them. Network administrators may review files or intercept

communications for any reason, including but not limited to maintaining system integrity and ensuring employees are using the system consistently with this policy.

The use of the City's information systems is subject to City policies applicable to traditional forms of communication. These include, but are not limited to, policies prohibiting discrimination, sexual harassment, solicitation, and use of City property and resources, disclosure of confidential information, misconduct, and profanity.

The electronic mail (e-mail) system is provided by the City to facilitate business activities within the organization. The hardware of the e-mail system is City property. All messages written, sent, or received remain City property and are not considered to be private property of any employee.

The information systems should not be used to upload (send) or download (receive) any trade secrets, proprietary information, copyrighted information, or any similar materials without prior authorization of Department Heads.

The City's internet/intranet and e-mail systems must not be used to create disruptive or offensive messages. These may include but are not limited to racial slurs, sexually implicative messages, or offensive comments about someone's age, disability, political or religious belief, sexual orientation, or national origin.

Accessing files, utilizing codes, or retrieving stored information is prohibited unless an employee has received prior authorization from management to conduct any such activity.

The City reserves the right, with the City Administrator's approval, to monitor all Internet activity at any time, with or without notice to employees. The use of a system logon or password should not convey any expectation of privacy to the employee.

To maintain the security of the system, each user shall be required to log out of the system if they will not be in physical control of the computer and if they know that they will be away from that computer longer than 30 minutes. If a user fails to observe the logout procedure, other non-authorized users could possibly access the Internet and access unauthorized sites that will be registered to the original user's login.

No employee shall attempt any unauthorized access to the system. Incidental and occasional personal use of the Internet will be permitted within the City if it does not interfere with City business. This activity will be monitored in the same manner as any work-related use of the Internet.

No employee with authorized access to the Internet shall allow an unauthorized person, employed, or not employed by the City, to use the system for any reason. The transfer of information via the Internet is not secure. Resources of any kind for which there is a fee must not be accessed or downloaded without prior written approval from a Department Head and the City Administrator.

Cyber Security Training Awareness (Pursuant to Texas Government code section 2054.5191) is due to the Texas Department of Information Resources (DIR) and it is the responsibility of each

employee with any type of access to the City computers and internet system to take this training at least once a year.

City property, materials, supplies, tools, equipment, uniforms, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, uniforms, or equipment is permitted. Upon termination of employment, employees must return any City property in their possession. Failure to return all City property to the employee's possession may result in legal action by the City against the employee.

All information in City equipment or information on email and internet is subject to the Texas Public Information Act and employees are required to comply with preservation of such information. If an employee is in doubt about a circumstance, he or she must check with the appropriate department head or the City Administrator before proceeding. Violations of this policy may result in discipline up to and including termination, and possible prosecution.

2.18 SOCIAL MEDIA

City of Wimberley departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and city organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

Definitions

For the purpose of this City of Wimberley Social Media Policy, the following terms are defined as provided below:

- A. Social Media and Social Networking: Both terms are used to refer to social Internet sites or websites wherein information is created, exchanged, or provided by/to third parties and individuals. Examples of social media include Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, Flickr, and blogs of all types, etc.
- B. City of Wimberley Author: City of Wimberley City Administrator or his/her designee. An authorized City of Wimberley official that creates and is responsible for posted articles and information on social media sites (see article below).
- C. Article: An original posting of content to a City of Wimberley social media site by a City of Wimberley author.
- D. Commenter: A City of Wimberley official or member of the public who submits a comment for posting in response to the content of a particular City of Wimberley article or social media content.

- E. Comment: A response to a City of Wimberley article or social media content submitted by a commenter.

General Provisions

1. All City of Wimberley social media sites shall be (1) approved by the City Administrator and the requesting Department Head; (2) published using approved City social networking platform and tools; and (3) administered by the Department of Information Technology or their designee. Designee's can be any department employee or volunteer designated by the requesting Department Head that has a complete understanding of this policy and has appropriate content and technical experience.
2. All City of Wimberley social networking sites and entries shall adhere to applicable state, federal and local laws, regulations and policies including all Information Technology and Records Management City policies and other applicable City policies.
3. Texas Public Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
4. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
5. Content submitted for posting that is deemed not suitable for posting by a City of Wimberley social networking moderator because it is not topically related to the particular social networking site objective being commented upon, or is deemed prohibited content based on the criteria in Policy –Item H. of this policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.
6. The City or Author reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
7. Each City of Wimberley social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social network site. Where possible, social networking sites should link back to the official City of Wimberley Internet site for forms, documents and other information.
8. City of Wimberley social networking content and comments containing any of the following forms of content shall not be allowed for posting:
 - a. Comments not topically related to the particular site or blog article being commented upon;
 - b. Profane language or content;
 - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to

- public assistance, national origin, physical or mental disability or sexual orientation;
 - d. Sexual content or links to sexual content;
 - e. Solicitations of commerce;
 - f. Conduct or encouragement of illegal activity;
 - g. Information that may tend to compromise the safety or security of the public or public systems; or
 - h. Content that violates a legal ownership interest of any other party
9. All City social networking moderators shall be trained regarding the terms of this City of Wimberley policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
10. All social networking sites shall clearly indicate they are maintained by the City of Wimberley and shall have City of Wimberley contact information prominently displayed.
11. Where appropriate, IT security policies shall apply to all social networking sites and articles.
12. Employees representing the City government via social media outlets must always conduct themselves as a representative of the City and in accordance with all City of Wimberley Personnel Policies.
13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

Employee Guidance for Participating in Social Networking

The City understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

Employees that choose to participate in social networks while a City employee should adhere to the following guidelines.

1. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City e-mail address and communicating in your official capacity will constitute conducting City business.
2. Employees who participate in social media outlets on or off-duty are subject to the same standards for such communications as set forth within this Personnel Policy Manual.

3. Although minimal personal computer usage is allowed during the workday, participating in non-work-related social media outlets while on duty is assumed to impact productivity and cause performance issues and therefore is prohibited.
4. City employees shall notify their supervisor and the IT department if they intend to create a social networking site or service to conduct City business.
5. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments as to existing social networking sites for the City.
6. Confidential or proprietary information or similar information of third parties who have shared such information with the City of Wimberley should not be shared on social media outlets.
7. Employees shall follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any other laws that might apply to the City or your functional area.
8. Employees shall not cite vendors, suppliers, clients, citizens, co-workers, or other stakeholders without their approval.
9. When participating in social networking sites not related to City business, an employee shall make it clear that they are not speaking on behalf of the City of Wimberley but speaking in their capacity as a private citizen. If an employee publishes content on any website outside of the City of Wimberley and it has something to do with the employee's employment at the City or subjects associated with the City, the employee shall use a disclaimer such as: "The postings on this site are my own and don't necessarily represent the City's positions or opinions." It should be noted however that a disclaimer will not prevent an employee from being disciplined if their communication has the effect of violating any City policy.
10. Employees shall not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
11. If an employee identifies oneself as a City employee, the employee shall ensure that their profile and related content is consistent with City of Wimberley performance and conduct standards regarding how to present oneself to colleagues, citizens, and other stakeholders.
12. When speaking on behalf of the City, employee comments should add value to the City of Wimberley and interaction should provide worthwhile information and perspective.

13. While the City of Wimberley encourages its employees to enjoy and make good use of their off- duty time, City employees may be subject to discipline if their activities on or off duty have the effect of disrupting the functioning or efficiency of the workplace. Activities which are considered disruptive include, but are not limited to, harassing, demeaning, or creating a hostile working environment for any official or employee; disrupting the smooth and orderly flow of work within the City; or disrupting working relationships. The City recognizes an employee's first amendment rights, but employees must also adhere to the City's policies related to social media. In addition, employees are subject to discipline for inappropriate activities, on or off duty, if they are acting pursuant to their official duties, or if they engage in inappropriate conduct or speech on private employment matters.

2.19 TIK-TOK POLICY

It is the policy of the City to manage risks and safeguard the City's resources from threats posed by malware and other cyber security threats. Malware includes software and social media applications that intercept and deliver it to a third party including sensitive information without authorization. These applications include the social media application TikTok.

It is the policy of the City to ban officers and employees from installing or using TikTok or other affiliated or revised applications on all City issued devices including cell phones, laptops, tablets, and desktop computers or other devices capable of Internet connectivity in their care, custody, or control. As to all personal devices, officers and employees must not utilize the TikTok or other affiliated applications related to City official business, including accessing any City owned data, applications, nonpublic facing communications, and other electronic data exchange and other devices capable of Internet connectivity in their care, custody or control.

Failure to comply with this policy may be subject to discipline up to and including termination.

2.20 ANTI-FRATERNIZATION

While the City of Wimberley encourages amicable relationships between City management personnel and their subordinates, it recognizes that involvement in a romantic relationship may compromise a manager's ability to perform his or her job. Any involvement of a romantic nature between a manager or supervisor and anyone he or she supervises, either directly or indirectly, is prohibited. Violation of this policy will result in either (1) the transfer of the manager's employment to another City department or (2) disciplinary action, up to and including termination of the manager's employment.

Relationships between co-workers must never affect an employee's job performance or interfere with activities in the workplace.

2.21 PURCHASING

Purchases by City employees shall be made only by an authorized City Officials, or employee assigned by the City Administrator in accordance with the City budget, purchase policy and shall comply with state purchasing laws. (Refer to Purchase Policy)

The City of Wimberley's name or its tax-exempt status shall never be used by any employee for his or her personal advantage on any purchase.

2.22 REQUESTS FOR JOB CLARIFICATION

In the absence of any request for clarification, the City will assume that each employee understands the responsibilities assigned to the position which he or she occupies as set out in the City's job description for that job.

3.00 EMPLOYMENT PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION

The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) public announcement and competitive consideration of applications for employment; and/or (4) selection from a valid current eligibility list. A valid current eligibility list is a list of applicants for the same or a similar position for which applications were sought within the last six months. The City Administrator determines the method(s) of selection to be used in filling each vacancy.

The City does not accept applications for employment unless a specific vacancy exists, unless authorized by the City Administrator. People wishing to apply for a job with the City when a specific vacancy does not exist are informed of this policy and of the City's method of advertising City job announcements. These people may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

3.02 PUBLIC POSITION ANNOUNCEMENTS

Public announcements of position openings in the City for which there will be competitive consideration are disseminated by the Personnel Coordinator in the manner most appropriate for the position being filled, as determined by the City Administrator. Department Heads wanting a position filled within their department must submit relevant information about the position to the Personnel Coordinator who ensures that job opening announcements are made public and posts them at the City offices, newspaper, government sites and/or any other sites the City deems necessary to post such opening.

All positions will be open first to current City employees and shall be posted for a period of three (3) calendar days. If no current employee applies for the position or does not qualify, the position will be posted on the public bulletin board and City website. Applications will be accepted from applicants outside of the City organization. If a shorter publication period is required due to an emergency, written justification should be included with the requisition and must be approved by the City Administrator.

Current employees may apply for positions for which they believe themselves to be qualified and will be given preference in employment decisions assuming their qualifications are essentially equal to outside applicants and the employee has a consistent record of good performance. If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the range approved by the City Council for the transfer position and sufficient funds are available in the receiving department's budget.

The length of time during which applications will be accepted for a given vacant position will be determined by the City Administrator or his or her delegate in accordance with the circumstances that exist at the time.

3.03 APPLICATION FOR EMPLOYMENT

When a specific vacancy exists, each person desiring employment with the City must submit a written application and other pertinent information regarding training and experience. To be valid, an application must be made on the City's official application form. Each person desiring employment with the City may obtain an application for employment from the City website or City Hall.

Each person desiring employment with the City is required to apply on the City's official application form and other pertinent information regarding training and experience. The City will make appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions which require driving a vehicle, the City will check the prospective employee's driving record prior to offering the applicant employment.

The City does not accept applications for employment unless a specific job opening exists. Department heads should notify the City secretary when an opening is available. Persons wishing to apply for a job with the City when a specific vacancy does not exist will be informed that City job openings are advertised in the manner most appropriate for the position being filled, as determined by the City Administrator; and they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. After a City position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as practicable by the person who conducted the interview.

3.04 SELECTION

The City Administrator is responsible for the recruitment of all regular full-time, part-time, and seasonal/temporary employees, and review of all applications. Recruitment occurs through personal contact, through employment agencies, and/or by way of advertising. The City Administrator or his delegate will conduct the initial recruitment. All applications will be referred to the appropriate Department Head for screening interviews and possible employment.

All decisions pertaining to the hiring, discipline, and discharge of City employees will be made by the City Administrator. The City Administrator has exclusive authority to select and employ all City employees.

The City Administrator will work in conjunction with department heads to appoint and remove employees from within their departments, subject to approval by the City Administrator and within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the City Administrator or any of his or her subordinates is authorized to appoint.

Vacancies for the City staff are filled and selected by promotion, by transfer, or by initial appointment, based on merit as demonstrated by job-related performance, education, experience, and personal interview. Selections are made by the City Administrator, or Department Director authorized by the City Administrator to make the selection.

3.05 AGE REQUIREMENTS

No applicant for appointment shall be considered under 16 years of age, except the minimum age as part-time, seasonal, or temporary positions with the Parks & Recreation Department and will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective City employee under 18 must have written permission (a signed Minor's Release Form) from their lawful parent or guardian on file in the employee's personnel file before the first day of employment.

Other age limitations will be applied only as required by specific state or federal law applicable to the City.

3.06 EMPLOYMENT OF RELATIVES (NEPOTISM)

No person related, within the second degree of affinity (marriage) or within the third degree of consanguinity (blood), to staff, the mayor or any member of the City Council or the City Administrator shall be employed or appointed to any office, position or clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of election or appointment of the official related in the prohibited degree. Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

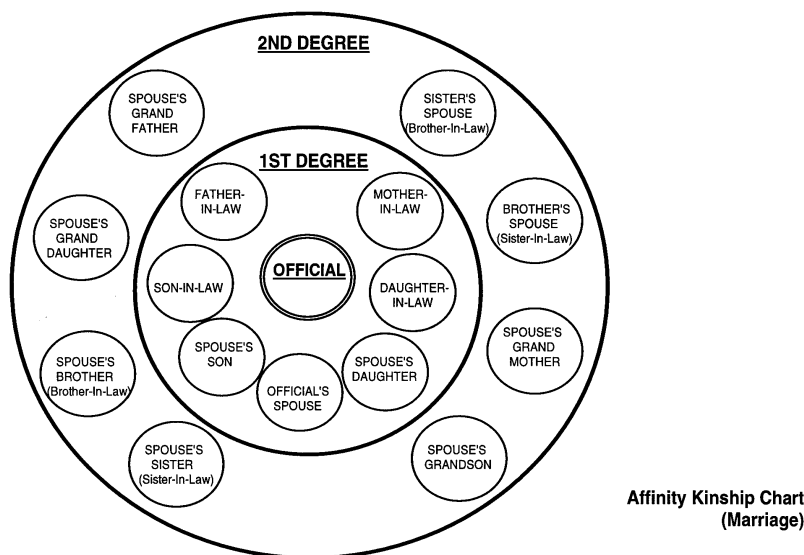
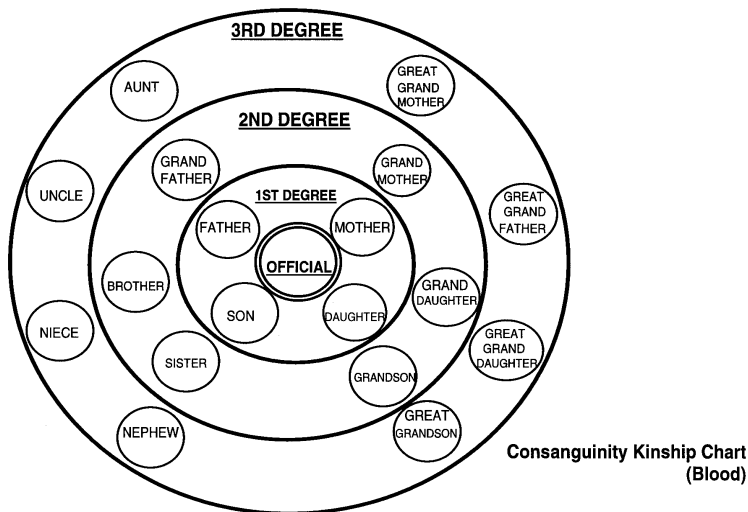
No person may continue in City employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the City for a period of:

1. At least 30 days, if the officer or member is appointed; or
2. At least six months, if the officer or member is elected at an election other than the general election for state and county officers.

In addition, in the interest of effective management, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

Prohibited degrees of relationship are defined in the Nepotism Charts.

NEPOTISM CHARTS



* Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition. (Legal Reference: V.T.C.S., Article 5996h.)

3.07 TESTING

Except for drug/alcohol tests, physical examinations, psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.) and administered in accordance with the Americans with Disabilities Act for any necessary accommodation not an undue burden on the City.

3.08 DRUG TESTING

All prospective employees may be required to pass a drug (illegal substances) test after a conditional offer of employment has been extended, but prior to their first day of work. Refusal to submit to drug testing may result in disqualification of further employment consideration. For more information on drug testing or drug usage, see the section of these policies on **Drug and Alcohol Abuse**.

3.09 PHYSICAL STANDARDS

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons employees are required to pass a drug/alcohol test and a physical examination after a conditional offer of employment has been extended, but prior to their first day of work for those positions that require physical abilities in their job description (i.e. Public Works). Employees will not be placed on the City payroll prior to passing these exams. If a physical exam is required related to business necessity and the job description, required physical examinations will be performed by a physician of the City's choice and will be paid for by the City.

In each instance, the examining doctor will be provided with a copy of the appropriate job description or summary of duties and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

3.10 MEDICAL RECORDS AND MEDICAL INFORMATION

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential. Only the Personnel Coordinator has routine access to employee medical records.

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Personnel Coordinator maintains these confidential medical files.

It is important that employees understand that the records are confidential, but that confidentiality may be waived if the employee provides medical information to his/her supervisor or to anyone outside the Personnel Coordinator's office. In order for employees to preserve the confidentiality of medical records, any and all information from physicians and other health care providers should not be provided to the immediate supervisor unless the employee does not mind the information being shared with supervision. If an employee does provide information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis.

Examples of information that may be provided by an employee's health care provider include:

- a note to justify an absence;

- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records; and
- workers' compensation records.

This policy does not excuse employees from complying with appropriate supervisor requests for information pursuant to attendance procedures. If, however, an employee does not provide the information directly to the supervisor, the employee may not be entitled to return to work or to receive certain City benefits until such information has been provided to the Personnel Coordinator.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

3.11 BACKGROUND CHECKS

The City will perform a background check on all prospective employees, including full-time, part-time, temporary, and seasonal employees. All job applicants must sign a release form permitting the background check. The release form will be attached to the job application. All releases and background check information will be submitted to the Personnel Coordinator.

3.12 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

In the event the employee has not provided evidence of eligibility to work within the first three days of employment, the employee will not be allowed to continue working and shall be subject to termination.

3.13 DISQUALIFICATION

An applicant is disqualified from employment by the City if he or she:

- Does not meet the minimum qualifications for performance of the duties of the position involved;
- Knowingly has made a false statement on the application form;
- Has committed fraud during the selection process;

- Is not legally permitted to hold the position;
- Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
- Is not able to perform the essential functions of the position, with or without reasonable accommodation;
- Has failed to submit the application to the designated place or within the prescribed time limit; or
- Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility;
- Any other reason, as may be determined by the City.

3.14 PRIOR SERVICE WITH CITY

Employees entering service with the City who have had prior service with the City may be considered for appointment above the customary entry salary level. A break in continuous service with the City forfeits any benefits accrued prior to the break. However, an employee reentering City employment may be given credit for prior years of service, (if the employee left in good standing) and his or her date of employment is adjusted accordingly to entitle the employee to the appropriate level of any current benefits which are based on longevity.

3.15 ORIENTATION AND TRAINING

Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand better his or her job and the relationship of the job to the overall operation of the City. The orientation includes, but is not limited to, items on the Employee Orientation Checklist.

An orientation session will also be provided by the Department Head, including but not limited to, items on the Employee Orientation Checklist. During the orientation, employees are given a copy of the Personnel Policies and Procedures Manual. Employees are responsible for knowing and following the information contained in the personnel policies and must turn in a signed acknowledgment to this effect to Personnel Coordinator.

3.16 ETHICS TRAINING

All employees are required to attend regular ethics training provided by the City.

3.17 HEALTH/MEDICAL EXAMINATION/FITNESS FOR DUTY

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.

Conditional Employment. In accordance with the Americans with Disabilities Act as Amended (ADAAA), the City may offer conditional employment to an individual providing certain medical history and/or successful completion of a medical examination consistent with the job requirements and consistent with business necessity. The City Administrator, working with Department Directors, designates those positions requiring medical history and/or a physical examination. The medical exam will be conducted only after an applicant has been conditionally offered the position. The purpose of this examination is to determine if the applicant is physically able to perform the essential functions of the job for which he/she is being considered, with or without reasonable accommodation.

This examination will typically consist of a personal health history and a physical examination as applicable. The physician will be provided with a current job description for the position that lists the job's essential functions.

Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Medical Exams for Current Employees. The employee's Department Director (in consultation with the City Administrator) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment; for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

In addition to a doctor's statement that an employee is sufficiently recovered to perform his/her regular duties, employees may be required to be examined by a physician, of the City's choice and at the City's expense, prior to returning to their normal duties after a lost time injury, whether work related or non-work related.

Responsibility. Personnel Coordinator is responsible for scheduling and maintaining records of employee physical exams. The Personnel Coordinator will also keep any medical records of employees confidential and separate from other records, as required by the ADAAA. In addition, it is the Personnel Coordinator/Department Director's responsibility to determine whether any physical limitations identified by the physician can be reasonably accommodated to allow the individual to perform the essential functions of the job. The City will engage in the interactive process accordingly.

Reasonable Accommodations. The City will engage in the interactive process to evaluate and provide reasonable accommodations to disabled applicants and employees as required by law.

Medical Records. Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

Genetic Information. In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. Genetic Information, as defined by GINA, includes an individual's family, medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services.

Time Off From Work. Time away from work under this policy will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Personnel Coordinator. The City may require employees to submit to a medical and/or psychological evaluation to determine fitness for continued employment; for promotion or for other personal actions; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES OF EMPLOYMENT

The City government is presently composed of a limited number of employees due to the income structure of the City. Each employee is assigned duties by the City Administrator within his/her scope of knowledge. For purposes of eligibility for benefits and salary administration, the City classifies its employees in the following four categories of employment with the City:

1. **Regular Full-Time.** A regular full-time employee is appointed to an authorized regular position that involves between 30 - 40 work hours each week. Regular full-time employees may be either hourly or salaried employees, exempt or non-exempt.
2. **Regular Part-Time.** A regular part-time employee is appointed to an authorized regular position that involves 20 - 29 work hours per week.
3. **Seasonal/Temporary.** Employees who work solely for a specific time of year shall be considered seasonal/temporary employees. Seasonal/temporary employees may not be employed for more than six months in any one year and should start and end employment around the same time every year. Are considered non-exempt, hourly employees.

See Benefits, Section 7, of these policies for details of benefits available to each category of employees.

4.02 PROBATION/INTRODUCTORY PERIOD

All new regular employees will remain on probation for a period of six (6) months. Any benefits allowed will be offered after probation period.

The probation period will be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for dismissing any employee whose performance does not meet the required work standards.

During the probation period, the department head reports to the City Administrator on the employee's work, ability to perform the duties satisfactorily, attitude, habits, and dependability.

At any time during the probation period, the City Administrator may dismiss a new employee if the employee is either unable or unwilling to perform the duties; or if the employee's dependability does not merit continuance of City employment; or for other reasons as provided elsewhere in these policies.

At the end of the first six months of the probation period, each new employee shall receive a personal evaluation and interview by the department head and/or Supervisor at such time, the employee shall be informed of his/her progress.

Seasonal/temporary employees are employed at will and may be dismissed without notice during their employment at any time and are not subject to the probationary period policies.

New employees are not eligible for lateral transfers during the probation period.

4.03 ASSIGNED STAFF

Staff who are assigned to the City but are paid directly by another government or private organization are not employees of the City. These employees' benefits are specified in the contract for services. As a condition of their assignment, such staff are governed by all terms of these policies not in conflict with their contract for services.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY

A pay plan covering all City positions is established each year by the City Council in the City's adopted operating budget. Within the general guidelines of the pay plan and the budget, the City Administrator is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the City Council.

5.02 PAYDAYS

The pay period for the City is biweekly; all employees (exempt or non-exempt) are required to keep track of their hours and fill out, review, and sign their time sheets at the end of each work week (is a seven-day period beginning at 12:01 AM on Sunday and ending on 12:00 midnight the following Saturday). Paydays are the Friday following the end of the pay period but may be adjusted due to holidays.

The City offers and requires its employees to sign up for direct deposit. A direct deposit authorization form may be obtained from the Personnel Coordinator.

No salary advances or loans against future salary will be made to any employee for any reason.

Employees must bring any discrepancies in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to their supervisor's attention upon discovery of deposit as early as possible.

5.03 PAYROLL DEDUCTIONS

Deductions will be made from each employee's pay for the following:

- Federal social security;
- Federal income taxes;
- Medicare;
- Texas Municipal Retirement System contributions (for qualifying regular full-time and part-time employees);
- As authorized by the employee in writing;
- Court-ordered child support; and
- Any other deductions required by law.

If a terminating City employee fails to return City-owned equipment or property to the City before his or her final paycheck is issued, the value of the property or equipment will be deducted from the final pay, with the balance of the final check to be paid after the employee returns the equipment or property to the City.

In accordance with policies and general procedures approved by the City council, deductions from an employee's pay may be authorized by the employee for:

- Group health/medical/life insurance for employees and dependents; and
- Such other deductions as may be authorized by the City Administrator.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the payroll office the appropriate forms for communicating these changes.

5.04 COST-OF-LIVING ADJUSTMENTS

During budget deliberations for the coming year, the City Council may authorize a cost-of-living pay increase.

When cost-of-living adjustments to the pay schedule are approved by the City Council, the entire pay schedule is increased by a specific dollar amount to reflect the adjustment.

5.05 PROMOTIONS

A promotion is a change in the duty assignment of an employee which results in advancement to a position in a higher pay group requiring higher qualifications and involving greater responsibility. A promoted employee will receive a pay increase of at least the amount of difference from one pay group to the next or whatever amount is required to place the employee's salary on Step 1 of the new pay group. Promotions shall be made solely upon the basis of seniority or longevity.

Promotions are approved by the City Administrator within the staffing pattern and budget limits approved by the City Council. Employees who can perform the essential functions of the position, with or without reasonable accommodation, may be eligible for consideration for a promotion when a vacancy occurs.

Upon promotion, an employee serves a probation period of 180 days (6 months) in the new position and may be returned to a position in a lower pay group at any time during the probation period if performance is inadequate as documented by the department head and attested by the City Administrator. At the end of the first six months following a promotion, the promoted employee shall receive an evaluation by the Department Director.

5.06 LATERAL TRANSFERS

A lateral transfer is the movement of an employee between positions in the same pay range within the City. Lateral transfers may be made within the same department or between departments if a vacant position is available and the employee can perform the essential functions of the position, with or without reasonable accommodation. An employee who is laterally transferred is subject to a 180-day trial period and may be returned to his or her former position at any time during the

probation period if performance is less than fully satisfactory. A transfer may be requested by either an employee, by the supervisor for whom he or she will work if transferred, or by the City Administrator.

If a position is reclassified resulting in a lateral transfer, no pay adjustment will take place.

At the end of the first six months following a lateral transfer, the employee shall receive an evaluation by the department head.

5.07 DEMOTIONS

A demotion is a change in duty assignment of an employee to a lower job title. Demotions may be made for the purpose of voluntary assumption of a less responsible position, because of a reclassification of the employee's position, or as a disciplinary measure because of unsatisfactory performance in a higher position.

If a position is reclassified downward because of changes in the City's needs and not because of a performance problem on the part of the employee, the City will attempt to maintain the employee's salary at its prior level.

However, if the reclassification is made because of an employee's performance problems, the employee's pay normally will be adjusted downward by at least the equivalent of a one-step decrease.

An employee who has been demoted is subject to an evaluation based on the department head's recommendations.

A demotion employee will receive a decrease pay of at least the amount of difference from one pay group to the next or whatever amount is required to place the employee's salary on Step 1 of the new pay group.

5.08 APPROVING AUTHORITY

The City Administrator is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies, and (2) the annual budget. The City Administrator approves performance pay increases if funds have been specifically set aside for that purpose by the City Council. Any performance increases granted by the City Administrator must be consistent with (1) these policies, and (2) the annual budget.

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 HOURS WORKED

Offices of the City of Wimberley, except those for which special regulations are required, shall be open from 8:00 a.m. to 5:00 p.m., Monday through Thursday, and 8:00 a.m. – 12:00 p.m. on Friday, at which time we are open to the public. Staff will stay open and operational through the lunch hour and office staff will be available during hours of operation, except on the designated holidays, or staff development day(s), or in case of emergencies, or inclement weather conditions.

Paid morning and afternoon break of 15 minutes each may be available to each employee if the break does not interfere with City operations, but this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours. Breaks are a privilege and not to be abused.

6.02 FLEX WORK SCHEDULES

Flexible work schedules may be approved by the City Administrator if they are determined to be beneficial to the City and do not interrupt the daily activities of the organization or department.

Telecommuting / Remote work is a type of flexible working arrangement that allows the employee to work from a remote location outside of City offices. For employees who can complete work offsite, this arrangement can help ensure work-life balance, access to career opportunities or reduced commutation costs. Benefits for the City include increased employee satisfaction and retention, increased productivity, and cost savings on physical resources. Remote work arrangements can be temporary or permanent, part-time, or full-time hours, occasional or frequent. Remote work requires policies governing equipment use, network security and performance expectations. If it does not disrupt the operations of the department. The City Administrator has the right to approve or revoke these privileges.

In situations where overtime payment is not feasible due to budgetary constraints, the City Administrator or Department Director may consider flexing employee's work schedule to minimize the need for overtime compensation. Special circumstances occur when staff need to attend after-hour meetings will need to flex their week schedule at all possible to prevent accumulating overtime. Flexing must be completed within the same workweek that the overtime was worked and must be accurately reflected on the affected employee's time record.

6.03 OVERTIME WORKED

The policy of the City is to keep overtime to a minimum to none. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. For example, in the event of an emergency, such as a hurricane, employee(s) may be required to report to duty or to be available for duty throughout the duration of the emergency. Overtime is defined as hours worked more than the allowable number of hours under the Fair Labor Standards Act (FLSA). In the City, this is (40) hours per seven-day workweek.

Non-exempt employees are compensated for overtime worked (defined as more than 40-hours of physical work in a seven-day period) by being given (listed in order of the City's policy preference):

- Equal time off within the same work period; or
- Compensatory time earned must be used within the first two pay periods the overtime was earned.; or
- Payment at the rate of one and one-half times the employee's regular hourly rate.

Overtime pay must be approved by a Department Director and City Administrator; unauthorized or unreported overtime pay may be subject to discipline under this policy. The City discourages the accumulation of compensatory time off for nonexempt employees at one and one-half times the number of hours worked, because of the contingent financial liability this creates for the City.

6.04 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

"Exempt" Employees are those who are not subject to the overtime provisions of the FLSA and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind. "Non-exempt" employees are those employees who are covered by the overtime provisions of the FLSA, that is, employees who under this federal law are entitled to earn overtime pay under criteria set by federal law. Extra hours worked by executive, administrative, and professional employees may be used as a factor in granting or denying paid leave other than vacation or sick leave.

Each City job description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA.

6.05 COMPENSATORY TIME

The City discourages the accumulation of compensatory time off because of the contingent financial liability this creates for the City for this reason any compensatory time earned must be used within the first two pay periods the overtime was earned. The City Administrator may choose to use compensatory time in lieu of cash payment for any of the department's employees. Before the overtime is worked, employees must be informed that it will be compensated with compensatory time off rather than cash. Compensatory time shall be credited at the rate of one and one-half hours for each hour of overtime worked, during a forty (40) hour work week. As a rule, a non-exempt employee may accrue no more than 40 hours of compensatory time annually. Any compensatory time accrued should be used or paid within ninety 90 days (3 months) of the date it was earned. Any accumulated but unused compensatory time in an employee's account at the time of termination will be paid in the employee's final paycheck. An employee who requests the use of accrued compensatory time shall be permitted to take such leave within a reasonable period after making the request unless the employee's absence unduly disrupts the operations of the department.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not

"unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or the entire employee's accrued comp time. The City (through a department head) may also require employees to take time off to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as vacation time.

The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same period in which the overtime was worked.

When an employee has accrued the maximum hours of compensatory time, the employee will be advised of the maximum and will be asked to take steps to reduce the accumulated compensatory time. If the employee does not reduce the accumulated compensatory time voluntarily, a supervisor may order the employee to use his compensatory time at specified times.

6.06 COMPENSATORY TIME FOR EXEMPT EMPLOYEES

Exempt employees are not paid overtime compensation. The City permits exempt employees who work over forty (40) hours in a week to request his or her supervisor to earn compensatory time for the hours worked over forty (40) hours in a workweek. There is no legal requirement or obligation of the City to grant comp time to exempt employees. A supervisor may choose to grant comp time to exempt employees who are required to work more than 40 hours per week for special projects or during weekends or any normally scheduled time off. Comp time will be granted on an hour-for-hour basis. When the workweek has an observed holiday, the eight hours of holiday should not count towards the forty (40) hours in a workweek for the purpose of calculating compensatory time or overtime. Compensatory time may not be transferred or donated to other employees.

6.07 USE OF COMPENSATORY TIME

An employee shall be permitted to use compensatory time within a reasonable period of time after making the request, if doing so does not unduly disrupt the operations of the department.

6.08 HOLIDAYS WORKED

The City's basic policy is that each full-time regular employee receives a specified number of paid holidays per year, as set forth in an annual notice for employees stating which holidays will be observed in the coming year. In most instances, if an employee is required to work on a scheduled holiday, he or she will be given an alternate day off. (For additional information on holidays, see section 9 of these policies).

A paid holiday is considered in the same manner as hours worked for the purposes of determining when an employee has reached his or her maximum allowable hours (40 hours per week for most employees).

6.09 PAYROLL REPORTING

Employees will be paid every other Friday. Electronic Timesheets must be turned in by 3:00pm on the Monday's following the work week. Employees must keep records of all hours worked and released time taken and, where appropriate, hours credited to projects. In the absence of electronic means, forms for this purpose are provided by the City.

Time records must be approved by the employee and initialed by the employee's department head, supervisor and/or City Administrator. It is recommended that this work time be completed after each day's work to maintain an accurate and comprehensive record of the actual time spent on projects.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on their electronic time sheets, time clock system and employee portal are accurate.

All employees (exempt or non-exempt) are required to keep track of their hours and fill out, review, sign and submit their hours and/or time sheets at the end of each work week (is a seven-day period beginning at 12:01 AM on Sunday and ending on 12:00 midnight the following Saturday), prior to submitting them to their supervisors for approval. Supervisors are responsible for ensuring that all employees have submitted accurate worked hours prior to submitting for payroll.

Each employee is required to sign his or her timecard agreeing that the timecard accurately and completely reflects all time worked during the period in question and that no hours were worked that do not appear on the card. It is a violation of City policy to:

- a) allow another individual to clock in or out for the employee.
- b) fail to clock in when the employee arrives.
- c) fail to clock out when the employee takes a lunch break or leaves work.
- d) fail to submit all hours worked; or
- e) fail to follow time clock policies or procedures issued by Supervisor and the City Administrator.

Any discrepancy between the timecard and the employee's work hours requires notification to the employee's supervisor within forty-eight (48) - whether the discrepancy is based on employee error or time clock malfunction. Time recorded will be the worktime paid or employees will be paid from time sheets verified by actual recorded times. Any adjustments to the recorded time on a timecard or time sheet must be approved by the employee's supervisor. Supervisors will be accountable to the City Administrator for any manual changes submitted.

6.10 "ON CALL" OR "STANDBY" TIME

The vital nature of certain City services requires that some employees be available in an "on call" or "standby" status in the evenings, over holidays and weekends to ensure the continuity of those vital services. Employees' on-call will receive a call for service. The employee is required to call back immediately. If the employee's presence is required, the employee must report to the trouble site within 30 (thirty) minutes of the call back. The employee who is on-call is not restricted to a

specific location provided he or she can meet the 30-minute response time. “On-Call or Standby” time refers to non-exempt employees only.

The on-call period begins at the end of the regular work period on Friday and ends the following Friday at the same time.

Refusal to report without sufficient justification or repeated non-availability for emergency service will result in disciplinary action, up to and including dismissal.

Each department’s practice and criteria for payment of “On-Call or Standby” time, and all such assignments are subject to the approval of the City Administrator. The City Administrator is hereby authorized to amend the standby policy from time to time to meet the financial, operational, and maintenance needs of the City.

6.11 INCLEMENT WEATHER AND EMERGENCY CLOSING

All Full-time employees are expected to report to work unless weather conditions adversely affect their office environment and personal safety. They are to exercise good judgement in travel and not expected to come to work when weather and road conditions between their home and office present a direct threat to life or personal property. Employees are not expected to report to work if the City or County closes due to inclement weather, however you must notify your supervisor. If schools delay opening, employees are to report while schools open in their respective school districts. Employees will not be charged leave time and shall receive pay for the day.

7.00 BENEFITS

7.01 MEDICAL AND LIFE INSURANCE

The City of Wimberley makes available group health and life insurance coverage for regular full-time employees, optional coverage for dependents is available at the employees' cost. Premiums are deducted from the employee's paycheck.

7.02 SOCIAL SECURITY

All employees of the City are covered by Social Security/Medicare. The City also contributes to the Social Security/Medicare System for each employee.

7.03 RETIREMENT

The City is a member of the Texas Municipal Retirement System (T.M.R.S.), a non-traditional joint contributory, defined contribution plan. Membership of the retirement system is offered to all regular full-time employees (as defined by T.M.R.S.) Both the employee and the City contribute to the employee's retirement account. Employees who leave City employment prior to retirement, after filing a request with T.M.R.S., will be refunded their portion of the retirement account plus interest earned on their portion.

Upon termination, employees with fewer than 5 years of creditable service may also choose to leave their deposits in the Retirement System for up to five years. During this five-year period, the members will continue to earn interest and maintain membership in the retirement system. If an employee who is less than 59 ½ years old applies for a refund of accumulated deposits, the member may face tax liabilities for early withdrawal of a tax-deferred retirement account.

Employees who have been employed for 5 years or more, "vested" employees, may leave their accumulated contribution in the Retirement System, remain members of the Retirement System, and upon reaching age 60, apply for a service retirement benefit. An employee will not, however, receive the City's matching contributions unless the member reaches retirement eligibility and applies for a service retirement benefit.

Retirement benefits are determined by a formula that involves life expectancy at the time of retirement, the amount deposited in the employee's account, the future interest rate assumption as set by law, and which of the benefit payment plans the employee selects. Each eligible new employee receives information about the City's specific retirement coverage and options under T.M.R.S. at the time of employment (Additional information about retirement is contained in Section 13, Benefits of these policies).

7.04 WORKERS' COMPENSATION

All employees of the City are covered by the workers' compensation insurance program, and the City pays the premium. This coverage provides medical and salary continuation payments to

employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found under the Health and Safety Section 10 of these policies.

7.05 UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program, and the City pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

7.06 LEAVE TIME

Regular full-time City employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Accrual of these leave times is immediately upon employment. Vacation leave cannot be taken until completion of Probationary Period. Detailed information about leaves and other types of released time is found in the sections of this manual under Section 8.

7.07 EDUCATION AND TRAINING

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals (according to the established per diem) and lodging.

8.00 LEAVE TIME

Leave time is time during the normal work week that an employee does not engage in the performance of his or her job duties. Leave time may be with or without pay in accordance with these policies. Arrangements for leave must be made and approved by the Department Supervisor and appropriate forms completed in a timely manner. Vacation may be taken in weekly periods or as individual days as long as the periods chosen meet department approval. An employee must submit an employee leave request form to the Finance/Personnel Coordinator at least (2) weeks before the date the request is to begin. All leave for any period of time must be approved by the employee's Department Director and the City Administrator.

8.01 LEAVE TIME DEFINITIONS

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without permission of the department head. Employees are not paid for unauthorized absences and such absences are subject to disciplinary action up to and including termination of employment.

Abandonment of Position. Unauthorized absence from work for a period of three consecutive working days will be considered by the City Administrator as a resignation. Unless the City Administrator determines otherwise, the resignation is not in good standing, and the employee is not eligible for re-employment.

8.02 APPROVAL OF LEAVE

All employees requesting any kind of leave must submit an Employee Leave Request form taken by City employees and must be approved by the employee's department head/supervisor. Approved leave is sent to the Finance/Personnel Coordinator for recording in the payroll records. Department heads are responsible for determining that leave has been accrued and available for use in the amounts requested by an employee, such leave can be paid or unpaid depending on leave availability. In addition, department heads are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet in the Employee Portal prior to sending it to Payroll, as well as being recorded in the individual's department.

8.03 VACATION LEAVE

Regular full-time employees are entitled to pay vacation leave and accrued each pay period at the rate of 3.69 per pay period (240 hrs. maximum). vacation time does not count toward calculation of a forty-hour work week for the purposes of determining overtime pay.

No vacation leave may be used until an employee has completed (6) months of employment with the City. Thereafter, vacation may be taken as time accrues at any point during the year. Vacation leave may not accumulate in an amount more than (30) days and an employee will not be allowed

to work through leave time for additional pay. Vacation time does not count toward calculation of a forty-hour work week for the purposes of determining overtime pay.

All regular full-time employees are entitled to paid vacation leave. Employees are encouraged to take regular earned vacation. Vacation is accrued each pay period. Employees will not be paid for unused vacation time. However, employees will be paid for accrued unused vacation leave that has not been lost at the time of termination of employment, but in no event to exceed 240 hrs. (30 days). Vacation leave cannot be taken, nor will it be paid upon separation, during the first six months of employment.

Vacation Leave Accrual Rates. Full-time employees earn vacation leave as follows:

Length of Service	Regular Full-time Employees' Vacation Leave Earned
Year 1 thru Years 4	12 days / (3.69 per pay period) 96 hours per year
After years 5	15 days / (4.62 per pay period) 120 hours per year

Scheduling Vacation Leave. Supervisors should encourage their employees to schedule vacations and request leave well in advance. Vacation schedules must accommodate the City's work schedule; department heads are responsible for establishing vacation schedules for employees in their departments. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with City requirements, the City's requirements are given first consideration. All requests for vacation leave shall be made two (2) weeks in advance and must be approved by the Department Head or City Administrator.

Use of Vacation Leave. Employees are charged for each full day with vacation leave, proportionate to the hours worked for each full day. Use of vacation leave shall not be granted for less than one (1) hour.

A regular full-time employee placed on unpaid leave of absence more than 30 calendar days during the year preceding his or her anniversary date will have the vacation benefit for that anniversary reduced on a proportionate basis.

Personal Days. Scheduling of a Personal Day is the same as scheduling Vacation Leave. There shall be no accrual of Personal Days. If by the end of the year an employee does not use their Personal Days, they will lose them. Full-time employees earn personal days as follows:

Length of Service	Regular Full-time Employees' Personal Days Earned
Year 1 thru Years 4	1 personal day
After years 5	2 personal days

8.04 SICK LEAVE

Regular full-time employees are entitled to paid sick leave and accrue each pay period at the rate of 3.69 per pay period (240 hrs. maximum). Sick time does not count toward calculation of a forty-hour work week for the purposes of determining overtime pay.

An employee with accrued sick leave may use it if the employee is absent from work due to:

- Personal illness or physical or mental incapacity;
- Medical, dental, or optical examinations or treatments;
- Medical quarantine resulting from exposure to a contagious disease; or
- Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, children, parents, siblings, stepfamily, or any other relative of the employee who resides in the employee's household and requires the employee's personal care and attention.

Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one workday in advance. In all other instances, the employee must notify his or her supervisor or department head not later than 30 minutes into their normally scheduled workday, unless emergency conditions exist, and must request that approval of sick leave (or personal leave, if available) be granted. Any employee on sick leave also must notify the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made. If any employee is absent for more than (3) consecutive days, the employee and/or department head must notify the Administration Department in writing and will require to submit a Doctor's note to justify leave.

Failure to provide the required notice may result in the employees being placed on leave-without-pay status and may result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave. Immediately upon returning to work, employees who have been absent on sick leave must complete the necessary leave approval process.

Employees will not be paid for unused sick time. Official holidays falling within the period of sick leave shall not be charged as part of leave.

Use of Sick Leave. Sick leave is for the benefit of the employee during an actual illness, and it is not intended to provide additional time off. Excessive use of sick leave without adequate justification is a cause for disciplinary action, including dismissal.

Medical Statement. For an absence of three or more consecutive days a medical statement may be requested and must reflect the need for sick leave and the employee's return to duty at full, modified, or light duty status. The City may provide employees with Modified or Light Duty, who may be injured or unable to perform their regular duties due to injury or illness, subject to the availability of positions within the City. If positions are available, the City may accommodate

restrictions when and where reasonable to the extent required by law, the City's need, when the safety of citizens and other City employees are not compromised.

Exhaustion of Sick Leave. An employee who has exhausted accrued sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason. Any employee who uses more than three consecutive sick days, will be placed on FMLA (Family Medical Leave Act) if eligible. This may be done only with the approval of the City Administrator.

Illness While on Vacation Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced proportionately. Application for such a substitution must be supported by a medical statement or other acceptable evidence.

Cancellation Upon Termination. Unused sick leave is canceled and is lost upon termination of employment without compensation to the employee. Employees may request to donate any leftover sick time to the Sick Leave Pool upon request, the form can be found in the share drive folder and will need to be submitted to the Personnel Coordinator.

8.05 NOTICE

Full-time employees requesting vacation leave and other types of released time under certain circumstances must submit an Employee Leave Request form at least (2) weeks before the date the request is to begin. All leave for any period of time must be approved by the employee's immediate supervisor and the City. Form can be found in the share drive folder.

8.06 SICK LEAVE POOL

The City of Wimberley Sick Leave Pool provides a benefit to eligible employees who have exhausted accrued vacation and sick leave by virtue of a Catastrophic Injury or Illness of their own. The Sick Leave Pool will be administered by the City Administrator.

Definitions.

A "catastrophic illness or injury" is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed physician for a prolonged period and that forces the employee to exhaust all accrued leave. A severe condition or combination of conditions is one that:

- Will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of their job if not treated promptly or at regularly scheduled intervals (e.g., chemotherapy treatments, radiation treatments, etc.).
- Has been designated as terminal; or
- Fully incapacitates the employee from working for a continuous period of thirty (30) calendar days or more.

Eligibility for Participation in the Sick Leave Pool is:

- Full-time and part-time regular employees who have been employed by the City for six (6) months or longer are eligible to participate in the Sick Leave Pool.
- Employees who are out on leave due to a work-related injury and who are receiving workers' compensation benefits and those who are on disability leave for any reason and receiving disability benefits may not withdraw leave from the Sick Leave Pool if the combination of sick leave and benefits (workers' compensation or disability) exceeds the employee's pre-injury or pre-illness compensation.

Contributions to the Sick Leave Pool.

- Contributions to the Sick Leave Pool may be made at any time on a strictly voluntary basis.
- Eligible Employees desiring to donate time to the Sick Leave Pool must fill out a Contribution Form indicating the amount of sick leave to be donated.
- All donations to the Sick Leave Pool must be in increments of one full day and may not exceed fifteen (15) days per year except in accordance with subparagraph below.
- Once a Contribution Form is received by the City Administrator, the number of days donated will be credited to the Sick Leave Pool and deducted from the accrued sick leave of the employee making the contribution.
- When an employee is retiring from the City or voluntarily terminating his or her employment with the City, the employee may contribute all or part of his or her accrued sick leave to the Sick Leave Pool.
- Contributions to the Sick Leave Pool may not be earmarked for the benefit of a particular employee.

Withdrawals from the Sick Leave Pool.

- An employee may obtain leave from the Sick Leave Pool if the employee has experienced a Catastrophic Injury or Illness resulting in the exhaustion of all employees' accrued vacation and sick leave.
- An employee requesting leave from the Sick Leave Pool must fill out a Withdrawal Form indicating the need for the leave. In the event the employee has not previously provided the City with a Medical Certification supporting the Catastrophic Injury or Illness underlying the need for the leave, such a Medical Certification must be submitted with the Withdrawal Form. All medical information obtained pursuant to this Policy will be maintained as confidential information by the City to the extent allowed by law.
- A determination that an employee has a Catastrophic Injury or Illness under the Sick Leave Policy does not mean that the employee has a "serious health condition" under the FMLA or a "disability" under the ADA.

- An employee may not withdraw an amount of sick leave that exceeds the lesser of ninety (90) days or one-half (1/2) of the total amount of time in the Sick Leave Pool.
- Employees who have contributed leave to the Sick Leave Pool may not withdraw donated time unless they become eligible to withdraw leave from the Sick Leave Pool pursuant to this Policy and are approved to withdraw time.
- Employees are limited to one withdrawal request per calendar year.
- Employees do not accrue any form of paid leave while using leave from the Sick Leave Pool. An employee who is out on leave from the Sick Leave Pool will be treated in all respects as an employee who is out on regular sick leave.
- Requests for withdrawal of leave time from the Sick Leave Pool should be submitted as soon as the need for such leave is realized by the employee. Requests for withdrawal of leave are handled by the City Administrator on a first come, first served basis with all decisions being made within ten (10) working days of receipt of the Withdrawal Form.
- If an employee returns to work without having used all the leave time obtained from the Sick Leave Pool, all unused leave time must be returned to the Sick Leave Pool.
- The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

8.07 FAMILY AND MEDICAL LEAVE

Eligible Employees. To be eligible for family leave, an employee must have been employed continuously by the City for at least 12 consecutive months and must have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. However, if the City employs both spouses, and the reason for the leave is to care for a newly arrived child or a sick child or parent, 12 weeks is the aggregate family leave limit for both. Seasonal/temporary employees are not eligible for family leave. This policy and the City's Disability policy will be administered consistently with the City's obligations under FMLA and ADAAA, including considering an extended leave as a reasonable accommodation, without an undue hardship to the City.

Eligible Circumstances. An eligible employee is entitled to 12 workweeks of leave during any 12-month period for the following:

- The birth and subsequent care of the employee's newborn child;
- Placement of a child with the employee for adoption or foster care, and to care for that child;
- To care for the employee's spouse, child, or parent due to a serious health condition;
- A serious health condition that prevents the employee from performing his or her job duties;
- A "qualifying exigency" as a result of the employee's spouse, child, or parent who is a military member on covered active duty or called to covered active duty (or notified of an impending call to active duty), or in support of a contingency operation for covered members of a Reserve component, or

- To care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the covered service member (military caregiver leave).

A serious health condition is one that requires either inpatient care or continuing treatment by a health care provider.

Calculation of 12-Month Period. The 12-month period during which an employee may use a maximum of 12 workweeks of this type of leave is measured forward from the date on which the employee's first Family and Medical Leave Act (FMLA) leave begins.

Definition of Family Members. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or an individual 18 years of age or older who is incapable of self-care because of a mental or physical disability. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law or same-sex marriage.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the department head. However, leave for serious health conditions either of an eligible family member of the employee or the employee himself or herself may be taken intermittently or on a reduced schedule if medically necessary, provided that the other conditions of these policies are met.

Temporary Transfer. If the employee's request for intermittent leave is foreseeable, based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates recurring periods of leave.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time that the family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Once the employee's leave balances have been exhausted, the City will then provide enough unpaid family leave for a total of 12 weeks. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

Part-Time/Variable Hour Employees. If an employee works a part-time schedule, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis, provided that the other requirements for eligibility are met.

Notice. When an eligible FMLA circumstance occurs for an employee, the employee must contact Personnel Coordinator and complete a request for family leave, with the leave request specifying the first date of absence or expected absence. In the case of leave for the birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must

provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable, based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the City's operations unduly. The same advance notice requirements apply.

A supervisor must immediately notify the Personnel Coordinator when an employee communicates a need to take leave for a potentially FMLA-qualifying reason. The City may not decline to designate leave as FMLA if the agency determines the leave is for an FMLA-qualifying reason.

City Designation of FMLA Leave. If the employee does not request family leave, yet requests the use of accrued leave, and a condition of FMLA eligibility exists, then the City may designate the leave as family leave. If the City designates an employee's leave as FMLA leave, without a request by the employee, then the City must notify the employee of the FMLA designation. The City's notification to the employee of FMLA notification may be communicated orally but must be confirmed in writing no later than the next regular payday (unless less than a week remains until the next payday).

Certification of Condition. An employee requesting a paid or unpaid family leave of absence for extended illness or temporary disability must submit to the department head (1) a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties, or (2) a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period, or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the department head with a written statement from the employee concerning his or her intentions about returning to work in the City. An employee on family leave must contact his or her supervisor at least once each workweek unless another schedule satisfactory to the City has been established in writing and signed by the department head and the employee. The City may also require subsequent re-certifications as reasonably needed and based on the information in the prior FMLA certification. Failure to provide required medical status reports or to contact the office on the schedule required by the department head will result in disciplinary action.

Second, Third Opinions. The City may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of family leave. The second and third opinions, if sought and obtained by the City, will be paid for by the City and will be obtained from independent health care providers who are not employed by the City. If a third opinion is necessary, the third opinion obtained is final.

Return to Work/Assurances. After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees," defined as those salaried employees in the top 10 percent of the City's workforce. Key employees will be notified in advance of their status.

Health Insurance Coverage while on FMLA Leave. Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period. However, should the employee decide, at any time after family leave begins, that he or she will not return to work at the City, the employee must reimburse the City for health coverage premiums paid by the City that normally would have been paid by the employee during the family leave period, unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification. The City will determine and advise the employee of the payment for insurance premiums while on unpaid leave.

Retention of Benefits. An employee on family leave does not lose any previously accrued seniority or employment benefits but does not earn any leave credits or other benefits during the unpaid portion of the leave.

Posting of Summary of Act. The City has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information.

Request for Leave without Pay Immediately Following Family and Medical Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section of these policies headed **Other Leaves of Absence Without Pay**. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis.

Employee Status After Leave. An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from their health care provider. This requirement will be included in the City's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The City Administrator also has the option to extend the employees' designated FMLA leave as necessary.

8.08 MILITARY LEAVE

The City of Wimberley complies with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). 38 U.S.C.A. 4301 et seq. USERRA is a federal statute that protects employees who engage in military duty in the uniformed services. The exception to the "at-will" doctrine contained in USERRA applies only to this section of the personnel manual regarding military leave.

Military leave shall be approved leave for regular, full-time, and part-time employees of the City who are members of the state military forces or members of the reserve components of the Armed Forces of the United States. This leave shall be approved with pay and without loss of any benefit of employment on all days during which the employee is engaged in authorized training or duty ordered by proper authority for a time not to exceed fifteen (15) working days in a fiscal year. Military leave more than 15 days (about 2 weeks) in a calendar year will be charged to vacation leave (at the discretion of the employee or leave without pay. If you are called to active military duty or to Reserve or national Guard training, or if you volunteer for the same. All requests for military leave should be accompanied by a copy of the order, directive, notice, or other documents requiring absence from scheduled work to your supervisor as soon as practicable.

Full-time and part-time regular employees who are ordered to extend active duty with the state or federal military forces are entitled to all the reemployment rights and benefits provided for by state and federal law upon their release from active duty. An application for reemployment must be filed and submitted within ninety (90) days after the date of discharge or release from active military service. The reemployment application must be in writing and must provide evidence of the discharge, separation, or release from military service under honorable conditions.

The City will adhere to and follow all necessary leave issues associated with USERRA requirements.

8.09 CIVIL LEAVE (JURY DUTY)

Employees are entitled to civil leave with pay for jury duty, if summoned, by subpoena, court order, to appear in a civil, criminal, legislative, administrative proceeding, and for the purpose of voting, other than court proceedings involving City business.

When an employee has completed civil leave for jury duty or for serving as any of the mentioned above, he or she must report to the City for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

Employees using civil leave for the purpose of voting are limited to one hour of civil leave. Exceptions to the one-hour limit must be approved by the City Administrator.

To qualify for jury or witness duty leave, an employee must submit to his/her supervisor a copy of the summons to serve or to appear as soon as it is received. In addition, proof of service must be submitted to the Supervisor when the period of jury or witness duty is completed. All documentation will need to be submitted along with your electronic time sheets to Payroll.

8.10 ADMINISTRATIVE LEAVE

The City Administrator may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

8.11 FUNERAL/BEREAVEMENT LEAVE

For purposes of funeral/bereavement leave, "family" includes spouse, child, parent, brother, sister, grandparents, grandchildren, stepchildren, stepsiblings, step grandparents, step grandchildren of an employee or an employee's spouse. It also includes any relative living in the employee's household dependent on the employee for care.

Regular full-time employees are entitled to funeral/bereavement leave. Funeral/Bereavement leave is for immediate family members only and is limited to 3 (three) days during a 12-month period. Funeral/Bereavement leave is proportionate to the regular shift hours worked by the employee. Employees who need to take funeral leave must notify their supervisor immediately, with the terms of, reasons for and length of leave time for the employee to attend the family funeral. Funeral/Bereavement leave is not available to employees who have not completed at least six months of employment. Additional leave may be used from any accrued leave.

Should an employee have a need to attend a funeral for someone other than the immediate family member as described above, the employee may request a vacation day, compensatory time, or unpaid leave.

8.12 MATERNITY LEAVE

The City will accommodate pregnant employees in accordance with the Pregnant Worker's Fairness Act. An employee shall be entitled to non-compensated maternity leave or use of accrued vacation and/or sick leave. This policy does not exclude an employee from receiving accrued paid sickness, vacation or compensation leave time or as provided for in the Family Medical Leave Act during a period of pregnancy recuperation or care.

8.13 OTHER LEAVES OF ABSENCE WITHOUT PAY

In addition to those instances otherwise recognized by these policies for the use off leave without pay (e.g., military leave, workers' compensation leaves, etc.), an employee may request to take leave without pay for extraordinary circumstances. Such leave may be granted at the discretion of the City with the approval of the City Administrator. The granting of an unpaid leave of absence will depend upon the reason for the leave, the amount of leave requested, and the ability of the City to provide services and continue operations efficiently and effectively if the leave request is granted. If the purpose for the unpaid leave of absence is a medical condition of the employee, a medical certification will be required before the employee may return to duty.

Employee benefits do not accrue during any period off leave without pay unless required by state or federal law.

No period of any type of leave of absence without pay is an approved absence from duty in a non-pay status for not more than six months unless an extension is approved by the City Administrator.

Granting a leave of absence without pay is at the discretion of the City Administrator. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a

reasonable expectation that the employee will return to employment with the City at the end of the approved period. Approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms of the benefit programs. Insurance can be continued if the employee pays the premiums (including the City's portion) in full in a timely manner. The City's insurer may limit the length of time that the benefits may be continued.

Revocation of Leave Without Pay. A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented or has ceased to exist.

Authorized Reasons for Leave Without Pay. A leave of absence without pay may be appropriate for the following, but not limited to, reasons:

- Military service (see also the section on this type of leave)
- Recovery from extended illness or temporary disability beyond the 12 weeks (about 3 months) allowable under the family leave section of these policies (see also the section above on Family and Medical Leave).
- Educational purposes when successful completion will benefit the City; or
- Any other reason which, in the judgment of the department head and the City Administrator, merits a leave of absence without pay.

Conditions. An employee requesting an unpaid leave of absence must provide the City Administrator with a statement from an appropriate third party as to the date upon which the employee may return to work and at what capacity. In addition, the employee must furnish the City with a written statement from the employee concerning his or her intentions about returning to work in the City. In determining whether to approve the request for leave without pay, the City Administrator will consider the employee's length of service with the City and past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

Reporting Requirements. An employee on extended leave must contact the Administrative Department at least once each week to report on his or her status unless another schedule is agreed to in writing. Failure to provide required medical status reports or to contact the office on the schedule required by the City may result in the City revoking the leave and taking disciplinary action up to and including dismissal.

Documentation. A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the City Administrator or his or her delegate and placed in the employee's personnel or medical file, as appropriate.

Return to Work After Leave Without Pay. Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period that the employee used for leaving of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on length of employment.

At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also the section above on Family and Medical Leave, and Military Leave for specific provisions relating to leave of absence.)

8.14 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, see the sections in these policies under the main heading Health and Safety - Section 10.

8.15 USING LEAVE IN COMBINATION

A regular employee who is requesting extended leave to extend family and medical leave beyond the 12-week limit must exhaust all his or her accrued health and vacation leave to be eligible for leave without pay. The use of appropriate leave balances may be required as a condition of other leaves of absence without pay. A request for this type of leave without pay must be approved in advance by the City Administrator.

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if (1) the employee has accrued vacation leave available, and
(2) The employee has not requested a temporary leave of absence without pay.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the City Administrator, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the City and the employee. Other types of leave and the related eligibility requirements are discussed earlier in this section.

9.00 HOLIDAYS

9.01 GENERAL HOLIDAY POLICY

Holidays are days designated by the City on which City offices are closed, that normally would be regular business days. The following are normally observed as paid holidays for regular full-time City employees:

1. New Year's Day
2. Martin Luther King Jr. Day
3. President's Day
4. Good Friday
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Columbus Day/Indigenous People's Day
10. Veterans Day
11. Day Before Thanksgiving
12. Thanksgiving Day
13. Thanksgiving Holiday
14. Christmas Holiday
15. Christmas Holiday
16. Christmas Day

The number of holidays established by the City and approved by the City Council is set every September for the following fiscal year. Holidays are days designated by the City when City offices are closed on what otherwise would be regular business days and are observed as paid holidays for regular full-time employees. Employees who are members of religious faiths which celebrate widely recognized religious holidays that are not also City holidays may substitute one or more of those days for one or more of the holidays listed above.

Part-time, seasonal, temporary employees are not paid for holidays except for holiday hours worked at their regular pay rate.

The City Administrator may designate other holidays in accordance with directions from the City Council. Whenever an approved holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the City Administrator.

An employee who is absent without approved leave or is on leave without pay on the workday immediately preceding or following a holiday will not be paid for the holiday. An employee who is on partial paid leave the day before or after still constitutes being present and working for this purpose.

9.02 WORK DURING HOLIDAYS

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an "around-the-clock" operation or are on a varied schedule. With the approval of the City Administrator, a department head who finds it a business necessity to do so may direct some or all employees of the department to report for work on a holiday.

The City's basic policy is that each regular full-time employee receives a specified number of paid holidays per year, as set forth in these policies. In a department requiring around-the-clock operation, the department head:

- Regular full-time employees will get paid for eight (8) hours of holiday pay plus will be compensated with an alternate day off for the employee if the employee is required to work all or any part of a holiday.

9.03 HOLIDAY DURING VACATION

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

10.00 HEALTH AND SAFETY

10.01 GENERAL HEALTH AND SAFETY POLICY

It is the policy of the City to make every effort to provide healthy and safe working conditions for all its employees.

10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her department head at the earliest possible opportunity prior to 24 hours lapsing. Any employee with knowledge of an accident should report the accident to his or her department head. The department head must report the accident to the Administration Department upon receiving notification of the accident at the earliest possible opportunity, prior to 24 hours lapsing.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action up to and including termination.

10.03 EMPLOYEE SUGGESTIONS

Employees shall report immediately to their department heads, and the Safety Officer, any conditions that in their judgment threaten the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their department head for improvements that would make the City workplace safer or more healthful.

10.04 ON THE JOB INJURIES

Insurance. The City provides workers' compensation insurance for all its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven days.

Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from a doctor from the network's treating doctor list. The City requires statements of medical condition and of release to return to work from the attending physician. An employee may be required to submit to examination by an independent physician as determined by the City Administrator at the City's expense.

Continuation of Group Insurance. The City will continue to pay the City's portion of the premium for health, dental or life insurance (as chosen by the employee) in the same manner as prior to the injury leave for a period not to exceed 180 days (about 6 months) for an employee on injury leave. The employee is responsible for the employee's portion of the chosen insurance. The employee must pay to the City the employee's portion on the first of the month for that month's

coverage. To continue group insurance after the 180th day on which the employee is on injury leave, the employee must pay both the employee's and the City's portion of these insurance premiums by the first of the month. The City will send the employee a statement for payment as a reminder of payment due.

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, acts of God except in certain limited circumstances (i.e., assigned to official duty during a hurricane, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

Reporting Requirements. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the Administration Department. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the Administration Department. In addition, the injured employee must contact the Administration Department at least once each week to report on his or her condition. Failure to provide the required medical status reports or to contact the Administration Department as required by the City is grounds for revoking the employee's leave and for taking disciplinary action up to and including dismissal.

Return to Service. A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she can perform as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Failure to return to work when directed will result in appropriate disciplinary action up to and including dismissal.

Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position, with or without reasonable accommodation. If the employee cannot perform the essential functions of the position, or if the employee is a qualified individual with a disability and he or she cannot perform the essential functions of the position with or without reasonable accommodation, the employee will be terminated. The City's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

Temporary Light Duty Status. During the course of an on-the-job injury leave of absence or due to injury or illness, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job.

An employee who can return to work in light duty status is temporary and may be required to work in a different department and perform duties not contained in their current job duties. Light duty assignments will be based on the City's needs and assigned first come first serve. When an employee is assigned to temporary light duty status and is performing different duties, he or she

will be paid according to the level of pay that he or she would receive for the temporary light duty job if the assignment were the result of reorganization. A light duty assignment cannot exceed (90) days. In addition, the employee may receive workers' compensation payments in a reduced amount and may receive City supplemental injury pay, if applicable.

Final Release or Settlement. At the time of final release or settlement of a workers' compensation claim, the employee must furnish the City with a certificate from the employee's physician stating the status of the employee's physical condition.

11.00 DRUG AND ALCOHOL ABUSE

11.01 PURPOSE OF DRUG TESTING PROGRAM

The purpose of this policy is to ensure a safe working environment and to protect the health and safety of the public by requiring that employees and applicants be free from drug dependence, illegal drug use, and drug abuse. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs.

The intent of the policy is as follows:

1. To provide clear guidelines and consistent procedures for handling incidents of employees' use of alcohol, drugs, or controlled substances that affect job performance, and to make every effort to institute and maintain a drug-free workplace.
2. To ensure that employees conform to all state and federal regulations regarding alcohol, drugs, or controlled substances; and
3. To provide substance abuse prevention education for all employees.

11.02 GENERAL POLICY

City employees shall not take any narcotic, as defined by The Comprehensive Drug Abuse Prevention and Control Act of 1970, and any amendments thereto, or other dangerous substance unless prescribed by a person licensed to practice medicine. Employees who are required to take prescription medicine must notify their immediate supervisors of the medication prescribed and the nature of the illness or injury. Any statutory-defined illegal use of drugs by an employee, whether during or outside City employment hours, will not be tolerated.

City employees who have a reasonable basis to believe that another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to their supervisor.

Failure to comply with the intent or provisions of this policy may be used as grounds for disciplinary action. Refusal by an employee to take the required drug test or follow this general policy will result in immediate relief from City duties pending disposition of any administrative personnel action.

If a covered employee fails a drug or alcohol test, the City may terminate the employee immediately, in which case the City will inform the employee where he/she can get help.

11.03 DRUG AND ALCOHOL TESTS

To provide a safe and productive workplace, to promote employee safety, and to ensure the safety of citizens, the City prohibits the use, influence, possession, sale, purchase or distribution of drug and alcohol, controlled substances, or illegal drugs by any employee during work hours or at any

time while on City premises. All City buildings and facilities are to remain drug and alcohol free. Violators of this policy will be subject to discipline up to and including immediate termination of employment. Further, depending upon the circumstances, the City may notify appropriate law enforcement personnel of a violation of this policy. All drug and alcohol testing will be conducted in conformance with the United States Department of Transportation workplace testing requirements. As used in this policy, the following terms have the following meanings:

- "Alcohol" means ethyl alcohol and includes any beverage, mixture, or preparation containing ethyl alcohol.
- "Controlled substance" means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state, or local law or regulation without a permit or prescription and includes but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens, and any other substances having either a stimulant, depressant, or hallucinogenic effect on the central nervous system such as amphetamines, barbiturates, lysergic acid, or diethylamide. This term also includes prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. Any reference to "drugs" in this policy has the same meaning as "controlled substance."
- "Under the influence" means having an alcohol, controlled substance, or drug concentration at or above 0.04.
- "Safety-sensitive function" means a position with the City requiring any activity that presents a threat to the health or safety of the employee, other employees, or the public if performed with inattentiveness, errors in judgment, diminished coordination, reduced dexterity, or lack of composure and that is performed with such independence that it cannot reasonably be assumed that mistakes could be prevented by a Supervisor or another employee. An employee is performing a safety-sensitive function during any period in which he/she is performing, is ready to perform, has just completed performing, or is immediately available to perform any safety-sensitive function.

Conditional offer of employment testing. Employment with the City is contingent upon an applicant's submission to illegal substance testing and upon the City's receipt of test results indicating that the applicant is not under the influence of an unauthorized controlled substance, or illegal drugs.

Post-accident testing. An employee who is involved in any accident in which City property is damaged, physical injury results to any person, or medical attention is sought by any person because of the incident is required to report this to the Supervisor or Director and submit to drug and alcohol testing immediately following the accident. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

Reasonable suspicion. If an employee is suspected of being impaired by or under the influence of alcohol, a controlled substance, or illegal drugs, the employee is required to submit to drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment. For purposes of this paragraph, "under the

influence" also means a condition in which a person is affected by alcohol, a controlled substance, or illegal drugs in any detectable manner. The symptoms of being under the influence include but are not limited to slurred speech, alcohol on the breath, trembling, disorientation, aggressive behavior, irregular work pace, and decline in productivity, mood swings, and difficulty in maintaining balance.

Random testing. City employees who operate commercial motor vehicles for the City, who routinely perform safety-sensitive functions, or who are paid from federal grant funds for which random testing is required will be subject to random drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

Confidentiality of alcohol and drug test results. All laboratory reports or alcohol and drug test results will be maintained by the City as confidential documents in a confidential medical file that is separate from the employee's personnel file. Test results and lab reports may be revealed to City management on a need-to-know basis. Disclosure may also be made as required by state or federal law, when the information has been placed at issue in a dispute between the employee and the City, when the information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure, or when the information is authorized to be disclosed by the employee. The records will be maintained in the same area as the personnel files but kept separate from personnel files. For all employees, if prescription drugs must be taken, such drugs must not affect an employee's ability to perform his/her work. If an employee is required to take medication prescribed by a physician and the prescribed drug could affect the ability of the employee to perform his/her work or could present a safety risk to the employee or his/her coworkers, notification must be provided to the employee's Supervisor before work commences.

As a condition of employment with the City, employees must notify their supervisors within five business days of conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment.

Scope and Intent. The following policy has been adopted to implement the City of Wimberley's desire to establish itself as a drug-free workplace. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include inhalants.

This policy shall be administered in accordance with all applicable federal, state, and local laws and regulations.

Responsibilities and Prohibitions. All employees of the City are notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace of the City of Wimberley. In addition, the City prohibits employees from being under the influence of alcohol, drugs, or inhalants in the workplace or while on duty for the City. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

Each employee of the City will abide by the terms of this policy and will notify the City of any conviction for a violation of a drug law no later than five days after the conviction.

Supervisory responsibilities include participating in communicating this policy to the employees, identifying any employee behavior which may indicate a violation of this policy, and reporting to management when the supervisor has reason to believe this policy may have been violated.

Return-to-Duty Testing. Before an employee is allowed to return to duty after engaging in conduct prohibited by this policy as a result of a drug or alcohol test, he or she will be tested for illegal drugs and alcohol and found to be drug and alcohol free prior to returning to his/her work duties.

11.04 SEARCHES

Employees have no privacy rights associated with City property. The City has the absolute right to make general or random searches of City property, including but not limited to City vehicles, lockers, closets, and desks, for any unauthorized or illegal items or activity including, but not limited to, alcohol, prohibited drugs, and drug paraphernalia without the consent of the employee.

The use of privately owned padlocks or other locking mechanisms for City property is prohibited. If an employee employs a privately owned padlock or other locking mechanism on any City property, the City may remove it, and the employee will not be entitled to any reimbursement for damage to the mechanism. The use of any privately owned padlock or other locking mechanism for City property does not create an expectation of privacy with regard to any contents within the locked City property.

Employees have no privacy rights in any items brought into the workplace, including but not limited to, any personal effects, briefcases, vehicles, etc. and any such items are subject to search at any time if a reasonable suspicion exists that alcohol, prohibited drugs, and drug paraphernalia, may be found. If the employee is available, he or she will be asked to consent to the search. If the employee does not consent, any attempt to conduct a search of materials brought into the workplace will not be continued. However, the employee's refusal to cooperate will be noted in his or her employee file, together with a statement that reasonable suspicion existed to conduct the search. In addition, such refusal to consent to an administrative workplace misconduct search shall be considered insubordination subjecting the employee to disciplinary action up to and including termination. No search of items brought into the workplace will be conducted in the employee's absence.

Any search will be conducted as privately as possible, involving only people with a need to know and only with the authorization of the supervising elected official or his or her designee.

If illegal paraphernalia is found, it will be confiscated, and the employee will be subject to appropriate disciplinary action, up to and including termination, as well as criminal prosecution, if appropriate.

12.00 USE OF AND ACCOUNTABILITY FOR CITY EQUIPMENT AND PROPERTY

12.01 GENERAL POLICY ON CITY EQUIPMENT AND PROPERTY

The City attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices, and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

12.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES

Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use, maintenance, and inventory.

12.03 VALID DRIVER'S LICENSE

All City vehicle operators must have the valid driver's license necessary for legal operation of that vehicle in Texas and to keep their supervisors informed of any changes of status in their licenses. Department heads or supervisors will conduct periodic checks of the driving records of all employees who operate City vehicles. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier, or the employee will be restricted from driving and/or disciplined up to and including dismissal. Under most liability insurance policies, one offense that is certain to result in the employee's disqualification from coverage is a conviction for driving under the influence of alcohol or drugs. Employees should also be aware that the City conducts an annual examination of the driving records of all employees who operate City-owned motor vehicles to determine any violations of this policy.

Suspension or revocation of the driver's license of an employee whose position requires driving as an essential function may result in demotion, restriction, or dismissal.

12.04 VEHICLE INSURANCE

The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to provide the Administration Department with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action up to and including dismissal.

12.05 ACCIDENT REPORTING

Any employee operating City equipment or vehicles must report all accidents and property damage or liability claims to his or her department head, the safety coordinator (his or her delegate) and the City Secretary's office for assessment and evaluation of the incident.

An equipment or vehicular accident involving a second party or damage to private property must be reported to the sheriff's department so that an official accident report can be filed. Failure to

notify the sheriff's department immediately may result in disciplinary action. The employee must follow the instructions of the sheriff's department or the safety coordinator. The sheriff's department must notify the City Administrator of the accident by forwarding copies of all accident reports involving City equipment or vehicles as soon as investigations are completed. The City Administrator will forward copies to the employee's department head, the City Secretary, and the personnel file.

12.06 CITY VEHICLES

All City of Wimberley employees are expected to follow City ordinance prohibiting the operation of a cell phone while driving without the use of hands-free device, except for reporting an emergency, such as a crime, traffic accident, medical emergency, or a serious traffic hazard, or if you are an authorized emergency personnel acting in an official capacity.

12.07 OWNERSHIP OF PUBLICATIONS, FILES, RECORDS

All files, notes, correspondence, and other materials prepared and relating to the business and functions of the City are the property of the City. All publications, artworks, photographs, and architectural drawings that relate to the business and functions of the City that were prepared by its employees or contracted employees remain the property of the City.

12.08 OFF-SITE USE OF CITY PROPERTY

City property is to be used only for official City business. State law and regulations always require that each department be able to account for all City property entrusted to them. Occasionally, employees of the City may have to take property issued to them to off-site locations to conduct City business. Employees may be held liable for property stolen or lost while off-site. Employees must contact the City Administrator if property is damaged, lost or stolen.

12.09 ANNUAL EQUIPMENT INVENTORY

Two employees from staff will conduct an annual inventory of all equipment. Each department will assist in locating items not readily available. When an item is transferred to another department, location or site, a memorandum should be sent to the City Administrator by the Supervisor requesting to make the transfer. Each department is expected to maintain its equipment in good working order, and safeguarded from damage, theft, and the elements. Employees may be held responsible for equipment that is lost, stolen, broken or otherwise damaged.

13.00 DISCIPLINE

13.01 GENERAL DISCIPLINE POLICY

Some employee behaviors or actions that may result in disciplinary steps include, but are not limited to, the following:

- Insubordination includes refusal to carry out the instructions or orders of a supervisor or other superior in the office.
- Absence without Leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure.
- Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts.
- Gross Misconduct includes sexual harassment, gambling, intoxication, possession, or use of drugs on the job.
- Threatening, harassing, intimidating, coercing, or interfering with employees, Supervisors, or the public.
- Abusive language towards employees, Supervisors, or the public.
- Fighting on City property or while on duty.
- Fraudulent claims of injury or illness.
- Use of Alcohol or Drugs while on duty, City premises or in a City vehicle.
- Alcohol or Drug Abuse while on duty which may affect the performance or safety of the employee or other person(s).
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony;
- Conviction of Official Misconduct, oppression, or lying under oath;
- Unauthorized Possession of Firearms or Lethal Weapons to their persons or in City vehicles, or in City buildings while on duty.
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;

- Unauthorized or Abusive Use of Official Authority;
- Violation of the City's Unlawful Harassment policy;
- Failure to Observe the City's Policies Regarding Communications with the public (see Communications Section 2.12 under Employee Responsibility);
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others; or
- Other Violation of any of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

This is an illustrative list and therefore is not all-inclusive. In addition, notwithstanding any list of cases for discharge, the basic policy remains employment at-will.

13.02 PROGRESSIVE DISCIPLINE

The City Administrator may take disciplinary action, including dismissal, affecting an employee at any time. The severity of the discipline depends upon the nature of the infraction. The City may, but not necessarily will, use a progressive discipline system as follows:

- Oral Warnings with records of each warning maintained by the department head;
- Written Reprimands which the department head must in all cases cause to be transmitted through the City Administrator to the employee's personnel file;
- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days (about 4 and a half weeks) and renewable for up to an additional 30 days (about 4 and a half weeks) at a time after review and documentation of the circumstances;
- Demotion; or
- Separation/Termination by involuntary dismissal.

Actions other than oral or written warnings require the advance signature of the City Administrator unless an emergency situation exists.

Except in the case of oral warnings, disciplinary action must be accomplished or preceded by oral or written notice to the employee involved. The notice includes a description of the reason for the action and, except in the case of dismissal, states the consequences of further unsatisfactory

performance or conduct. A written warning form is available in the Administration Department. Written notice of disciplinary action is included in the employee's personnel file.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial official personnel actions.

14.00 SEPARATIONS

14.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or
- Death.

14.02 RESIGNATION

An employee wishing to leave employment with the City must file a written resignation with their immediate Department Supervisor at least two weeks before the effective date, stating the last day on the job and the reason for separation. The department head is responsible for notifying the Administration Department of such in a timely manner. The employee's resignation shall be promptly forwarded to the Finance/Personnel Coordinator along with any other pertinent information.

An employee who resigns without sufficient notice is subject to having a written reprimand placed in his or her file documenting this violation of personnel policies. Unless the City Administrator determines otherwise, the resignation is not in good standing, and the employee is not eligible for re-employment.

Employees who resign, retire, or are discharged will be required to return any City-owned property or working materials to their Department Supervisor no later than their final workday.

14.03 ABANDONMENT OF POSITION

An unauthorized absence from work for a period of three consecutive working days may be considered by the City Administrator as a resignation. Unless the City Administrator determines otherwise, the employee is not eligible for reemployment.

14.04 RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice is required to start retirement payments promptly.

See Section 7 of the Benefits of these policies for additional information on retirement.

14.05 REDUCTION IN FORCE

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) transferability of the employee's skills to remaining positions with the City, and (4) the employee's length of service with the City.

Employees who have been laid off may reapply to the City for other positions. Former employees, who are otherwise equally qualified, will be given priority consideration in a vacancy.

When a regular employee who has completed the probation period is dismissed because of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the City department head will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

14.06 DISMISSAL

At any time during the probation period a new regular employee may be dismissed if, in the supervisor's, department head, and City Administrator's opinions, the employee is either unable or unwilling to perform the duties; or if the employee's dependability does not merit continuance of City employment; or for other reasons as provided elsewhere in these policies. City Administrator approval and signatures are required on all personnel action forms involving dismissal.

Temporary employees are employed at will and may be dismissed with or without cause at any time during their employment.

14.07 DISABILITY

In cases of long-term disability where an employee is unable to return to work for a period which would cause an undue hardship to the City to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the City, the employee will be separated from employment with the City.

14.08 DEATH

If a City employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

14.09 EXIT INTERVIEWS AND RECORDS

Reason(s) for a separation are stated in writing, signed by the department head, and except in unusual or emergency circumstances, initialed by the employee on the City's exit interview form. The exit interview details a checklist for the collection of City property, keys, credit or club cards, termination of any technology rights/access and all pertinent paperwork on or before the

employee's last day of employment. The department head of an employee who is separated shall discuss with the employee the reason(s) for the separation in an exit interview whenever possible. The City Administrator must also sign the exit interview form. The exit interview record is important and may be instrumental in determining the City's liability, or lack of liability, for unemployment insurance costs.

14.10 CONTINUATION OF GROUP INSURANCE

The Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. A booklet from the City's group insurance carrier is given to each employee at the time of employment which explains these options under the City's carrier at the time the employee is hired. Subsequent revisions in group insurance coverage are explained in subsequent booklets distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the City of any change in family status-separation, divorce, or a child becoming ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for City-supplemented group insurance, the City will provide a "Continuation of Coverage Election Form" to be completed by the appropriate person(s). Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

14.11 CALCULATION OF SEPARATION PAY

Upon separation from City employment, a regular employee who has completed at least six months of continuous employment will be paid for unused vacation leave up to the maximum allowable accumulation limit.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- The total work time and allowable vacation (see Section 8.03 on Vacation Leave to determine allowable vacation) and compensatory leave time for non-exempt employees will be calculated as a total number of hours for which compensation is due and paid at the employee's current regular hourly rate in effect at the time of termination up to the maximum allowable accumulation limit.
- For non-exempt employees, any overtime hours worked during the employee's final pay period, which have not been compensated through any of the time-off methods described under Section 7 of the Overtime Compensation these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.
- Compensatory time for non-exempt employees, which has been entered and carried on the employee's records at one and one-half times the number of hours worked, will be paid at

the employee's regular straight-time hourly rate for the total number of hours on the employee's compensatory time record.

Unused sick leave will be canceled upon termination of employment, and the employee will not be compensated for it.

The employee will receive his or her final paycheck on the next regularly scheduled payday following his or her last day of employment. All federal, state, court ordered or authorized payroll deductions will be calculated.

14.12 FINAL PAYCHECK

The employee's termination interview and final paycheck will be received from the City Administrator or his delegate. Retirement benefits, insurance, and medical coverage continuation (COBRA), and other final matters will be handled at the time.

15.00 GRIEVANCES

15.01 GENERAL GRIEVANCE POLICY

It is the policy of the City, insofar as possible, to prevent the occurrence of grievances, and to deal promptly with those that occur. No adverse action will be taken against an employee for reasons of his or her exercise of the grievance right.

A regular employee may file a grievance on one or more of the following grounds:

- Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- Unfair treatment;
- Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- Improper application of fringe benefits; or
- Improper working conditions.

The City follows a grievance procedure which ensures the employee due process in the City's consideration of his or her work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance. Terminations are not grievable actions. Upon termination or resignation employees lose the right to file a grievance.

15.02 PROCEDURE

In as much as dissatisfactions and disagreements arise occasionally among people in any work situation, the filing of a grievance will not be construed as reflecting unfavorably on an employee's good standing, performance, loyalty, or desirability to the City of Wimberley. The City of Wimberley has adopted the following policy regarding employee grievances:

Aggrieved Employees: Any employee having a grievance relating to his/her employment shall first present his grievance to the City Administrator, either orally or in writing, within 20 (twenty) days after the incident occurs.

The City Administrator shall accept all grievances and shall attempt to resolve the grievance fairly and expeditiously before referring the grievance to higher levels of authority. The City shall wholeheartedly support the concept that grievances should be resolved informally between the employee and other employees, members of committees, commissions, boards, or City Council at the earliest step of the grievance procedure.

The City Administrator has a duty to listen with care to the employee, to arrive at a full understanding of his/her point of view, and to give the employee a clear and specific answer. If he believes the grievance to be of a substantial nature and not to have been settled to the full satisfaction of the employee, the City Administrator shall make an immediate record in writing of the facts and report the grievance to the mayor.

A grievant who fails to meet the time limits established under this procedure shall forfeit all rights to process the grievance under this internal procedure.

After submitting the grievance to the City Administrator, the City Administrator will be allowed a reasonable amount of time to investigate the complaint, consult with other persons deemed necessary to help resolve the matter, and shall notify the employee as soon as possible as to the disposition of the grievance, but not later than seven (7) calendar days after the initial grievance is made by the employee.

The City administrator's decision is final.

All time limits herein may be extended by mutual consent of the employee and the City. Failure of the City to observe the time limits for any step in the grievance procedure shall entitle the employee to advance the grievance to the next step.

16.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS

16.01 JOB DESCRIPTIONS

A job description is an internal document that clearly states the essential job requirements, job duties, job responsibilities, and skills required to perform a specific role. The City Administrator shall establish and periodically review an official job (class) description for each position in the City.

16.02 DISTRIBUTION

During the employee's orientation, the job description form for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) a signed copy placed in the employee's personnel file along with a certification that the employee has reviewed them.

16.03 REQUESTS FOR CLARIFICATION

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies.

16.04 EMPLOYEE PERFORMANCE EVALUATIONS

Supervisory personnel conduct a written performance evaluation of and an evaluation interview with each City employee at least once annually.

Performance evaluations have the primary purposes of improving the employee's understanding of his or her development on the job and the department head's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation.

Performance evaluation records are maintained in each employee's personnel file per the adopted records retention schedule.

Any changes to an employee status change will require the approval of the Supervisor and the City Administrator and will require to submit an Employee Status Change Form to the Personnel Coordinator.

17.00 PERSONNEL FILES

17.01 GENERAL POLICY ON PERSONNEL FILES

Personnel records, except medical records, are maintained in a central location by the Personnel Coordinator. Medical records are kept in a separate confidential file maintained by the Personnel Coordinator.

Information in an employee's personnel file is public information and may be disclosed upon request unless specific items are excluded from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Administrator or by an employee authorized to do so by the City Administrator.

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days (about 2 weeks) of employment, the home address and telephone number on file are considered public information. Employees may change their choices for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Personnel Coordinator.

An employee or his or her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the City offices. The employee may request copies of items or materials in his or her personnel file but may not remove anything from the file.

When a department head supervisor requires access to the official personnel file of an employee under his or her supervision for the handling of personnel matters, Personnel Coordinator will provide access to the specific file(s) after authorization has been obtained from the City Administrator.

Employees are expected to inform their department heads of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information. The department head will notify the Personnel Coordinator.

17.02 EMPLOYEE STATUS CHANGE FORM

The Employee Status Change Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title and Classification;
- Pay Group and Rate; and
- Other Actions Affecting the Employee's Status.

The Employee Status Change Form is completed on the employee's first day of work and again when there is any change in his or her status which relates to employment or benefits. Each Employee Status Change Form becomes a permanent part of the employee's personnel file.

17.03 CONTENTS OF PERSONNEL FILE

An employee's official personnel file may contain at least the following:

- Employment records.
- A copy of the employee's application for employment/resume
- A signed copy of the employee's acknowledgment of having received and reviewed a copy of the Personnel Policies
- Employee's job description(s)
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form
- Personnel Action Forms
- Records of any citations for excellence, awards for good performance, or job-related training/education
- Records of disciplinary action(s)
- Performance evaluations
- Copies of any grievances and related materials
- Agreements regarding compensatory time off in lieu of overtime pay.
- Any other pertinent information having a bearing on the employee's status.
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. Medical records are maintained in separate confidential files.

17.04 LEAVE RECORDS

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by Personnel Coordinator. Leave records are updated at the end of each biweekly pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Supervisors must submit a copy of an approved leave request to the payroll office for any paid leave time used by an employee under his or her supervision. The approved leave request forms must be attached to the payroll information sent to the payroll office at the end of each pay period.

18.00 PROFESSIONAL DEVELOPMENT

18.01 GENERAL PROFESSIONAL DEVELOPMENT POLICY

The City encourages regular full-time employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of their work with the City.

18.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

Subject to prior approval by the City Administrator, when the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging within budgetary limitations. When appropriate, the City may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

18.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior approval of the City Administrator, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Administrator's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work and proper authorization is obtained in advance.

19.00 TRAVEL/EXPENSE REIMBURSEMENT

19.01 GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY

The policy of the City is that employees are to be reimbursed, within budgetary limitations, for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel, in accordance with the City Ordinance. Except in cases involving in-City use of a personal vehicle, employees must submit an approval request to the department head before initiating travel that involves reimbursable expenses. The request should include an estimate of costs to be incurred. All travel expenses are subject to requirements of documentation and reasonableness and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. Whenever possible, the City will prepay such expenses as registration fees, hotel costs, and airline or other public transportation costs directly to the entity involved.

Employees should be conscientious in their use of City funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. Employees are expected to use the least expensive means of travel for the City, including avoiding unnecessary overtime whenever possible.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies, will not be charged as costs to those grants, contracts, or agreements.

19.02 AUTHORIZATION REQUIRED

Subject to the prior approval of the City Administrator, the City Administrator may authorize travel leave and expenses for City business. Any employee traveling on official business shall communicate with their supervisor as to where they can be reached while traveling.

19.03 ALLOWABLE EXPENSES

Registration. The City will reimburse actual expenses incurred in registering for a conference, seminar, or meeting. A receipt must be furnished for reimbursement purposes. The City encourages advance payment of fees to take advantage of any discounts available. However, any recreation expenses included in the registration (i.e., golf, tennis, runs, etc.) will not be reimbursed.

Transportation. The department head/supervisor will be expected to select the mode of transportation that is most economical to the City considering cost and time consumed. Alternate routes, which are desirable because of the personal affairs of the traveler, can be used, but only in the traveler's time and with the traveler bearing the additional cost of the alternate route. When travel is required for City business a City vehicle, or personal vehicle, should be used when such travel distances make this mode of transportation the most economical. Travel between an employee's residence and the employee's principal place of work is not eligible for reimbursement.

1. **Personal Vehicle.** When an employee uses their personal vehicle, all travel mileage will be paid at the most recent IRS approved rate per mile plus parking fees. When using your personal vehicle for a City sponsored event such as training, the City will reimburse the employee when they travel more than 60 miles one way from City Hall. Should an employee travel in their personal vehicle beyond their principal place of employment to conduct business, the employee may be reimbursed for mileage from their principal place of work to the work site, and from the work site to their principal place of employment. Employees will include a mileage map noting the travel. The most direct route will be used for the reimbursement.
2. **City Vehicle Used.** When City vehicles are used, all expenses incidental to the use of such vehicle (parking, tolls, etc.) shall be reimbursed. Receipts will be required. Employees may not utilize the City vehicle for transportation for any other individuals (other than another employee) without the express permission of the City Administrator.
3. **Air Travel.** When air travel is permitted, employees are expected to obtain the lowest possible rates and will book their flight as far in advance as possible with prior written approval by the City Administrator. Air travel reimbursement shall be limited to “coach” fares. Additionally, if the employee’s travel requires parking at the airport for twenty-four (24) hours or less, the employee will be reimbursed at the short-term parking rates. If travel requires parking for twenty-five (25) hours or more, the reimbursement shall be at the long-term parking rate. Receipts will be required for reimbursement.
4. **Alternative Transportation.** Reimbursement will be made for the use of rental cars, taxi, or bus fares, etc., provided such expenses are necessary and reasonable. Approval to rent a car should be obtained prior to the trip whenever possible. Employees are expected to obtain the lowest possible rates for the cars and shall sign and accept the liability/collision insurance agreement on the contract.

Meals. If travel requires an overnight stay, a maximum daily allowance for meals will be determined by the Finance/Personnel Coordinator based on the General Services Administration (GSA) guidelines for the location of travel (per Diem Rates). Employees may request the maximum daily amount as per diem for which receipts are not required. If an employee charges for a meal on the City credit card or chooses to submit receipts for reimbursement, they may not exceed the per diem amount. If an employee is required to be away from their principal place of business for more than one-half day and an overnight stay is not required, one meal will be reimbursed up to the GSA approved amount for that meal if a receipt is provided. Half day seminars or errands which take four hours or less will not be eligible for meal reimbursement.

Lodging. Employees are expected to obtain the lowest possible rates when making lodging reservations well in advance, whenever possible, and to take other actions to ensure lodging is secured at a moderate rate. Reimbursement of lodging shall be limited to single rates unless two or more employees occupy a single room, or otherwise approved by the City Administrator. It shall

be the policy of the City to reimburse for lodging that is economical and practical. Exceptions to this may be granted when the least expensive hotel rooms are unavailable or where conferences are held in or near the hotel. Receipts for lodging must be provided to obtain reimbursement.

- Reimbursement will not be made for personal telephone calls, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the trip, except as provided in Section 19.08 below.
- Reimbursement for lodging within a 60-mile radius of City Hall or place of employment must be approved in advance of the expenditure by the City Administrator.

Entertainment. The City realizes that from time to time, it is appropriate to entertain dignitaries and state, federal, and business representatives whenever it may be deemed in the best interest of the City. Such expenses may be reimbursed at the discretion of the City Administrator. Receipts will be required before reimbursement can be made. Whenever practical, prior authorization should be obtained from the City Administrator.

19.04 PROHIBITED EXPENDITURES

Costs of personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, or illegal activities are not eligible for reimbursement.

There is no objection to a spouse/family accompanying an employee on an out-of-town business trip; however, the City will not be financially responsible for the spouse/family member of the employee. Any additional expenses incurred such as travel, lodging, meals, or any other miscellaneous expenses will be the sole responsibility of the employee. The City will not reimburse the additional expense. This provision is applicable only when a City vehicle is not used, unless approved in advance by the City Administrator.

19.05 WAGES WHILE ON TRAVEL

Travel time should follow the most reasonable and cost-efficient method available. Travel time for non-exempt employees is computed by the hours necessary for travel and attendance to conduct City business/training. Employees are not compensated for eating or sleeping while traveling. Employees are responsible for keeping track of their travel time.

- When a non-exempt employee is assigned to travel out-of-town on a one-day assignment, travel time is paid (as if the travel is part of the activity the employee was hired to perform on the workday in question).
- When a non-exempt employee is assigned to travel out-of-town overnight, travel that occurs outside of the employee's regular working hours as a driver or a passenger in an automobile, or on an airplane/train/bus, is paid time. Travel away from home overnight is clearly work time when it cuts across an employee's regular workday (normal working hours) the employee is substituting travel for other duties.

- Any work that an employee is required to perform while traveling must be counted as hours worked; this includes driving or assisting/helping the driver.
- An employee required to operate a motor vehicle (car, pickup truck, dump truck, etc.) out of town to get to a work assignment away from the City, will be paid for travel to the location away from the employee's principal place of business or home whichever is less
- Questions regarding specific circumstances for non-exempt employee travel should be referred to the City Administrator prior to travel.

19.06 EXPENSE REPORTS

Follow policies for reimbursable expenses.

- As soon as an employee returns from a trip, or at least within five days of the date the travel was concluded, the employee will fill out all pertinent expenditure information, indicating what funds were expensed for the travel/trip. All applicable receipts must be included with the report, including registration, mileage map, and airfare.
- If more than one employee attends the same trip/event, each employee is responsible for completing his/her own expense report. In such instances where employees dine together every effort should be made to separate the bill. If the bill cannot be separated, one designated employee should pay the full amount and obtain a receipt for the entire amount and document the employees' names that were present on the Employee Reimbursement request form.
- The employee will certify that the expenses are correct and will approve the report. The report will be forwarded to their Department Head for approval.
- The Department Head will review the report, approve, sign-off and forward the employee reimbursement request forms to the Finance/Personnel Coordinator for review, processing, and filing. Expenditure in question must be approved by the City Administrator.

19.07 EXCEPTIONS

Employees who receive monthly automobile allowances are not eligible for mileage reimbursements for travel within the Wimberley area, except as provided in Section 19.03.

When two or more employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

19.08 REIMBURSEMENT OF EXPENDITURES

Certain non-travel related expenses are reimbursable to the employee if they are incurred while conducting business of and for the benefit of the City of Wimberley. The Finance/Personnel

Coordinator will determine the extent to which the expense is reimbursable and applicable GSA rates will apply as are relevant. Employees are advised to consult their direct supervisor and receive prior approval.

Sales tax is not a reimbursable expenditure; a tax exemption form should be used when making a purchase on behalf of the City.

20.00 ANTIFRAUD

20.01 PURPOSE

The purpose of this policy is to provide guidelines for the prevention, deterrence, and detection of fraud. Administration and Staff will be responsible for creating a positive workplace environment ensuring a culture of honesty and ethical behavior to enhance the City of Wimberley's ability to protect its assets, operations, and reputation.

20.02 SCOPE

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, and/or any other party including those with a business relationship with the City. All employees are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Each administrator shall be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of fraud.

Any fraud that is detected or suspected must be reported immediately to the City Administrator, who shall coordinate all investigations after contacting the City's Independent Auditor. Fraud that is detected or suspected involving the City Administrator must be reported immediately to the mayor who will coordinate the investigation after contacting the City's Independent Auditor. In cases of alleged fraud involving both the Mayor and City Administrator, such cases shall be reported immediately to the City's Independent Auditor who will coordinate the investigation. All employees will be held accountable for acting within the organization's code of conduct.

20.03 ACTIONS CONSTITUTING FRAUD

Fraud is defined as the intentional false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Examples of fraud refer to, but not limited to:

- Any dishonest or fraudulent act
- Impropriety in the handling or reporting of money or financial transactions
- Theft of any kind including, but not limited to any of the offenses listed in Chapter 31 of the Texas Penal Code
- Forgery or alteration of any document or account belonging to the City (checks, timesheets, invoices, contractor agreements, bid documents, purchase orders, electronic files, and other financial documents)
- Financial report misrepresentations
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, inventory, or any other asset including furniture, computers, fixtures or equipment)
- Authorizing or receiving payments for hours not worked
- Disclosing confidential and proprietary information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City that may be construed to be an

- attempt to influence the performance of an employee's official duty in the scope of employment for the City
- Destruction, removal, or inappropriate use of records, furniture, fixtures and equipment
- Any similar or related irregularity

Questions as to whether an action constitutes fraud should be referred to the City Administrator for clarification. In cases allegedly involving the City Administrator, questions should be referred to the mayor. In cases allegedly involving both the City Administrator and Mayor, questions should be referred to the City's Independent Auditor.

20.04 REPORTING

The City of Wimberley expects employees and others with serious concerns about any aspect of the City of Wimberley's ongoing operations to come forward and voice those concerns. Concerns should be reported in writing using the fraud disclosure form that will be available for all employees. This form encourages individuals to put their names to allegations but is not a requirement. If an allegation is made in good faith, but is not corroborated by the investigation, no action will be taken against the originator of the allegation. If individuals make malicious allegations, disciplinary action may be considered against that individual.

20.05 INVESTIGATION

The City Administrator shall have the primary responsibility for the investigation of all suspected fraudulent acts as defined in this policy. In cases allegedly involving the City Administrator, the Mayor shall have the primary responsibility for the investigation. In cases involving the City Administrator and Mayor, the City's Independent Auditor shall have the primary responsibility for the investigation. Any employee who suspects dishonest or fraudulent activity must notify immediately the City Administrator, Mayor or the City's Independent Auditor as previously noted in this policy. An employee shall not attempt to personally conduct investigations and shall not contact the suspected individual in an effort to determine facts of demand restitution.

Upon completion of its investigation, the City Administrator shall submit a report detailing its findings to the mayor and to other administrators, as appropriate. The City Administrator's report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by the mayor in conjunction with legal counsel.

In cases involving the Mayor, the City Administrator shall submit a report detailing its findings to all City Council members who are not part of the investigation. The City Administrator's report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by those City Council members who are not part of the investigation in conjunction with legal counsel.

In cases involving both the Mayor and City Administrator, the City's Independent Auditor shall submit a report detailing its findings to all City Council members not part of the investigation. The Auditor report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by those City Council members not part of the investigation in conjunction with legal counsel.

20.06 CONFIDENTIALITY

The City Administrator, Mayor and the City's Independent Auditor shall treat as confidential all reports of suspected fraud or irregularities and all information obtained through an investigation. The City of Wimberley will attempt to protect an individual's identity if they report a concern and do not want their name disclosed. The investigation process, however, may reveal the source of the information, and/or a statement by the individual may be required as part of the evidence. The City of Wimberley will not tolerate harassment or victimization and will take action to protect those who raise a concern in good faith.

Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. All inquiries concerning the activity under investigation from the suspected individual, his attorney or representative, or any other inquirer should be directed to the City Administrator, Mayor or the City's Independent Auditor as previously noted in this policy.

20.07 AUTHORIZATION

During an investigation of suspected fraud, with proper notification of the appropriate level of management and in the presence of the appropriate administrator, the appropriate investigator shall have:

- Free and unrestricted access to all City records, premises, and facilities, whether owned or rented by the City
- The authority to interview employees and record such interviews, if necessary
- The authority to examine, copy, and/or remove all documents, electronic data, files, tapes, disks, computers, and other equipment and storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is the scope of the investigation

20.08 CONSEQUENCES

In the event an employee is found to be engaging in or to have been engaged in fraudulent acts, or failed to report fraudulent acts, he/she will be subject to disciplinary action, which could include termination. Based on the seriousness of the offense, the results may be referred to the appropriate law enforcement and/or regulatory agencies.

20.09 PREVENTION

Fraud can occur in an administrative environment where opportunities exist for waste, abuse and mismanagement. The following internal controls shall be maintained to help prevent fraud:

- Defining clear lines for supervisory responsibilities and accountabilities in the City organization
- Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions
- Physical security over assets such as locking of doors and restricting access to certain areas
- Proper training of employees
- Independent review and monitoring of tasks
- Ensuring that employees take regular vacations

For the City of Wimberley, the management of fraud prevention is a critical and integral element of good management.



AGENDA ITEM:	1. Announcements
SUBMITTED BY:	
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Future Agenda Items
SUBMITTED BY:	
DATE SUBMITTED:	11/27/2023
MEETING DATE:	December 7, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None