

John Mounce, Mayor Pro Tem
Tomas Mendoza, Councilmember
Chrissa Hartle, Councilmember



James Clark, Councilmember
Jim Tate, Councilmember

Elizabeth Woodall, Mayor

**CITY OF JUSTIN
CITY COUNCIL AGENDA
TUESDAY, AUGUST 23, 2022
415 N. COLLEGE AVE.
6:00 P.M.**

CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

Texas Flag: *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state, under God, one and indivisible”*

PROCLAMATION

- Suicide prevention awareness month, September 2022
- Live United month, September 2022

WORKSHOP SESSION

1. Discuss FY 22-23 Budget proposal.

Discuss regular session agenda items

CONVENE INTO REGULAR SESSION- Immediately Following Workshop Session

PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the mayor may impose a three-minute limitation on any person addressing the Council. The Texas Open Meetings Act prohibits the City Council from discussing issues, which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

POSSIBLE ACTION ITEMS

2. Consider and take appropriate action approving Resolution No. 589-22 amending the City of Justin personnel policy.
3. Consider and take appropriate action awarding or rejecting the bid for a contract to C. Greenscaping, LP in the amount of \$1,073,455.89 for the Downtown parking and lighting project.
4. Consider and take appropriate action regarding appointments to and membership of the Justin Community Library Board.

CONSENT

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration

5. Consider and take appropriate action regarding City Council meeting minutes dated August 9, 2022.

EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

- Under Section 551.071, to conduct private consultation with the City Attorney regarding:
 - Preserve Development Agreement
 - Range Road Development Agreement

Convene into executive session.

Adjourn into open meeting.

6. Discuss, consider, and act on items discussed in Executive Session.

FUTURE AGENDA ITEMS

ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Street, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 19TH day of August, 2022 by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

Brittany Andrews

Brittany Andrews, City Secretary

Proclamation:
Suicide Prevention Awareness Month in the City of Justin 2022

WHEREAS addressing the prevention of suicide needs of children, youth, and adults today is fundamental to the future of the City of Justin; and

WHEREAS the citizens of the City of Justin value their overall health and life and that of their families and fellow citizens and are proud to support observances such as Suicide Prevention Awareness Month; and

WHEREAS suicide is the 3rd leading cause of death for ages 10-19, the 2nd leading cause of death for ages 20-34 and the 4th leading cause of death for ages 35-44 and 1/3 of all suicide deaths were ages 55 and older; and

WHEREAS there is an average of 130 suicide deaths per day in the US: and

WHEREAS 10% of adults experience suicidal thoughts in the US; and

WHEREAS nearly 1 and 5 Texas high school students reported seriously thinking about suicide and 15% making a plan and 10% making an attempt; and

WHEREAS the need for comprehensive, coordinated mental health and suicide prevention services for individuals and families' places upon our community is a critical responsibility; and

WHEREAS there is a strong body of research that supports specific tools that all Americans can use, to better handle challenges, and protect their overall health and well-being; and

WHEREAS each citizen, local business, school, government agency, healthcare provider, and faith-based organization shares the weight of suicide concerns and has a responsibility to promote mental wellness, recovery, and support prevention efforts; and

WHEREAS the Denton County Behavioral Health Leadership Team, Denton County MHMR Center, Denton County Zero Suicide Task Force, and Denton County Suicide Prevention Coalition are effectively addressing the mental health and suicide prevention needs of children, youth, adults, and families in our community: and

WHEREAS it is appropriate that a month should be set apart each year for the direction of our thoughts toward suicide prevention education and the support of treatment and recovery; and

THEREFORE, BE IT RESOLVED that, I, Elizabeth Woodall, Mayor of the City of Justin, do hereby proclaim:

September 2022 as *Suicide Prevention Awareness Month* and I call upon our citizens and all agencies and organizations interested in helping to prevent suicide to unite this month in the observance of such exercises as will commit the people of Justin to increasing awareness and understanding of suicide, the steps our citizens can take to help prevent suicide, and the need for appropriate and accessible services for all people experiencing suicidal thoughts.

Mayor, Elizabeth Woodall

City Secretary, Brittany Andrews

(SEAL)



WHEREAS, United Way of Denton County has been identifying Denton County's needs and responding to them for over 69 years; and

WHEREAS, United Way of Denton County is unparalleled in the power to assemble partners, providers, and resources to address the needs of neighbors in crisis; and

WHEREAS, United Way of Denton County leads the effort to provide greater opportunity for every person in Denton County and works with a network of nonprofits, governments, and businesses across the County to respond to our community's immediate needs and seek out better solutions for larger community-wide issues.

NOW, THEREFORE, we declare **September 2022 LIVE UNITED Month** and proudly join United Way of Denton County in calling on all residents of Justin, TX to Give, Advocate, and Volunteer as we LIVE UNITED to build a Healthier Denton County for all of us.

Mayor, Elizabeth Woodall

City Secretary, Brittany Andrews

(SEAL)

City Council Meeting

August 23, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #1

Title: Discuss FY 22-23 Budget proposal

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Please provide any questions or detail requests in preparation for the council budget workshop on August 24 at 6 p.m.

City Attorney Review: N/A

Attachments:

City Council Meeting

August 23, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #2

Title: Consider and take appropriate action approving Resolution No. 589-22 amending the City of Justin personnel policies.

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Approval of Resolution

The personnel policies for the City of Justin employees have not been significantly updated since 2018. To ensure that we address employment issues and address changing demands on personnel I appointed a review committee representing most of the departments of the city. The team reviewed the entire policy and made recommendations to amend, which are highlighted in the proposed document. The most significant changes are as follows:

1. Section 2.22 extends police officer probationary period to twelve months for account for lengthy training required for these positions.
2. Section 3.12 adds policy of longevity pay that currently exists. Longevity pay is currently provided to employees but was not stated in policy.
3. Section 4.4 adds overtime policy for firefighters since positions did not exist before last year.
4. Sections 4.9 – 4.22 adds policies for care and maintenance of equipment and vehicles. It also adds a charge for take-home vehicles as required by IRS regulations since this is a benefit.
5. Section 5.1 adds two federal holidays, MLK Day and Juneteenth.
6. Section 5.2 increase amount of vacation earned for employees after 5 and 10 years of service and addresses firefighter accrual of vacation.
7. Section 5.4 addresses firefighter sick leave.
8. Section 5.15 adds FMLA requirements.
9. Sections 5.17, 5.18 adds quarantine leave for public safety and mental health leave for the police department. Both are required by state law.
10. Section 6.4 add a social media policy for employees.
11. Section 10 adds sexual harassment policy.

12. Section 13 adds children at work policy.

The list is not all the policy changes, the remaining changes are standard policies and clarification of definitions.

City Attorney Review: N/A

Attachments: Resolution

RESOLUTION NO. 589-22

**A RESOLUTION OF THE CITY OF JUSTIN CITY COUNCIL
AMENDING THE CITY OF JUSTIN PERSONNEL
POLICIES; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Justin (the “City”), Texas is a Type A general-law municipality located in Denton County; and

WHEREAS, from time to time it may be necessary to review and amend the City of Justin Personnel Policies to ensure compliance with laws and address changes within the organization; and

WHEREAS, all constitutional, statutory and legal prerequisites for the passage of this Resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Justin and its employees to adopt this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, THAT:

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference as part of this Resolution.

SECTION 2. The City Council hereby amends the City of Justin Personnel Policies as presented in Exhibit A.

SECTION 3. That this Resolution and associated exhibits shall become effective September 1, 2022.

DULY PASSED by the City Council of the City of Justin, Texas, on the 23rd day of August, 2022.

APPROVED:

Elizabeth Woodall, Mayor

ATTEST:

Brittany Andrews, City Secretary

APPROVED AS TO FORM:

City Attorney

**CITY OF
JUSTIN, TEXAS**

PERSONNEL POLICY

Last adopted: September 1, 2022

CITY OF JUSTIN PERSONNEL POLICY

Welcome to the City of Justin.

This manual has been developed to acquaint you the City of Justin and provide you with information about working for the City, employee benefits and some of the policies affecting your employment. You should read, understand, and comply with all provisions of this manual. This manual describes many of your responsibilities as an employee and outlines the programs developed by the City of Justin to benefit its employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee manual can anticipate every circumstance or question regarding policies. As the City of Justin continues to grow, the need may arise and the City of Justin reserves the right to revise, supplement, or rescind any policies or portion of the manual from time to time as needed, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or the City of Justin to end our relationship for any reason at any time.

TABLE OF CONTENTS

I. INTRODUCTION

Sec.	1.1	Purpose.....	7
	1.2	The Municipality.....	8
	1.3	Council Meeting.....	8

II. PERSONNEL RECRUITMENT AND PLACEMENT

Sec.	2.1	Hiring the New Employee.....	9
	2.2	Examinations.....	11
	2.3	Medical Examinations.....	11
	2.4	Non-discrimination/Disabilities.....	13
	2.5	Drugs and Alcohol.....	15
	2.6	General Policy Provisions.....	17
	2.7	Dress Code.....	17
	2.8	Employee Record.....	19
	2.9	Residence.....	19
	2.10	Affiliations/Favoritism.....	19
	2.11	Employment Status.....	20
	2.12	Probationary Period.....	21
	2.13	Job Performance.....	21
	2.14	Job Descriptions.....	22

III. EMPLOYEE PAY AND BENEFITS

Sec.	3.1	Salaries.....	23
	3.2	Timecards and Method Payment.....	23
	3.3	Payday.....	23
	3.4	Accrual of Paid Time Off.....	23
	3.5	Insurance.....	24
	3.6	Pension Plan.....	24
	3.7	Workers Compensation Insurance.....	24
	3.8	Injured Employee Wage Continuation.....	24
	3.9	Certification Compensation.....	25
	3.10	Tuition Reimbursement.....	26
	3.11	Travel Reimbursement.....	26
	3.12	Longevity Pay.....	26

IV. ATTENDANCE AND PAY REQUIREMENTS

Sec.	4.1	Workweek.....	27
	4.2	Absenteeism and Tardiness.....	27
	4.3	Inclement Weather.....	28
	4.4	Overtime.....	28
	4.5	Compensatory Time.....	29

4.6	Holiday Worked.....	29
4.7	Callback Pay.....	29
4.8	Call Duty Pay.....	30
4.9	City Property and Equipment.....	30
4.10	Valid Driver's License.....	31
4.11	Accident Reports.....	31
4.12	City Owned Vehicles.....	31
4.13	Definitions.....	32
4.14	Utilization of Vehicles and Equipment.....	32
4.15	Take Home Vehicles.....	32
4.16	Eligibility for Operating City Owned Vehicles and Equipment....	34
4.17	General Maintenance and Condition of Vehicles.....	35
4.18	Vehicles and Equipment Accidents.....	35
4.19	Responsibilities of Vehicle and Equipment Operators.....	36
4.20	Disciplinary Action.....	36
4.21	City Issued Cellular Phones.....	37
4.22	Return of City Property and Equipment.....	38

V. LEAVES AND ABSENCES

Sec.	5.1	Holidays.....	39
	5.2	Vacation Leave.....	39
	5.3	Scheduling of Vacation.....	40
	5.4	Sick Leave.....	40
	5.5	Personal Days.....	41
	5.6	Emergency Leave.....	41
	5.7	Maternity Disability Leave.....	42
	5.8	Jury Duty.....	42
	5.9	Voting Leave.....	43
	5.10	Military Leave.....	43
	5.11	Military Leave (Short Term).....	43
	5.12	Administrative Leave.....	43
	5.13	Authorize Leave of Absence without Pay.....	44
	5.14	Absence Without Leave.....	44
	5.15	Family and Medical Leaves of Absence.....	44
	5.16	Reinstatement Rights.....	47
	5.17	Paid Quarantine Leave Policy Police and Fire Department.....	48
	5.18	Mental Health Leave (Police Department).....	49
	5.19	Pandemic Event Leave.....	50
	5.20	Notice of Privacy Practices.....	50

VI. EMPLOYEE CONDUCT

Sec.	6.1	Standards of Conduct.....	52
	6.2	Unacceptable Employee Conduct.....	52
	6.3	Conflict of Interest.....	55
	6.4	Social Media.....	56
	6.5	Confidentiality Agreement.....	60

VII. DISCIPLINARY GUIDELINES

Sec.	7.1	Types of Disciplinary Action.....	63
	7.2	Drug and Alcohol Policy.....	65
	7.3	Preventative Acts.....	67
	7.4	Corrective Action.....	67
	7.5	Coordination with Law Enforcement.....	67
	7.6	Reservation of Rights.....	67
	7.7	Other Laws and Regulations.....	68
	7.8	Smoking.....	68
	7.9	Management Safety Policies.....	68
	7.10	Political Activity Restricted.....	69
	7.11	Solicitations and Distribution of Literature.....	69
	7.12	Outside Employment.....	69
	7.13	Telephones.....	69
	7.14	Grievances and Complaints.....	70

VIII. TERMINATION PROCEDURES

Sec.	8.1	Rules and Regulations.....	71
	8.2	Resignation.....	71
	8.3	COBRA.....	72

IX. INFORMATION SYSTEMS POLICIES AND PROCEDURES

Sec.	9.1	General.....	74
	9.2	Overview.....	74
	9.3	Computer Software.....	74
	9.4	General Statements.....	75
	9.5	Software Acquisition.....	77
	9.6	Web Page.....	79
	9.7	Service.....	79
	9.8	Hardware.....	79
	9.9	Miscellaneous.....	79
	9.10	Email/Internet.....	80
	9.11	Employee Responsibilities.....	81

X. SEXUAL HARRASSMENT

Exhibit A

Sec. 10.1	Purpose.....	83
10.2	Anti-Harassment Policy.....	85

XI. DEFINITIONS

Sec. 11.1	Definitions.....	87
-----------	------------------	----

XII. SICK LEAVE DONATION PROGRAM

Sec. 12.1	Sick Leave Donation Program.....	89
-----------	----------------------------------	----

XIII. CHILDREN AT WORK

Sec. 13.0	Children At Work Policy.....	90
-----------	------------------------------	----

This handbook is not a contract, express or implied, guaranteeing employment for any specific duration. Although we hope that your employment relationship with us will be long term, either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice. Please understand that no supervisor, manager, or representative of the City has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing.

CHAPTER I

INTRODUCTION

Sec.1.1 - Purpose

These Policies and Operating Procedures replace and supersede City of Justin Personnel Policy dated **September 30, 2018**, and will apply overall to every employee in the service of the City. Specific city departments will impose additional policy/procedural requirements (e.g., Police Department: Justin Police Department Manual of Rules and Regulations; Fire Department, etc.) necessary to the efficient accomplishment of its individual departmental missions.

Human Resources is assigned responsibility for developing, administering, and explaining personnel policies and procedures for all City employees. Human Resources is delegated the authority to implement and explain policies and procedures as specified by this manual. The final authority in the form of review and approval is reserved to the City Manager and City Council.

The policies stated in this policy are guidelines only and are subject to change at the sole discretion of the City, as are all other policies, procedures, benefits, or other programs of the City. From time to time, you may receive updated information concerning changes in policy.

Department Directors and subordinate management personnel are responsible for the administration and enforcement of these policies and procedures and for cooperating with the Human Resources department in the discharge of their responsibilities.

Each City employee is provided a copy of the personnel policies and is required to read the manual carefully and to adhere to the rules and regulations established in the policies. On the first day of employment Human Resources will review the policy with the new hire. Each employee is required to sign a form stating that they have received the personnel policies.

Human Resources maintains the official set of the personnel policies and all revisions for reference by employees. In addition, Human Resources will make available a complete copy of these policies and copies of subsequent revisions to each employee.

The City of Justin has the right to change these policies at any time, without prior notice to employees. Revisions and amendments will be distributed to employees.

At Will Employment: The City of Justin operates under the legal doctrine of voluntary employment-at-will and within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for reason or no reason. No representations to the contrary by any employee will be binding unless reduced to writing and signed as authorized by the City Manager. Texas law allows the City of Justin to maintain this at-will employment relationship with its employees.

No policies or procedures contained in this document, or any other City of Justin memorandum, manual, or publication may be construed to create a contractual employment relationship, nor do policies and procedures contained in this manual give rise to any contractual rights of any kind.

This document is not intended to, nor does it, create a contract of employment between an employee and the City of Justin. Further, this manual and its contents do not modify the City of Justin's employment-at-will relationship with its employees.

Equal Employment Opportunity – General The City of Justin provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression, sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training. Personnel decisions will be made based on occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

An employee will not engage in conduct at work that involves joking, derogatory remarks, or the display of images or symbols that demonstrate racial, age, sex, religious, or ethnic discrimination. Reports of such conduct will be investigated, and appropriate disciplinary action taken.

The City of Justin prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory practice as outlined above. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of Human Resources.

Sec 1.2 – The City

The City is a designation utilized to indicate the City of Justin, Texas. In the context of this publication, it identifies the synthesis of the City of Justin's personnel functions in the Office of the City Manager.

Sec 1.2.1 – The City of Justin

The City of Justin is a City with a "Council-Manager Form of Government." The City Council consists of a Mayor and five members of the City Council elected at large for two-year terms. Under the City Government, the City Manager is the chief administrative and executive officer of the City and administers the City Government through Department Directors and Staff.

Sec 1.3 – Council Meetings

Council Meetings are held on the second and fourth Tuesday of the month and are held in the council chambers at City Hall. These meetings are open to the public, and you are cordially invited to attend at any time. However, if you have questions or comments concerning your job, you are asked to bring such questions and comments to your supervisor or Department Director through proper channels.

CHAPTER II

PERSONNEL RECRUITMENT AND PLACEMENT

Sec. 2.1 – Hiring the New Employee: Recruitment

The City of Justin has several methods of recruiting and selecting persons to fill vacant positions:

- Promotion or transfer from within.
- Public Announcement (including media announcement and posting of notice for City Employees) and competitive consideration of applications for employment.

The Human Resources Department in consultation with the Department Director determines the method of selection to be used in filling each vacancy.

It is the City's policy to promote qualified employees whenever possible. If two or more applicants have substantially equal qualifications and one is a current City employee, the current employee will be given preference over the other application.

The City does not accept applications for employment unless a specific vacancy exists. A person wishing to apply for a job with the City when a specific vacancy does not exist are informed of the manner of advertising City job announcements and that they may file an application at any time an advertised vacancy exists for which they consider themselves qualified.

Public announcements of position openings at the City for which there will be competitive consideration are disseminated by Human Resources in the manner most appropriate for the position being filled. Current employees are permitted to apply for positions for which they believe themselves to be qualified. The length of time during which applications will be accepted will be determined by Human Resources with consultation with the Department Director in accordance with the circumstances that exist at the time.

Depending on the method of posting, current employees are permitted to apply for positions in which they believe to be qualified. However, employees must be employed by the City for at least six (6) continuous months, before they are eligible to apply/transfer to another department within the City.

The City maintains a job description which establishes the required knowledge, skills, and abilities for each type of City job along with the acceptable levels of experience and training for each job.

The job descriptions set forth the minimum acceptable qualifications required to fill the position, along with any licenses along with time frames to acquire those licenses.

It is the policy of the City to be an equal opportunity employer and vacancies in the City workforce are filled by promotion, or by initial appointment, based on merit as demonstrated by

education, experience, and personal interview. Selections of the best qualified persons are made based on occupational qualifications and job-related factors such as skill knowledge, education, experience, and ability to perform the specific job.

Sec. 2.1.1 – Applications:

The City of Justin requires each applicant for a position to complete a prescribed City Application Form. The employee shall be held responsible for notification of change in address, current telephone number, and changes that would affect benefits or job performance.

Sec. 2.1.2 – Penalty for Fraud:

Any employee who has made a false statement of material fact or has practiced any deception, fraud, or misconduct in connection with an application will be subject to disciplinary action and possible termination.

Sec. 2.1.3 – Background Checks:

It is the policy of the City of Justin to perform background checks and drug screens on all applicants that have been extended a bona-fide job offer.

Sec. 2.1.4 – Employee Orientation

Upon selection of the best qualified applicant, Human Resources will conduct an orientation session to include the following:

1. Personnel Guidelines
2. Retirement and insurance benefits
3. Employment-at-will
4. Grievance procedures
5. Payroll and wage procedures
6. Leave accrual and usage.

Following orientation briefing, the employee will complete the following:

1. All required payroll deduction forms
2. All insurance forms
3. Complete HR Connection site information for benefit selection
4. All Texas Municipal Retirement Systems forms
5. All other documents.

Following completion of orientation, the employee will be directed to his/her respective Department Director for job assignment.

Sec 2.2 – Examinations

Sec. 2.2.1 – Establishing Selection Procedure:

The Department Director has the authority to establish examinations and examination selection procedures when, in the Department Director's discretion and judgement such procedures are called for.

Sec. 2.2.2 – Scheduling Examinations:

The Department Director will schedule examinations as they current and anticipated needs of the City require.

Sec. 2.3 – Medical Examinations.

- A. **New Hires:** Applicants who have been offered certain jobs will be required to undergo a thorough medical examination by a physician or laboratory designated by the City, the cost of which will be borne by the City. This examination shall include drug and alcohol screening to determine the presence of any form of substance abuse. No applicant for such positions shall be employed by the City unless and until the examining physician has certified that the applicant meets the minimum standards of physical fitness required for fulfilling the essential tasks and duties of the position for which the applicant is applying. Psychological tests will be required for public safety positions. New hires must possess all appropriate certificates/licenses as defined by their job description.
- B. **Current Employees:** In the interest of safety or for any other reasonable cause for concern as to your ability to perform job-related functions, the City may require you to report to a doctor or laboratory of the City's choosing for a complete physical and mental evaluation, including drug and alcohol screening. Refusal to submit to an examination may be cause for dismissal. Employees are required to maintain the same minimum standards of physical and mental fitness required of new applicants for their assignments. All department requests for evaluations shall be coordinated through Human Resources.
- C. **Notice of Privacy Practices:** This Notice of Privacy Practices is provided as a requirement of the Health insurance Portability and Accountability Act (HIPAA). It describes how the City may use or disclose an employee's protected health information, with whom that information may be shared, and the safeguards the City has in place to protect it. This notice also describes an employee's rights to access and amend his/her protected health information. The employee as the right to approve or refuse the release of specific information outside of the City's system except when the release is required or authorized by law or regulation.

"Protected health information" is individually identifiable health information. This information includes demographics, for example, age, address, e-mail and relates to the employee's past, present or future physical or mental health or condition and related health care services. The City of Justin is required by law to do the following:

1. Make sure that an employee's protected health information is kept private.
2. Give each employee this notice of the City's legal duties and privacy practices related to the use and disclosure of an employee's protected health information.
3. Follow the terms of this notice currently in effect.
4. Communicate any changes in the notice to each employee.

By law, the City must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee's health information.

The City will share the employee's protected health information with third party "business associates" who perform various activities for the City of Justin (for example, the City's health insurance carrier, the drug testing administrator). The business associates will also be required to protect the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding, in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The City may disclose the employee's protected health information to comply with worker's compensation laws and other similar legally established programs.

The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

1. The employee may inspect and obtain a copy of their protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information.
2. The employee may request the City to provide them with an accounting of the disclosures the City has made of the employee's protected health information.
3. The employee may obtain a paper copy of this notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPPA). There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will use and disclose the employee's protected health information.

Sec. 2.4 – Nondiscrimination/Disabilities

It is the policy of the City of Justin to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee, unless that accommodation will place an undue hardship on City finances or operations, or will pose a danger to the applicant, the employee or others.

The City of Justin offers equal employment opportunity to qualified individuals with a disability and strictly prohibits discrimination against qualified individuals based on disability. In compliance with the American with Disabilities Act (ADA) of 1990 as amended, the City will provide reasonable accommodations to otherwise qualified individuals with disabilities as prescribed in accordance with the Act.

Sec. 2.4.1 – Definitions:

- 1. Disability** - refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A major life activity is substantially limited if an individual cannot perform the activity at all or is limited in the condition, manner, or duration under when an individual can perform the activity when compared to what an average person can do. An individual who has such an impairment has a record of such an impairment is also deemed “disabled individual.” An individual may also be deemed “disabled” if the person is regarded as having such impairment. Pursuant to the ADA, if the condition is transitory and minor with an actual or expected duration of six (6) months or less, then the condition does not qualify as a disability.
- 2. Direct threat to safety-** Refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- 3. Essential job function** – refers to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation.
- 4. Major life activity** – may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems (this list is not exclusive).
- 5. Qualified Individual with a Disability** – refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- 6. Reasonable Accommodation** – refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to, job restructuring,

part-time modified work schedules, reassignment to an existing vacant positions, acquisition or modification, equipment, or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities. An accommodation is reasonable if it does not pose an undue hardship to the City of Justin.

- 7. Undue Hardship** – refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at the facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These factors are not exclusive as undue hardship can include an action requiring significant difficulty or expense (e.g. an action is unduly costly, extensive, substantial, and disruptive or fundamentally alters the nature of City business).

Sec. 2.4.2 – Requests for Accommodations

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation. Employees are responsible for bringing up any disability related issues. The request form will be found in Human Resources. A “reasonable accommodation” may be provided when it enables the employee to perform the essential functions of the job, does not cause undue hardship, and does not cause a threat to safety.

Procedure:

- The request for a “reasonable accommodation” should be directed to the employee’s Department Director or designee and should be made in writing.
- The Department Director or designee with the assistance of Human Resources determines if the employee is a qualified individual with a disability. If the impairment is not obvious, the Department Director or designee should request that the employee submit documentation from a qualified professional, such as a physician and it must include:
 1. Diagnosis to substantiate the existence of the impairment.
 2. Evaluation of functional limitation which impact performance of the essential functions of the job or access to benefits of employment.
 3. A functional job description provided by the qualified professional for the purposes of this evaluation.
 4. NOTE: the employee is responsible for acquiring the diagnosis and evaluation.
- The employee and the Department Director or Designee discuss functional limitations.

1. If the employee has a disability as defined by the ADA, the employee and the Department Director will discuss the specific physical or mental abilities only as they relate to the performance of essential functions of the job or access to benefits and privileges or employment.
2. Assess and discuss how these barriers can be overcome with accommodations.
3. The Department Director or Designee and Human Resources will identify and communicate to the employee a reasonable accommodation. The accommodation will be determined on a case-by-case basis taking into consideration the documentation and information provided by the employee.
4. When reasonable accommodation cannot be provided, Human Resources will discuss with the employee what options are available.

Sec. 2.5 – Drug and Alcohol Policy

The objective of this Policy is to develop and maintain a drug and alcohol-free work environment at the City of Justin to help ensure a safe and productive workplace and safeguard the public interest. To further this objective, the following rules regarding alcohol and drugs in the workplace have been established:

POLICY:

This policy is published to notify, inform, and remind all employees, regardless of position, that the unlawful or unauthorized manufacture, distribution, dispensation, possession, sale, purchase, or use of controlled substances, illegal drugs, or intoxicating beverages are not permitted under the City's rules on any City premises or property. Drug paraphernalia and equipment related to the use of controlled substances and illegal drugs is strictly prohibited. Employees who violate this Policy are subject to appropriate disciplinary action including termination. In the event of an accident or if there is "reasonable suspicion" because of an employee's behavior, appearance, physical manifestations the City of Justin may perform drug-testing, background checks and driver's license checks.

DEFINITIONS:

- A. **Inside City premises** – All land and properties whether occupied or vacant, buildings structures automobiles, trucks and other vehicles, lockers, and rooms on or at any site for the performance of work done for or on behalf of the City.
- B. **On City property** – All property owned or leased by the City and used by employees, including (by way of illustration and not limitation) vehicles, lockers, desks, closets, etc.
- C. **Controlled substance** – Any substance listed in Schedules I-V of Sec 202 of Controlled Substance Act (21 U.S.C. [§812](#)) as amended.

- D. **Drug** – A drug is any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
- E. **Drug paraphernalia** – Equipment, a product, or any material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.
- F. **Illegal drug** – An illegal drug is any drug or derivative thereof of which the use, possession, sale, transfer attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation; any other drug including, but not limited to, a prescription drug, used for any reason other than a legitimate medical reason; and inhalants used illegally. Included are controlled substances and marijuana or cannabis in all forms.
- G. **Reasonable cause/Reasonable suspicion** – Supported by evidence strong enough to establish that a Policy violation has occurred. A determination as to whether reasonable cause or reasonable suspicion exists in a particular situation shall be made by the joint decision of three (3) persons consisting of the employee's Supervisor, the appropriate Department Director and Human Resources or the City Manager.
- H. **Testing** – Is generally defined as urine or breath test to determine chemical or drug content. Any employee may be tested for drug or alcohol use when there is a reasonable cause/reasonable suspicion that:
 - 1. Use of substance is affecting performance; or
 - 2. The employee is engaged in any of the prohibited acts or activities listed in this Policy.

Additionally testing can occur in:

- 1. The pre-employment processes.
 - 2. A routine physical examination.
 - 3. The treatment of an injury caused or contributed to by an employee
 - 4. Investigation of an on-the-job accident.
-
- I. **Under the influence** – A state of having a blood alcohol concentration of 0.08 or more, where "alcohol concentration" has the meaning assigned to it in Article 67011-1, Texas Revised Civil Statutes; or the state of not having the normal use of mental or physical features resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

Sec. 2.6 – GENERAL POLICY PROVISIONS

Any of the following actions constitutes a violation of the Policy and may subject an employee to disciplinary action, including immediate termination.

- A. Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia or alcohol, or attempting or assisting another to do so, while in the course of employment or engaged in an activity sponsored by the City; on premises of the City; in vehicles owned, leased, or rented by the City; or on business of the City.
- B. Working or reporting to work, conducting municipal business, or being on municipal premises or using any municipal property while under the influence of an illegal drug or alcohol or in an impaired condition.
- C. Switching, adulterating, or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.

Sec. 2.7 – DRESS CODE

Purpose

To have the City of Justin employees project a high standard of personal cleanliness, always grooming and professional appearance during working hours with business casual attire or uniforms. The dress code guidelines in this policy are designed for the employees to maintain a neat business like but comfortable professional image to the public and fellow employees.

General

The dress code guidelines apply to all full-time, part-time, temporary, seasonal, uniformed, and non-uniformed employees. Clothing must be in good condition, pressed, clean, properly fitting, and appropriate to position. Employees shall always wear appropriate shoes when working of the City and/or at City offices.

For attendance at Council Meetings and other meetings outside the City of Justin's offices, business suits, sport coats, dresses, and tailored pants suits are recommended for non-uniformed employees. Uniformed employees are recommended to follow the acceptable business casual guidelines.

Supervisors are responsible for:

- 1. Administering this dress code.
- 2. Determining appropriateness if questionable attire.
- 3. Counseling when necessary.
- 4. Determining special department needs.

Exhibit A

An employee shall refrain from wearing apparel that is low-cut, back-less, tank top style, excessively tight or excessively short.

Uniformed Employees

Employees required to wear uniforms and/or specified apparel will be provided new uniforms and apparel with required insignia upon employment. Replacement uniforms and apparel will be furnished at the City's expense on "as needed" basis and per individual Department Guidelines.

Uniform shirts must be worn buttoned and always tucked in. Uniform trousers/pants must be worn free of rips, holes, or tears.

Each Department determines what type of footwear to be worn based on the safety needs of the job. Uniformed employees who terminate employment with the City must return all uniforms and apparel issued by the City by the time his/her final paycheck is issued. Department Directors are responsible for the removal and return of identifying patches and insignia.

Personal Hygiene

Well-groomed employees should be aware that it is necessary to include daily bathing, the use of deodorant and the practice of good dental hygiene in their personal habits to project a professional appearance and non-offensive work environment.

Based on the safety needs of the job, employees with long hair must wear it tucked under a cap or hat. Employees with facial hair must be neatly trimmed. Supervisors or Department Heads will make the determination when this will be needed.

Dress Standard

Due to many types of jobs within the City, several different dress standards are necessary. An employee who is in doubt as to the dress standard for their department should contact his or her supervisor. In instances where this policy conflicts with Department dress codes the more restrictive policy will apply.

Example: If an employee's duties require him/her to have constant contact with the public, that employee may be held to higher dress standard than one with little or no contact with the public.

Exceptions to Standard Dress Policy

The above-stated provisions apply in normal work situations, however, there may be instances where exceptions may be made, including, but not limited to, special work assignments or inclement weather. In times of extreme snow or ice, when a specific short-term situation dictates or when medical conditions exist. A Department Director may authorize exceptions to this policy. Department Directors are responsible for monitoring the attire of their employees and taking corrective action when necessary.

Sec. 2.8 – Employee Records

Personnel Files are kept and maintained in the Human Resources Department.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted 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 Human Resources, the City Manager, or by another employee authorized to do so by the City Manager.

Each employee may choose whether the City discloses the employee's home address and telephone number. A form for this purpose is available at the time of hire and is maintained in the employee's personnel file.

An employee or a representative designated by the employee in writing may examine the employee's personnel file upon request during normal working hours in the presence of Human Resources at the City Hall. The employee may request copies of items or material in their personnel file but may not remove anything from the file. Once the employment relationship between the City and an employee end, the employee will no longer have the ability to view their personnel file. It is the responsibility of the employee to provide Human Resources with any changes in or corrections to information recorded in their individual personnel file such as:

- Home address
- Telephone Number
- Emergency Contact
- Change in marital status or in the number of dependents (for the purpose of health insurance and income tax withholding)
- Change in beneficiary for life insurance and retirement benefits.
- Any additional schooling, certificates or degrees earned during your employment
- Other pertinent information.

Sec. 2.9 – Residence

There is no general requirement that City employees live within the City of Justin. However, employees likely to be called to work in cases of emergency may be required to live within a 45-minute drive from their places of work. At the discretion of the City Manager certain positions may have requirements to live closer than a 45-minute drive from their place of work.

Sec. 2.10 – Affiliations/Favoritism

Sec. 2.10.1 – Nepotism:

Persons related within the third degree of affinity or within the third degree of consanguinity to the Mayor or Member of the City Council will not be eligible for employment.

Exhibit A

Relatives of other employees may be employed but not under the immediate supervision of any relative related within the third degree of affinity or within the third degree of consanguinity. To assist in identifying various critical relationships, the following table can be utilized.

Consanguinity (Blood Relationships)

<u>First Degree</u>	<u>Second Degree</u>	<u>Third Degree</u>
Mother	Grandmother	Uncle (mother or father's brother)
Father	Grandfather	Aunt (mother or father's sister)
Sister	Granddaughter	Niece (sister or brother's daughter)
Brother	Grandson	Nephew (sister or brother's son)
Daughter		First Cousin (aunt or uncle's daughter or son)
Son		

Affinity (Marriage Relationships)

<u>First Degree</u>	<u>Second Degree</u>	<u>Third Degree</u>
Wife	Mother-in-Law	anyone related by Consanguinity
Husband	Father-in-Law	(blood) to the Employee's Spouse
	Sister-in-Law	
	Brother-in-Law	the Spouse of anyone related by
	Daughter-in-Law	Consanguinity (blood) to the Employees
	Son-in-Law	Spouse

Sec. 2.10.2 – Questionable Influence:

Should there be known to exist any special relationship or special motivating factors, either directly or indirectly, between a recommended candidate and the screening supervisor, this will be explained in a narrative justification and forwarded to the Human Resources and the City Manager before the selection is made final. Special relationships or special motivating factors include familial relationships between the selectee and any Justin municipal employee; friendships with other municipal employees or requests (asking of favors) concerning the potential selectee by other municipal employees or anyone who might have an interest in exerting their influence upon Justin Municipal functions.

Sec. 2.11 Employment Status

There are three major general classifications of employees: Regular, Probationary and Temporary (Seasonal).

Sec. 2.11.1 – Regular Full-Time Employees

Are those employees who work a full workweek (as defined in sec 3.3) on a regular basis.

Exhibit A

There are two classifications of part-time employees – those who work at least thirty (30) hours on a regular basis and those who work less than thirty (30) hours on a regular basis. Those working more than thirty (30) hours shall be considered “Part-time – 30” employees and those who work less than thirty (30) hours shall be considered “Part-time” employees.

Sec. 2.11.2 – Probationary Employees

Employees who are newly hired regular employees who have not yet completed their initial probationary period which is generally six (6) months after hire, depending on the job classification and performance. Probationary employees can either be full-time, part-time, or part-time-30 employees.

Sec. 2.11.3 – Temporary Employees

Employees who are employed for only a specific period whether for one day or for the summer, or for a special job, task, or project. Temporary employees may work full or part-time; however, their total hours per year may not exceed 1,000.

Sec. 2.12 – Probationary Period

Every person initially employed by or promoted in City service as a regular employee will be required to successfully complete a probationary period of six (6) months. The new employee’s supervisor will assist him or her during this time. Each new employee’s performance will be evaluated as he or she adapts to the new job. Written notification of this individual’s employment status will be entered into his or her personnel file at the conclusion of the initial trial period. A probationary employee may be dismissed at any time during the probationary period with no recourse to the formal appeal procedure. The duration of the probationary period may be extended if an employee is away from his or her job for an extended period or if the employee’s performance or attendance is not yet satisfactory. Should the Department Director decide to extend the probationary period, a written notice outlining the reasons for the extension will be issued to the employee.

During the probationary period, an employee will be eligible for all regular benefits to which they would be eligible as a regular employee.

Police Department new hires will be subject to a twelve (12) month probationary period from the date of hire.

Should an employee fail to successfully complete their probationary period, they may be subject to disciplinary action up to and including termination.

Sec. 2.13 – Job Performance

Each employee will have a job performance evaluated on a regular basis. Special work requirements may demand more frequent evaluations.

Sec. 2.13.1 Performance Evaluation

A formal, written evaluation will be conducted at various times, but at least annually, for each employee. Scores on evaluations will be used to compare the performance, experience, and qualities of employees to their job requirements. The performance evaluation may vary for different job categories, departments, and/or supervisory capacity. The evaluations will become a part of the employee's permanent personnel record file.

- A. **New field employees** will be evaluated at the end of each training period. These evaluations, conducted by a trainer or supervisor, will be reviewed by the immediate supervisor of the new field employee. These reviews will be taken into consideration when making full evaluations.
- B. **All new employees'** first six (6) months of employment represent a probationary period. Each new employee may be given a series of evaluations during this period.
- C. **All new employees** will be reevaluated at 180 days to determine if they have successfully completed their probationary period.
- D. **Before termination** is recommended, the employee's evaluation will be reviewed by Human Resources and the City Manager.
- E. **Upon completion of the first year of employment**, evaluations will be completed at least annually.

Police Department personnel will have unique evaluation standards and their evaluations.

Sec. 2.14 – Job Descriptions

A job description outlining the duties and responsibilities of each position within the City of Justin will be on file in the office of Human Resources and the City Manager.

CHAPTER III

EMPLOYEE PAY AND BENEFITS

Sec. 3.1 Salaries

All positions will be classified either as exempt or non-exempt according to job qualifications, duties performed, and responsibilities assumed.

Sec. 3.2 – Timecards and Method Payment

Hours worked should be entered into the ESS time management system for the supervisor and/or Department Director approval. Human Resources will download all hours worked no later than 10:00 am on Monday following the end of the pay period. All time entered through the ESS time management system must be approved by the employee and their supervisor or Department Director.

All non-exempt employees are required to record all hours worked. After he/she has entered their time into the ESS time management system for the current pay period, review the time entered for accuracy. Once the time has been reviewed for accuracy, then approve the time. **Never approve anyone else's time and never allow anyone else other than your Supervisor or Department Director to approve your time. Never enter time for anyone nor allow anyone to enter time for you. These are both grounds for disciplinary action up to and including termination.**

It is crucial that all employees verify their time to help avoid future corrections. It is the responsibility of the supervisor or Department Director to verify that the employee's submitted hours follow the overtime and compensatory time guidelines. Any corrections should be corrected prior to the final approval by the supervisor or Department Director.

Exempt employees are required to submit time as well. Although exempt employees may work more than their regular forty (40) hours, workweek, the entering of hours in the ESS time management system aids in the tracking of employee leave and can be the basis for allowing work leave.

Sec. 3.3 – Pay Day

Employees will be paid bi-weekly on every other Wednesday for the period which has ended on the previous Sunday. Should pay day fall on a holiday, pay day will be on the preceding workday. Non-exempt employees must track all time worked, and their supervisors must approve time entries prior to pay days.

Sec. 3.4 – Accrual of Paid Time Off

Exhibit A

Employees working twenty-nine (29) hours or less per week do not accrue any paid time off and are part-time. Permanent employees working full-time, defined as thirty-five (35) or more hours per week shall accrue paid time off on a full basis. Permanent employees working at least thirty (30) hours per week but less than thirty-five (35) hours per week shall accrue paid time off on a $\frac{3}{4}$ basis of benefits provided to full-time employees. Temporary and seasonal employees do not accrue paid time off.

Sec. 3.5 – Insurance

Regular full-time and part-time-30 employees are eligible for medical, dental, vision, and life insurance coverage **on the first day of the month following date of hire.**

The City of Justin offers as a benefit to full-time and part-time-30 employees the following insurance coverages: health insurance, dental insurance, vision insurance, short-term disability , long-term disability insurance and life insurance. The City will provide a copy of the current plan to the employee at the time of employment. The City reserves the right to periodically update and alter the plans to insure the best possible policy and coverage for the employees.

Eligible employees may add dependent coverage at the employee's expense as allowed by the City's insurance plans. An eligible dependent is an employee's spouse, or natural or legally adopted child or stepchild, provided the child or stepchild is 26 years of age or younger.

Sec. 3.6 – Pension Plan

A Retirement Account will be established for each full-time employee with the Texas Municipal Retirement System ("TMRS") upon his or her employment with the City. Deposits to the employee's Retirement Account, which include the employee's mandatory contribution and the City's contribution will be made for each pay period. The City also offers an optional (457b) Deferred Compensation Plan. Contributions into this account will be made by the employee at the end of each pay period and will be automatically deducted from the employee's paycheck. The City does not contribute funds into this account.

Sec. 3.7 – Worker's Compensation Insurance

The City maintains worker's compensation insurance for all employees if an employee is injured on the job. Employees are required to report any on-the-job injury immediately to his/her supervisor. Consistent with applicable state law, failure to report an injury withing a reasonable period could jeopardize your claim. Texas state law prescribes the criteria for receipt of workers' compensation payments.

Sec. 3.8 – Injured Employee Wage Continuation Benefits

Full-time employees who sustain physical injury on the job shall receive wage payments as Injured Employee Wage Continuation payments which are separate and distinct from and in addition to Worker's Compensation payments. Injured Employee Wage Continuation would continue if a physician selected by the employee and approved by the City Manager, certifies that the employee

Exhibit A

is not able or should not return to regular or full-time work due to injury. Wage continuation benefit payments shall not be charged against sick leave, or vacation time until supplemental wage continuation benefits have been exhausted. The total amount paid to an injured employee while absent from work, including any combination of Workers' Compensation benefits, wage continuation benefits, sick leave, vacation leave and wages for work performed, shall not exceed one hundred percent (100%) of full pay which he/she would have received for such period at his/her regular hours and rate of pay. In no event unless expressly authorized by the City Manager shall the total amount of wage continuation benefits paid to an employee as a result of physical injury, including any later aggravation, relapse, or re-injury, exceed thirty (30) working days at one hundred percent (100%) of his/her regular hours and rate of pay; nor shall supplemental wage continuation benefits be paid for absence from work or inability to perform regular or full-time work for an injury sustained two (2) or more years previously. While off work and drawing injured employee wage continuation benefits, an injured employee shall continue to accrue vacation and sick leave at regular rate. If the employee is receiving weekly Workers' Compensation payments, then sick and vacation leave may be taken in an amount necessary to make the difference between such payments and full regular pay.

The term "physical injury" as used in this section shall mean an injury to the physical structure of the body or a part thereof including any subsequent aggravation or re-injury that occurs while the employee is acting in the course and scope of his/her employment and shall not include any illness, disease or infection except such illness, disease, or infection as is directly caused by and naturally results from a physical on the job injury. Injuries that occur while traveling to and from work, while engaged in horseplay, or while attending to personal matters shall not be deemed injuries to qualify for this supplemental benefit.

An employee with a physical injury who is able as determined by the treating physician to perform light duty will be required by the City Manager to do so for his/her original department or another department.

An employee who does not qualify for Injured Employee Wage Continuation benefits, or whose benefits are used up before being released for duty by the treating physician may take his/her accrued sick and/or vacation leave, to equal one hundred percent (100%) of regular pay. An employee who has used all accrued sick and vacation leave and Injured Employee Wage Continuation Benefits before being released for duty by the treating physician may be granted a leave of absence without pay for a reasonable period upon recommendation of the Department Director and approval by the City Manager.

An employee who is physically able to and who fails to report an on-the-job injury, however minor, within twenty-four (24) hours after it occurs may not receive or be eligible for Injured Employee Wage Continuation Benefits. When an employee is injured on the job, he/she shall notify his/her supervisor, complete a written accident report immediately, and submit it to Human Resources.

Sec. 3.9 – Certification Compensation

Certification compensation will be offered to regular full-time employees. This benefit is only offered for certifications within your job description requirements. Please see attached Schedule

Exhibit A

A for all certifications pay rates. This schedule may be updated from time to time by the City Manager.

Sec. 3.10 – Tuition Reimbursement

Tuition reimbursement may be offered to regular full-time employees who have completed twelve (12) months' employment with the City. The tuition for degree programs of Associate and Bachelor will be reimbursed up to the rate of current tuition at the nearest state university. Degree plan must be related to current position held within the City. An employee must submit a written request and receive pre-semester approval for degree coursed beneficial to his/her current position or department. Approval will be subject to review by the City Manager.

Upon completion of the approved degree coursed he/she must submit a certified copy of coursed, grades, and related receipts to the Department Director for reimbursement approval. Associate and bachelor's degree courses will be reimbursed at 100% for a grade of "B" or better or "Pass" in a course utilizing the "Pass/Fail" grading scale. Grades of "c" or lower or "Fail" will not be reimbursed.

All coursework must be completed in the employee's personal time away from work. Failure to do so will affect employee's eligibility to receive reimbursement.

If an employee resigns or is terminated for any reason prior to course completion, the City of Justin shall not be obligated to reimburse any part of the expense.

An employee who resigns or is terminated less than two years after completion of reimbursed course must return the monies to the City upon termination.

Tuition reimbursement will only be available provided there are funds allotted in the current fiscal year budget.

Sec. 3.11 Travel Reimbursement

A City employee traveling in their personal vehicle on pre-approved City business shall be reimbursed at the current Internal Revenue Service Mileage Rate. If the employee is traveling as part of an overnight stay, the mileage reimbursement for travel to and from the destination shall be included in a travel advance payment. The City Manager or Department Director must approve any travel that requires an overnight stay.

When a City employee is required to stay overnight, that employee shall receive a travel advance allowance for expenses based on the General Service Administration's per diem rates of the appropriate location. If the employee is not staying at a designated conference hotel, the amount of the hotel costs for each night shall not exceed the Government Service Administration's allowable rates for that location and time of year.

Sec. 3.12 – Longevity Pay

Full time employees with one full year of service as of October 1st, shall receive longevity pay of \$50 for each completed year of service. Longevity pay will be paid out on the pay period prior to Thanksgiving holiday

CHAPTER IV

ATTENDANCE AND PAY REQUIREMENTS

Sec. 4.1 – Workweek

Because of the nature of our business, your work schedule may vary depending on your job. Normal business hours are set by the City Manager and/or Department Director and may vary between Departments or positions. A typical schedule would be Monday through Friday with one (1) hour of unpaid time off each day for lunch. A morning and afternoon break will be available to employees for duration of fifteen (15) minutes for each period. The standard workweek is forty (40) hours for all employees, excluding the police department and fire department.

Sec. 4.2 – Absenteeism and Tardiness

The City expects all employees to assume diligent responsibility for their attendance and promptness. If you are unable to work because of illness; you must notify your supervisor at least thirty (30) minutes prior to the start of your shift on each day of your absence. Failure to properly notify the City results in an unexcused absence.

Sec. 4.2.1 – Guidelines

1. When you have advance knowledge of an impending absence, you must request permission to be absent at least (3) days in advance of the scheduled absence, or as soon as you become aware. The request should be submitted and approved by your supervisor. Some departments may have additional requirements because of scheduling and shifts.
2. Should you have a personal, or family emergency or illness, and are unable to provide advanced notice of your absence, you must notify your Supervisor as soon as permitted by the emergency circumstance.
3. If you expect to be late for the start of your shift, you must call your supervisor and inform them of your delay.
4. Only under emergency situations may a family member contact your supervisor to notify of your absence.
5. If you are absent from your job, due to an illness, for three (3) or more consecutive workdays, a doctor's note may be requested upon your return. The doctor's note should provide the date of your illness or injury when you were seen or under the physician's care and release that allows you to return to work with or without limitations.
6. In addition, an employee who the City suspects is abusing this policy (e.g., habitually tardy, unacceptable absenteeism, etc.) may be required to submit a physician statement or to be examined by a company designated physician

Sec. 4.2.2 – Discipline

An employee who fails to properly notify the appropriate personnel in advance of an absence or tardiness may be subject to disciplinary action.

If you are absent from your shift and have not contacted your supervisor regarding your absence for two (2) consecutive days you will have been considered to have quit your job.

Sec. 4.2.3 – Abandonment of Position

An absence of two (2) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the second day.

Sec. 4.3 – Inclement Weather

In the event of inclement weather:

- City offices may or may not be open at the discretion of the City Manager
- Employees who report to work will be paid for a full day, even if City offices are closed early.
- If an employee chooses not to report to work, the employee will be required to take a personal or a vacation day. Should the employee not have enough time accrued, the employee may receive unpaid time for any hours scheduled but not worked.
- Any deviance from this policy shall be at the discretion of the City Manager.

Sec. 4.4 – Overtime

Employees may from time to time be required to work hours more than their official hours, when determined necessary by management. Employees are expected to respond to a reasonable request to work extra hours and may be subject to disciplinary action for failure to stay or report for such hours.

Regular, part-time and temporary nonexempt employees will receive overtime compensation. Exempt employees are not eligible for overtime pay.

The City is responsible for determining the exempt/nonexempt status of positions pursuant to guidelines established by the Federal Fair Labor Standards Act (FLSA).

For all employees, excluding of the police department, and Fire Department overtime will be paid to nonexempt employees at one and one-half (1 ½) times the regular rate for hours worked over forty (40) hours in the work week. Hours worked is defined as hours worked, as well as emergency

leave and holiday hours. Vacation, sick, military, jury duty and personal leave are not considered to be “hours physically worked” for purposes of calculating overtime.

For Police Department nonexempt employees, overtime shall be paid at one and one-half (1 ½) times the regular rate for hours worked, as well as emergency leave hours, more than eighty (80) hours per fourteen (14) day pay period.

For the Fire Department nonexempt employees, overtime shall be paid at one and one-half (1 ½) times the regular rate for hours worked, as well as emergency leave, holiday, military, and jury duty. Vacation and sick time and personal time are not considered to be “hours physically worked” for the purposes of calculating overtime.

Sec. 4.5 – Compensatory/Flex Time

Compensatory (comp) time is available only to FLSA exempt employees. Due to their exempt status, an exempt employee may work any number of hours in a single workweek or pay period and not receive overtime pay. Comp time is earned on an hour -for-hour basis for all hours worked more than eight (80) hours in a single pay period. Comp time will accrue to a maximum of eighty (80) hours, and a maximum of forty (40) hours will roll over at the end of each fiscal year. Comp time off may only be used if approved by the Department Director or City Manager and no more than twenty-four (24) hours of comp time off may be used consecutively. No employee is eligible to use more than forty (40) hours of comp time off in a single fiscal year.

FLEX TIME is available to exempt and nonexempt employees, if approved in advance by the Department Director or City Manager. Any hours worked more than schedule hours for a given day may offset additional scheduled hours for other days in the pay week (for nonexempt employees) or pay period (for exempt employees). Employees may not purposefully work extra hours on any days to work less hours on other days without approval by the Department Director or City Manager.

Sec. 4.6 – Holiday Worked

Non-Police Department employees working on a scheduled City holiday shall be paid for hours worked at a one and one half (1 ½) rate, in addition to receiving holiday pay for eight (8) hours if a full-time employee or six (6) hours if a part-time-30 employee at their regular rate of pay. To receive holiday pay, an employee shall have worked his or her last scheduled day before and the day after the holiday unless excused by the appropriate Department Director. Holiday pay is only available to full-time and part-time-30 employees.

Sec. 4.7 – Callback Pay

Callback pay is provided to certain employees who are required to be available to respond to emergencies. Your rate of pay will be consistent with normal overtime policies.

Exhibit A

It is the responsibility of the employee to check with his/her supervisor prior to working on such occasions to make certain that overtime is authorized. Employees will only be paid overtime in an emergency if his/her services are utilized on the emergency.

Sec. 4.8 – Call Duty Pay

Water, Wastewater Non-Exempt Employees

When an employee is assigned call duty for a week's time period he/she will be paid \$80.00 on call premium. When an employee is assigned to be on-call, he/she must be able to report to work within 45 minutes.

The individual taking call duty during all City observed Holidays will receive \$120.00 on-call premium for that week.

Employees who are called to respond to a call or to perform routine checks on a non-scheduled workday will be paid a minimum of two (2) hours for each time he/she is called in. Employees who use their private cars to respond when on-call will be paid per mile from home to Justin and back using the current IRS mileage rate.

An employee who is called in to work by his or her supervisor/manager will be paid a minimum of two (2) hours worked. Employees who use their private cars to respond when called in will be paid per mile from home to Justin and back using the current IRS mileage rate.

Sec. 4.9 – City Property and Equipment

Each employee is responsible for the proper use and maintenance of equipment, tools, vehicles or motorized equipment and other City property assigned to the employee for use in City operations. Employee negligence that leads to lost or damaged equipment will result in the employee reimbursing the City the cost of said equipment. The cost will be withheld from the employee's paycheck.

Use of City equipment, tools, vehicles, motorized equipment, or supplies for private or political purposes is strictly prohibited.

City computers, electronic equipment and software are to be used for City business. No software other than software approved by the City or an employee's Department Director may be installed, kept, or used on a City computer or other electronic hardware. This limitation on software is to avoid software that may interfere with the operation of the City's computer systems and other electronic hardware or may contain computer viruses that could cause operational problems or the loss of City data. Access to the internet, e-mail and messaging and voice mail and other electronic hardware is for City business only.

City property, including but not limited to facilities, desks, files, vehicles, motorized equipment, telephones, and computers is subject to City inspection and removal of illegal or unauthorized items. There is no expectation of privacy.

Sec. 4.10 – Valid Driver’s License

Operators of vehicles and motorized equipment used in City business are required to have a valid State of Texas driver’s license necessary for legal operations of that vehicle or equipment and to notify their Department Director of any changes of status or suspensions in licenses. Failure to maintain a safe driving record may be grounds for disciplinary action including termination.

As well as any employee that uses their personal vehicles for City business shall abide by the same requirements.

Suspension, revocation, or lapse in the validity of the required driver’s license of an employee who operates vehicles or motorized equipment in the conduct of City business may result in termination or re-assignment of the employee.

Sec. 4.11 – Accident Reporting

Any accident on City property, at a City worksite, or involving a City vehicle or motorized equipment must be reported immediately to the employee’s supervisor, and when warranted the Police Department.

Any employee observing or involved in a motor vehicle accident must immediately notify the Police Department.

An employee witnessing or involved in an accident must stay on the accident scene (unless medical treatment is needed) until released by law enforcement.

Sec. 4.12 – City Owned Vehicle and Equipment Use

The purpose of this policy is to define and describe the usage parameters related to the operation of City of Justin vehicles and motor-driven equipment by City employees.

1. Ensure the safety and well-being of City employees
2. Facilitate the efficient and effect usage of City vehicle and motor-driven equipment use.
3. Minimize liability to the City and set standardized disciplinary procedures.
4. Establish standard requirements and procedures for all City of Justin employees who drive a City-owned vehicle or motor driven equipment in the course of City business.

City-owned vehicles and equipment must meet certain standards and following the requirements outlined in this policy. Some departments have additional vehicle use policies, and in the case of conflict, the most restrictive provision shall apply unless specifically stated herein.

Supervisors and Department Directors are responsible for implementing and enforcing this policy. All employees who operate City vehicles and equipment shall be briefed by their immediate supervisor. On this policy and shall be informed that violation of this policy can result in suspension, demotion, and termination.

Sec. 4.13 – Definitions

The items defined within this section of this policy shall apply only to this section of the policy.

1. **“City owned Vehicle or Piece of Equipment** – A vehicle or piece of equipment owned or leased by the City of Justin.
2. **“De Minimis”** – Latin for “of minimum importance.” Essentially refers to something that is so little, small, miniscule, or tiny that the law does not refer to it and will not consider it.
3. **“Driver”** – Operator of a motor vehicle, motor driven equipment or equipment attached to a vehicle or motor driven equipment.
4. **“Preventable”** – The employee failed to exercise every reasonable precaution to prevent an accident
5. **“Chargeable”** – The employee violated a State traffic law; violated an established department safety policy or practice or both. The employee was a fault or contributed to the cause of the accident.
6. **“Employee”** – means a person, including an officer or firefighter who is paid by the City of Justin, but does not include an independent contractor, an agent or employee of an independent contractor or a person who performs tasks the details which the City of Justin does not have the legal right to control.
7. **“Take home vehicle”** – A City owned or leased vehicle which may be stored at an assigned employee’s residence who resides in the City of Justin or has received approval from their Department Director if the employee resides outside of the City limits.
8. **“Scope of Employment”** – means the performance for the City of Justin of the duties of an employee’s office or employment and includes being in or about performance of a task lawfully assigned to an employee by their supervisor or Department Director.
9. **“Vehicle accident”** – includes all accidents or incidents involving personal injury or property damage to or caused by a City vehicle, motor driven equipment, or equipment attached to a vehicle or motor driven equipment.

Sec. 4.14 – Utilization of Vehicles and Equipment

City owned vehicles and motor driven equipment shall not be used for personal reasons or personal business. This prohibits the hauling of personal property from one place to another, personal shopping trips, and non-business-related transportation of family members.

Only City employees, the City Manager and City Council members are authorized to travel in a City vehicle and equipment unless authorized by supervisors or Department Director.

Sec. 4.15 – Take Home Vehicles

In accordance with IRS requirements, personal use of vehicles is not allowed other than commuting to and from work and de minimis personal use. The IRS regulations consider use of City vehicles for commuting as income. This will be accounted for to the IRS as required on the employee’s W2 for. The Supervisor or Department Director will provide a listing of Employees (excluding Police Department Vehicles) who have been authorized to take a City vehicle home with the number of days that the City vehicle has been taken home to Human

Exhibit A

Resources so that those employees driving a City vehicle home will have the correct income added to their pay-check period

Calculation: Usage will be recorded in the payroll system by multiplying the daily dollar amount of \$3.00 times the number of days driven home. Example \$3.00/day X 10 days = \$30.00 entered in the employee record.

Department Directors and/or supervisors are responsible for ensuring that employees properly log the correct days when vehicles were taken home.

Vehicles assignments shall be evaluated based on department provided services, special/critical needs, special skills, emergency status, and frequency of recall after hours. The Department Director will consider the following criteria in approving an employee to be permitted to take a City vehicle home after normal work hours:

- The employee is the primary operator of the vehicle.
- The employee meets the City of Justin's driving requirements.
- The employee has not had his or her driving privileges revoked or suspended within the last five (5) years.
- The vehicle is to be used to respond to emergencies or as a part of on-call responsibilities.
- The vehicle is used to contribute to the efficiency and/or effectiveness of City operations.

For circumstances outside of the criteria noted above, will require the approval of the City Manager.

Take home authorization may be revoked by :

- The employee uses the vehicle for personal reasons
- The employee violates any federal or state law
- The employee allows any non-employee or City official to travel in the vehicle or motor-driven equipment without authority.
- The employee fails to comply with the provisions of this policy.
- The employee has a change in job assignment, duties, or responsibilities such as that a take home vehicle is no longer justified or
- When it is in the best interest of the City of Justin.

Employees operating take-home City owned or leased vehicles who submit leave notices for three (3) or more consecutive workdays must make arrangements with their supervisor to leave the vehicle and keys for use by other City personnel during such period.

Sec. 4.16 – Eligibility For Operating a City Owned/Leased Vehicles and Equipment

No employee shall operate a City vehicle or a piece of equipment without first being trained, instructed, licensed, or certified as may be applicable in its proper operation and use. An employee that knowingly operates a City vehicle or a piece of equipment without the proper license or does not notify their supervisor of their suspended or expired license, will be subject to disciplinary action up to and including termination.

To be eligible to operate a City- owned vehicle or piece of equipment, employees shall:

- Be a minimum of 18 years of age (employees 17 years of age may drive in accordance with guidelines from the Department of Labor).
- Maintain a valid Texas driver's license of the type that is required for the vehicle/equipment being operated.
- Have an acceptable driving record. An acceptable driving record shall mean that the employee or applicant has:
 1. No more than three (3) moving violations within the preceding two years.
 2. No more than two (2) moving violations within the preceding twelve (12) month period resulting in conviction. (Evidence of traffic violations includes, but is not limited to convictions, "no contest pleas," dismissal for defensive driving purposes, receiving deferred adjudication and current charges).
 3. Not have been convicted of driving while intoxicated within the preceding three (3) years.

By applying for, or continuing employment, in a position that may involve driving a City vehicle or operating City owned equipment, an employee thereby consents to checks of his/her driving record.

Employees who drive City owned vehicles on City business must notify their supervisor immediately of any change in driver's license status, including State suspension, revocation, or restriction. These violations may result in the immediate suspension of the employee's privilege to operate a City owned vehicle or equipment. Additionally, the employee may be subject to disciplinary action up to and including termination.

If an employee is charged with DWI/DUI, City driving privileges shall be immediately suspended pending the final disposition of the charge. If convicted, the employee may be subject to termination. Additionally, an employee who normally drives a City vehicle for business purposes, who has their driving privileges suspended, may not drive their personal vehicle to conduct City business, unless such personal use is approved by the employee's Department Director, and they obtain a State Occupational license, as necessary. A copy of the State Occupational license will need to be given to both the employee's Department Director as well as Human Resources to be placed in the employee's personnel file.

Sec. 4.17 – General Maintenance and Condition of Vehicles

Supervisors and Department Directors are responsible for the overall condition of the vehicles assigned to their department. Supervisors and Department Directors shall ensure that all vehicles are maintained in optimum running condition for maximum fuel economy and life span. Vehicles will be always kept clean, inside, and out.

Employees shall not:

- Smoke or utilize any tobacco products or electronic cigarettes inside City owned vehicles or motor driven equipment.
- Employees shall not possess, purchase or be under the influence of drugs or alcoholic beverages while operating City vehicles or motor driven equipment.
- Alter the body, design, appearance, or markings of the vehicle.
- Use fuel, oil, or other substances not approved by the Equipment Division or
- Perform mechanical repairs unless authorized by the Equipment Division.

Each day, employees who operate City owned vehicles or motor driven equipment shall ensure the vehicle or equipment is in a safe, clean, and operable condition by checking the fuel, fluid levels, tires, and overall condition of the vehicle. Employees shall immediately report deficiencies to their supervisor who will take appropriate action to allow a vehicle or piece of equipment to remain in service or remove it for repair. Under no circumstances shall a vehicle or piece of equipment be allowed to remain in service that a serious safety defect such as slick tires, leaking fuel lines, exhaust entering passenger compartment, or defective brakes.

Vehicles shall be kept sufficiently Fueled for emergency responses. City personnel shall only keep authorized City equipment and authorized personal equipment in the assigned vehicle.

Sec. 4.18 – Vehicle and Equipment Accidents

If an employee is involved in an accident, in the course of performing their duties, while driving a City or personal vehicle, that individual will be required to follow the specific accident-reporting procedure outlined by the department. The following steps should be followed by all employees.

- Stop the vehicle at the scene of the accident without obstructing traffic more than necessary and stay at the scene of the accident.
- Activate warning/safety lights
- Contact the Police Department or Sheriff's Department as applicable
- Contact supervisor
- Give a statement of facts of the sequence of events to the investigating officer.

The employee's supervisor will investigate all accidents involving a City vehicle that is a part of their departmental fleet. The supervisor and employee will complete and submit a City of Justin Incident Investigation Report within 48 hours of the accident to the City Secretary and Human Resources.

An employee that fails to report an accident or injury within eight (8) hours of the accident, or who falsifies any information pertaining to an accident, will be subject to disciplinary action up to and including termination.

Sec. 4.19 – Responsibilities of Vehicle and Equipment Operators

1. Employees shall always operate City vehicles and equipment in a safe and courteous manner. Unsafe, negligent, or reckless driving is prohibited. Drivers must obey all laws.
2. When unattended, City vehicles shall be legally parked and properly locked.
3. Employees who operate City vehicles or motor driven equipment shall keep vehicle doors and trunk always locked with the ignition turned off and keys in their possession upon very exit of vehicle or motor driven equipment. At no time should a vehicle be left unattended with engine running and/or keys in or on the vehicle.(Exception to this will be Police Vehicles).
4. Employees utilizing City owned vehicles or motor driven equipment are strongly encouraged to find a safe and secure location and stop their vehicles to use cellular phones, and lap top computers.
5. Employees must immediately report damage or vandalism to their supervisor.
6. When stopped on any roadway or on the shoulder of a roadway, the driver of the City vehicle shall activate warning/safety lights except when lawfully parked at the curb or street side.
7. Employees who use City owned vehicles and motor driven equipment should be aware that the operation and appearance of such vehicles reflects on the professionalism of the driver, their respective department, and the City. Accordingly, personnel must be constantly aware of their actions and ensure that their behavior, appearance, and operation exhibit the highest level of professionalism and courtesy.

Sec. 4.20 – Disciplinary Action

Supervisors will use the following guidelines to decide regarding disciplinary action after a thorough review of all circumstances.

The following shall be grounds for disciplinary action. Such disciplinary action may include suspension or revocation of the use of an assigned vehicle, suspension, or termination.

- **Negligence, abuse or misuse-**Negligence, abuse, or misuse on the part of an employee in the care or operation of City owned vehicles or equipment.
- **Failure to follow procedures and regulations.** Failure of an employee to follow the procedures and regulations governing the use of the individually assigned vehicle established herein.
- **Traffic law violation.** Violations of any traffic law pertaining to the use and operation of a motor vehicle while operating a City vehicle.
- **Criminal law violations.** Violations of any criminal law in the use of operation of the assigned vehicle pursuant to any law of the State of Texas, City Ordinance, or Federal Law.
- **Operating vehicle while possessing/under the influence of drugs or alcohol.** Operating a City vehicle while possessing or being under the influence of alcohol or drugs, or consuming alcoholic beverages or using drugs in a City vehicle (immediate termination).

- **Excessive accidents.** Employees having a combination of two or more Preventable or Chargeable accidents within thirty-six (36) months.

The first preventable vehicle or equipment incident will result in a written reprimand. The supervisor will create a corrective action notice, which will outline a corrective action plan to rectify the problem. The supervisor will inform the employee of possible consequences if the problem is not corrected.

The second preventable vehicle or equipment incident within three (3) years of the first preventable incident will result in suspension and three (3) month probation. The supervisor will create a corrective action notice, which will outline a corrective action plan to rectify the problem. The Supervisor will inform the employee of the possible consequences if the problem is not corrected.

The third preventable vehicle or equipment incident within three (3) years of the first preventable incident will result in immediate termination.

As an additional countermeasure leading to reduced driver error and ticketed incidents, employees may be required to take a Defensive Driving, or a Municipal Vehicle Operations course offered through Texas Municipal League. Employees may also be required to complete additional operation training if it is identified as a contributing factor in the incident.

Employees who fail to report incidents in accordance with department policy may be disciplined up to and including termination.

Sec. 4.21 – City issued Cellular Phones

Where job needs demand immediate access to an employee, the City may issue a City owned cellular telephone to an employee for work-related communications. These phones are intended to be used for business purposes and incidental personal calls should be as brief as possible. It is recognized that employees will use City issued cellular phones for personal use. Abuse of City issued cellular phones can result in disciplinary actions up to and including termination.

Employees shall make no changes to City issued phones as it relates to passcodes and phone identification. Returned cell phones that have been altered that cause the phone to be inoperable upon separation of employment shall be the responsibility of the employee.

Maintenance: Each employee who is assigned a City cell phone is responsible for good care and maintenance of the assigned device. Reasonable precautions should be made to prevent theft of or damage to the cell phone and related equipment.

Replacement: Any person who loses or causes a cellular phone to be disabled or non-repairable may request a replacement phone, if the event that caused the damage can be justified as work related. If an employee requires a replacement phone due to employee negligence, the employee will be required to pay for the replacement phone. Multiple replacements may lead to disciplinary action.

Sec. 4.22 – Return of City Property and Equipment

When an employee terminates or is terminated from City employment, any City property (tools, equipment, badge, keys, etc.) that has been issued to the employee must be returned before the employee leaves City property. Failure to return City property or equipment will result in the total amount being deducted from an employee's final check.

Chapter V

LEAVES AND ABSENCES

Sec. 5.1 – Holidays

New Year's Day January 1

Martin Luther King Day January 17

President's Day Third Monday in February

Good Friday Friday before Easter

Memorial Day Last Monday in May

Juneteenth June 19

Independence Day July 4

Labor Day First Monday in September

Veteran's Day November 11

Thanksgiving Day Fourth Thursday in November

Friday After Thanksgiving Fourth Friday in November

Christmas Eve December 24

Christmas Day December 25

When a holiday falls on Saturday, the preceding Friday will be observed as the holiday. When a holiday falls on Sunday, the following Monday will be observed. When Christmas Eve and Christmas Day fall on Saturday and Sunday, respectively, the holidays will be observed on the Friday before and the Monday afterwards.

Sec. 5.2 – Vacation Leave

Vacation leave is paid time off from the job. Employees are eligible for vacation pay as follows:

1 – 4 years 80 hours (10 days)

5-9 years 120 hours (15 days)

Exhibit A

10+ years 160 hours (20 days)

Although a new regular employee will begin to accrue vacation leave on their first day of employment, no vacation leave may be taken during the first six (6) months of employment, unless approved by the City Manager. Vacation time must be earned before it is used.

Temporary and/or seasonal employees are not eligible for Vacation leave.

Part-time-30 employees shall accrue vacation leave according to the proportional hours worked per week.

Fire Department Employees working 24-hour shifts shall accrue vacation leave at a rate of fifteen (15) hours per month and a total of 132 hours of holiday time per calendar year to use at any time. Holiday time will not accrue. Should a Fire Department employee leave employment during the year after taking Holiday time, any over payment of holiday time will be paid back to the City from the employee's final check.

Employees whose employment time exceeds six months may take vacation time as it is accrued pursuant to the following requirement:

1. Vacation leave must be approved by the Department Director to allow for coordination and continuation of City business.
2. Vacation leave may not be taken in blocks of more than eighty (80) hours without prior approval of the City Manager.

Employees will be allowed to carry forward two-hundred and forty (240) hours of unused vacation hours into the next fiscal year. Any unused accrued vacation more than the allowable hours not taken by September 30th deadline will be considered a forfeiture of accrued leave.

Sec. 5.3 – Scheduling of Vacation

Vacation requests are required to be submitted 14 days in advance or as approved by the employee's Department Director. The City will attempt to grant the scheduling requests of the employee as near as the needs and requirements of the City will permit, giving due consideration to the employees' seniority in the event of a request for the same vacation time by two or more employees.

Sec. 5.4 – Sick Leave

The intent of sick leave is to prevent a loss of income to a regular employee who is absent due to an illness which is not a job-related illness and for medical appointment, illness, or injury. Regular employees accrue sick leave at the rate of 3.08 hours per pay period for a total of eighty (80) hours per year. Part-time-30 regular employees earn sick leave in proportion to the number of hours worked. Fire Department employees working 24-hour shifts shall accrue sick leave at a rate of twelve (12) hours per month.

Exhibit A

Sick leave may be used for illness or injury, eye, or dental care, or medical treatment or examination. A limited amount of sick leave may also be used when serious illness or injury in the employee's immediate family requires it, provided the Department Director approves.

Sick leave may not be used in advance of being earned. Sick leave may be accrued up to twenty-five (25) days or two hundred (200) hours maximum leave. Upon separation, all sick leave shall be cancelled, except an employee hired prior to October 1, 2018, who retires with twenty (20) years of service shall be paid a lump sum of all unused sick leave up to the maximum accrual.

Official holidays and regular days off shall not count against sick leave.

An employee who has been absent because of illness or injury may be required to furnish a physician's release prior to return-to-work status.

The City Manager may require satisfactory proof of illness or the need to attend to a family member and disallow any sick leave in the absence of a physician's statement. Employees who willfully use sick leave for purposes other than those which are intended in this policy, shall be subject to disciplinary action including possibly being dismissed from service.

Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated, and their time charged to sick leave. A physician's statement will normally be required in such instances.

When an employee's accumulated sick leave has been exhausted, unused vacation time or personal day hours may be used as sick leave upon request of the employee and approved of the Department Director. When the absence exceeds the amount of paid leave earned and authorized, the employee will be placed on leave of absence without pay until he or she returns to work.

Sick leave will not be advanced, nor will sick leave accrue during leaves of absences without pay.

Sec. 5.5 – Personal Days

After six (6) months of continuous service, each full-time employee shall be entitled to two (2) personal days off for each twelve (12) months worked. Personal days will accrue as follows: one (1) day on January 1 and one (1) day on July 1. Personal days cannot be carried past the end of the subsequent six (6) month accrual period.

Sec. 5.6 – Emergency Leave

All full-time and part-time-30 employees may be granted emergency leave with pay in case of hospitalization, serious illness, death in the immediate family (spouse, child, mother, father, mother-in-law, father-in-law, employee's grandparents, brother or sister, grandchildren) or any emergency under extenuating circumstances that demands immediate action as follows:

1. Up to three (3) days but not to exceed twenty-four (24) hours in a payroll calendar year.

Exhibit A

2. Emergency leave shall not be authorized until approved by the City Manager.
3. Emergency leave will not be charged against sick leave or vacation time until after the three (3) days of emergency leave are exhausted.

Sec. 5.7 – Maternity Disability Leave

Maternity leave is leave granted to an employee for the period of disability related to pregnancy and childbirth. The time taken as maternity leave is considered an off-the-job disability until the employee's physician releases her for work.

Maternity leave may be charged to the employee's accrued sick leave, vacation, personal day, or compensatory leave. The City will continue its contribution towards the employee's health care insurance if the employee remains in paid status. Should the employee go on a leave of absence without pay, the employee would be responsible for both the City and employee's portion of the health insurance premiums, except if the employee is on Family & Medical Leave under the Family & Medical Leave Act (FMLA).

Breastfeeding break policy – For one year after the birth of a child, employees who are nursing are entitled to breaks of reasonable duration each time the employee has a need to express milk. If the employee expresses milk during a standard 15-minute rest break, she will be paid for the time. If the employee is taking an additional break for the purpose of expressing milk, the time will be unpaid. The City will provide a location, free from intrusion from coworkers or members of the public, which may be used for this purpose. Employees will not be retaliated against for exercising their rights under this policy.

Sec. 5.8 – Jury Duty

A regular employee required to report for jury duty during the employee's scheduled workday is granted leave with pay. The employee receives full pay from the City for the time served on the jury up to a maximum of two (2) weeks and/or until released, whichever is less, provided the employee remits to the City all fees for jury duty as soon as the duty fees are received. Compensation received for mileage when the employee uses his/her own vehicle will not be considered as fees and may be retained by the employee. If an employee exceeds the two-week period of paid jury duty leave, he/she may use accrued vacation or personal day hours during any additional jury leave. If a regular employee is serving jury duty when he/she is not scheduled for work or is using vacation or persona leave, or has exceeded the two-week period of paid leave, the employee may retain all fees, mileage, and subsistence allowances.

Before a regular employee can be granted leave with pay for jury duty, the employee must give their immediate supervisor a copy of the summons to serve on a jury. In addition, the employee must present documentation from the court clerk showing evidence of jury duty pay and time served.

Sec. 5.9 – Voting Leave

All employees who are entitled to vote in national, state, county, or municipal elections shall, when necessary, be allowed sufficient time off with pay, not to exceed one (1) hour to vote.

Sec. 5.10 – Military Leave

Leaves of absence without pay for military or reserve duty are granted to full-time and part-time regular employees. If you are called to active military duty or to reserve or National Guard training, you are required to notify and submit copies of your Order to Duty to your Department Director in advance of your absence. You will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws.

Sec. 5.11 – Military Leave (Short Term)

An employee who is a member of the state military department or a reserve component of the armed forces will be granted up to a fifteen (15) days of paid leave per federal fiscal year for days on which the employee is engaged in authorized training or duty ordered to authorized by proper authority, subject to the following conditions:

- All requests for leave must be accompanied by a copy of the order, directive, notice, or other document requiring absence from scheduled work.
- Leave pay will not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
- Travel time included in the offers and paid for or reimbursed by the service may be counted as military leave.
- Time required over and above the maximum allowed must be taken as vacation leave, zero time or leave of absence.

Your eligibility for reinstatement after your military duty or training is completed is determined accordance with applicable federal and state laws.

Sec. 5.12 – Administrative Leave

The appropriate Department Director and City Manager may grant an employee administrative absence with pay to attend a professional conference, convention, training activity, legislative proceedings, civic functions, or meetings related to the City.

All employees in the City service will be entitled to necessary time off with pay for the purposes of taking qualifying or promotional examinations for other City of Justin positions. This will also include hiring interviews for other Justin City positions. The amount of time allowed for this activity shall be limited as prescribed by the appropriate Department Director.

Paid administrative leave for other purposes may be approved from time to time by the City Manager.

Sec. 5.13 – Authorized Leave of Absence without Pay

A leave of absence is not a right, but a privilege. Leaves of absence, other than those that qualify as family or medical leave may be granted without pay in cases of emergency and when a leave of absence would not be contrary to the best interests of the City. A leave of absence is granted only upon written request by an employee who presents the reason for the leave. Approval will be made in writing according to the following provisions:

- A request for a leave of absence without pay for one (1) week or less may be granted by the Department Director, depending on the merit of the individual case.
- A leave of absence, without pay, longer than one week, requires that accrued vacation leave be used first.
- A leave of absence may not exceed twelve (12) consecutive months.
- Failure to return at the end of the agreed-upon length of leave may be considered abandonment of one's position and grounds for termination.

Except when the Leave Without Pay (LWOP) is associated with an FMLA-eligible period, the City portion of health care and other insurance benefit premiums shall only be paid for those hours that the employee was in a paid status during the pay period. All remaining portions of the premiums shall be the employee's responsibility and must be paid to the City within thirty (30) days of the end of the pay period in which LWOP hours were accumulated.

Employees must be in paid status on both the workday before and the workday after a legal holiday to be eligible to receive holiday pay. Employees who are on an extended period of leave without pay may not return to duty solely to be paid for a holiday.

Sec. 5.14 – Absence without Leave

When an employee is going to be late or absent from work, he or she is expected to notify their supervisor thirty (30) minutes prior to the start of a shift on each day of absence or as soon as possible. If the supervisor is not notified, the employee will be considered "absent without leave" (AWOL) and will not be paid for the time involved. Being AWOL can also result in dismissal or other disciplinary action. An employee absent for three (3) consecutive days without notice shall be considered to have resigned as of the last day of active employment.

Sec. 5.15 – Family Medical Leave of Absence

In accordance with the Family Medical Leave Act (referred to as FMLA), the City grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks to eligible employees in accordance with the Family Medical Leave Act of 1993 and any subsequent amendments. In situations regarding qualifying exigencies (needs) of a person related to Active Military Duty, and employee may be granted up to twenty-six (26) weeks of family medical leave during any twelve (12) month rolling period. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this Chapter.

Coverage and Eligibility

To be eligible for family medical leave and employee must have worked for the City for at least twelve (12) months (does not have to be consecutive) and have worked at least 1250 hours over the previous twelve (12) month period.

1. An eligible employee is entitled to twelve (12) unpaid workweeks of leave during any twelve (12) month period for the following purposes or up to twenty-six (26) unpaid workweeks of leave during any twelve (12) month period for military caregiver circumstances.
 - To care for a child following birth or placement for adoption or foster care of the child (only within twelve (12) months of birth or placement).
 - To care for a spouse, child (including stepchild), or parent with a serious health condition.
 - The employee's own serious health condition that makes the employee unable to perform the essential functions of their job.
 - Qualification as the spouse, son, daughter, parent, or nearest blood relative of a wounded military service member who suffered an injury or illness while on active duty that rendered the service member unable to perform the duties of their military grade (this leave may be for up to twenty-six (26) weeks during one twelve (12) month period and a husband or wife can use no more than twenty-six (26) weeks combined).
 - Qualification as the spouse, son, daughter, or parent of a person eligible for qualifying exigency military leave. A "qualifying exigency" under military family leave is a non-medical activity that is directly related to the covered military member's active duty or call to active-duty status. Exigency leave applies only under a federal call or order to active duty (not a state call to active duty unless by order of the President of the United States). Such active duty or call/order to active duty is only made to members of the National Guard or Reserve components or a retired member of the Regular Armed Forces or Reserve. An employee may not take exigency leave if the service member is a member of the Regular Armed Forces. For an activity to qualify as an exigency, it must fall within one (1) of seven (7) categories of activities or be mutually agreed to by the employer and employee. The seven (7) categories of qualifying exigencies are as follows:
 1. Short-notice deployment (leave permitted up to seven (7) days if the military member received seven (7) or fewer days' notice of call to active duty).
 2. Attending certain military events and related activities.
 3. Arranging for alternative childcare
 4. Addressing certain financial and legal arrangements.
 5. Attending counseling by non-medical counselor (such as a member of the clergy).
 6. Rest and recuperation (leave permitted up to five (5) days when the military member is on a temporary rest and recuperation leave).
 7. Attending post-deployment military activities.

Intermittent or Reduced Leave

“Intermittent/Reduced Schedule Leave” means taking leave in blocks of time or by reducing the employee’s weekly or daily work schedule. An employee may take intermittent leave in increments as low as thirty (30) minutes.

Definitions

“**12-Month Period**” means a rolling twelve (12) month period measured backward from the date leave is taken. The twelve (12) month period during which an employee may use a maximum of twelve (12) workweeks of this type of leave (or a maximum of twenty-six (26) workweeks for military FMLA) Is measured forward from the date on which the employee first Family and Medical Leave Act (FMLA) leave begins.

“**Serious Health Condition**” means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with in-patient (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity of subsequent treatment in connection with such in-patient care or continuing treatment by a health care provider, which includes any period of incapacity (i.e., inability to work, attend school or perform other regular activities).

“**Child**” A biological, adopted, or foster child; a stepchild, a legal ward, or a child of a person standing in loco parentis, who is standing in place of a parent, who is either under age 18 or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary.

“**Parent**” A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

“**Spouse**” means a husband or wife as defined or recognized under State Law or a State where the marriage was entered, including common law or same sex marriage.

“**Family Member**” is defined only to include parent, spouse, son, and daughter.

“**Health Care Provider**” who may provide certification of a serious health condition is any licensed or authorized health care provider within the scope of their practices under state law.

“**Covered Active Duty**” means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.

“**Covered Service Member**” means (A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment recuperation, or therapy,

for a serious injury or illness; or (B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Chronic Serious Health Condition” is one that (1) requires visits for treatment by a health care provider or nurse under the supervision of the health care provider at least twice a year, (2) continues over an extended period; (3) may cause episodic rather than continuing period of incapacity.

“Periodic Contact With Supervisor” while on FMLA of more than one pay period, employees are required to report weekly to their supervisor regarding the status of their leave and their intent to return to work. Contact with the supervisor should be made within normal business hours, unless published standard operating procedures instruct otherwise.

“ FMLA Certification Requirements” an employee must submit a completed and sufficient medical certification within fifteen(15) days (or longer if the employee has made diligent, good faith efforts to obtain it without success). If the employee submits certification in a timely manner, but the documentation is not complete or sufficient, the City will provide the employee with a list of what information is still needed and will allow the employee seven (7) calendar days to cure the deficiencies. If the employee does not submit the medical certification or correct the deficiencies within the above-mentioned timeframes, then the leave could be denied.

Employee Status and Benefits During Leave

City would require the employee to reimburse the City the amount it paid for the employee’s portion of the health insurance premium, if the employee used any unpaid leave.

Working During FMLA Leave

An employee who is on FMLA should not be asked or expected to perform any kind of work, other than minor tasks (i.e., providing a password).

Sec. 5.16 – Reinstatement Rights

Eligible employees are entitled on return from FMLA to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changes (e.g., if the employee’s position is no longer available due to a job elimination). In addition, employees on a leave extension are not granted reinstatement.

Sec. 5.17 – Paid Quarantine Leave Policy (Police and Fire Departments)

Pursuant to Texas Local Government Code Section 180.009 the City of Justin hereby adopts this paid quarantine leave policy for firefighters, peace officers, and emergency medical technicians who are employed by, appointed by, or elected to the City and ordered to quarantine or isolate due to possible exposure to a communicable disease while on duty.

(Ref. TX Loc Gov't Code 19-008(b))

Definitions:

1. “Emergency Medical Technician” means an individual who is employed by the City and certified as an emergency medical technician under Chapter 773, Health, and Safety Code.
2. “Fire Fighter” means a paid employee of the City’s Fire Department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (v) fire arson investigation.
3. “Health Authority” means a physician appointed by the City to administer state and local laws relating to public health within the City’s jurisdiction.
4. “Paid quarantine leave” means (1) all employment benefits and compensation, including leave accrual, pension benefits and health benefit plans benefits provided by the City; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.
5. “Peace Officer” means police officer licensed by the Texas Commission of Law Enforcement and employed by the City.

Quarantine Leave:

A City of Justin fire fighter, peace officer or emergency medical technician who is ordered to quarantine or isolate by the person’s supervisor or the City’s health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.

(Ref. Texas Local Gov’t Code 190.008 ©.)

No Reduction in Compensation and Benefits:

The City of Justin will not reduce a fire fighter’s, peace officer’s or emergency medical technician’s sick leave balance, vacation leave balance, holiday leave balance or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

Sec. 5.18 – Mental Health Leave (Police Department)

The purpose of this policy is to provide guidance in accordance with Chapter 614.015 of the Texas Government Code regarding Mental Health Leave for sworn peace officer who experience a “traumatic event” in the scope of their employment.

Definitions:

1. “Traumatic event” is an event which occurs in the peace officer(s) scope of employment when the officer(s) is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident. The events may include, but are not limited to the following:
 - Major disasters which may include response to weather related events involving one or more casualties; or explosions with one or more casualties; or search and recovery missions involving one or more casualties.
 - Incidents involving one or more casualties which may include shootings, violence, or accident.
 - Line of duty death or suicide of a department member.
 - Officer involved shooting of a person.
2. “Mental Health Leave” is administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer’s employment.
3. “Mental Health Professional” is a licensed social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.
4. Sworn peace officer as defined under the Code of Criminal Procedure 2.12 and employed by the City of Justin Police Department.

Eligibility:

Sworn peace officer involved in a traumatic event causing a need for mental health leave are not required to wait the usual waiting period to be eligible to request the use of leave.

Amount of Leave

A sworn peace officer may be allowed up to forty-eight (48) hours or six (6) days of paid mental health leave per event. This will not reduce the employees sick leave, vacation leave, holiday, or other paid leave balances.

Request Process:

The request shall be made, in writing, by the employee or their supervisor through the chain of command, or ordered by a mental health professional, and submitted to the City of Justin Human Resources Department.

Priority:

The request shall be treated as a high priority matter and a decision on granting the leave shall be made no later than twenty-four (24) hours following the submission of the request. Unless the chain of command can provide specific compelling reasons to deny granting the leave, the leave will be granted.

Confidentiality of Request:

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the sworn officer's chain of command and only as necessary to facilitate the leave. Any breach of this confidentiality shall be ground for discipline.

Confidentiality may be waived by the sworn officer seeking mental health leave or in the event circumstances indicate the officer is a danger to themselves or others. The employee's office should coordinate with Human Resources to ensure this policy is implemented as applicable.

Sec. 5.19 – Pandemic Event Leave Policy

During the occurrence of a pandemic event, the City of Justin must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent and reduce the impact on the workplace. This policy will become active when a pandemic event is declared either by the Federal, State or Local government.

The City of Justin will follow all necessary recommendations put forth by the CDC as well as, State and Local Health Departments for the declared pandemic causative agent.

Sec. 5.20 – Notice of Privacy Practices

This notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). It describes how the city may use or disclose an employee's protected health information with who that information may be shared, and the safeguards the City has in place to protect it. This notice also describes an employee's rights to access and amend his/her protected health information. The employee has the right to approve or refuse the release of specific information outside of the City's system except when the release is required or authorized by law or regulation.

"Protected health information" is individually identifiable health information. This information includes demographics, for example age, address, email address, and relates to the employee's

Exhibit A

past, present, or future physical or mental health or condition and related health care services. The City of Justin is required by law to do the following:

1. Make sure that an employee's protected health information is kept private.
2. Give each employee this notice of the City's legal duties and privacy practices related to the use and disclosure of an employee's protected health information.
3. Follow the terms of the notice currently in effect.
4. Communicate any changes in the notice to each employee.

By law, the City must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The City may disclose the employee's protected health information to comply with worker's compensation laws and other similar legally established programs.

The Employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

1. The employee may inspect and obtain a copy of his/her protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information.
2. The employee may request the City to provide him/her with an accounting of the disclosures the City has made of the employee's protected health information.
3. The employee may obtain a paper copy of the notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will use and disclose the employee's protected health information.

CHAPTER VI

EMPLOYEE CONDUCT

Sec. 6.1 – Standards of Conduct

Acknowledging that we are directly accountable to the citizens and taxpayers of the City of Justin, an employee's conduct, both on and off the job, will be such as to reflect favorably upon this City. Obeying all the laws of the United States, State of Texas, City of Justin, and any local government under whose jurisdiction that employee may be at any time. Conducting oneself publicly in conformance to community standards of good order and common decency. Recognizing that each citizen's opinion of the worth of this municipal government is a valid reflection upon our competency, an employee will respond courteously and promptly to any request or complaint received and, if unable to satisfy or resolve a citizen's concern, the employee will immediately refer that citizen to the appropriate individual or municipal agency for resolution.

As City of Justin employees, all personnel are responsible for maintaining acceptable standards of conduct. Failure to maintain such standards will result in disciplinary action for misconduct. A list of the more common offenses is presented here as a statement of the City's commitment to enforce a standard which will put this organization above reproach in our dealings with the public and with each other. The list is also presented to assure consistent and certain limits which define acceptable conduct for municipal personnel.

When any **violation of this policy** occurs, it will receive full and just consideration by supervisory and management personnel. The decision to take disciplinary action will include careful consideration, by the **supervisor, Human Resources, and the City Manager** of an employee's work record with the City of Justin, including length of service, performance record, position progress, and other indications of **the employee's value**. The following list of more common offenses does not limit management's right to discipline or discharge an employee for reasons other than those specified in the list.

Note: All active employees' discipline/counseling actions become a part of their official employee personnel file maintained in the **Human Resources Department**. After employment terminates with the City, the Texas Records Retention Schedules become effective.

Sec. 6.2 – Unacceptable Employee Conduct

1. **Unacceptable Attendance Record** – Tardiness; absence without official leave (AWOL); failure to follow established leave procedures.
 - a. **Failure to Return to Work** – No employee will fail to return to work immediately following a specified leave of absence, vacation, sick, emergency, or other authorized leave of absence.

- b. Fictitious Illness or Injury** – Reports/Deception: Paid sick leave is one of the benefits for working with the City of Justin. Abusing this privilege by falsely reporting an illness or injury constitutes grounds for disciplinary action and possible termination. Abuse of illness, injury, emergency, or other benefits will not be tolerated.
- 2. **Breach of Safety Regulations** – particularly where imminent danger to persons or property is involved.
 - a. Horseplay**- No one, in the City of Justin employment, may engage in “horseplay” while at work or while on Municipal facilities.
 - b. Information Disclosure** – Accidents/personal injuries involving City property/employees must be reported to delegated authorities.
- 3. **Breach of Security Regulation or Practice** – particularly where restricted information is compromised (e.g., contract bid information) or there is an unauthorized use of disclosure of official information.
- 4. **Offenses Related to Chemical Abuse** – unauthorized possession or use of alcoholic beverages on municipal premises or in duty status; reporting to or being on duty under the influence of alcohol; unauthorized use or possession of a drug or controlled substance on municipal premises or in a duty status; reporting to or being on duty under the influence of a drug or controlled substance.
- 5. **Making false, malicious, or unfounded charges, claims or statements** against co-workers, supervisors, subordinates, or municipal officials which tend to damage the reputation or undermine the authority of those concerned.
- 6. **Harassment** -disturbing or irritating persistently, of any kind.
- 7. **Retaliation** – Any form of retaliation against any employee for filing a bona fide complaint or for assisting in a complaint investigation
- 8. **Breach of Public Confidence** – Public opinion of the City of Justin’s worth to its citizens is very fragile. All personnel will conscientiously project an image of competence, concern, and courtesy. To ensure continued awareness of this:
 - a. Any **discourtesy to the public** will be considered a disciplinary infraction of major concern.
- 9. **Stealing, actual or attempted**, unauthorized possession of municipal property or property of others.
- 10. **Using City property or City employees** in duty status for other than official purposes.
- 11. **Misuse of City time:**

- a. **Personal Business** – While on duty, any personal business or telephone calls will be conducted/made in accordance with departmental policy.
 - b. **Recording of Time and/or Benefits** Alteration of any timecards, sick time, or vacation hours that falsifies such records.
12. **Deliberate misrepresentation, falsification, exaggeration, concealment or withholding of a material fact**, or refusal to testify or cooperate in an official proceeding.
13. **Loss of or damage to municipal property, records, or information.**
14. **Fighting** – related acts – threats or attempts to do bodily harm; hitting, pushing or acts against another whether injury occurred.
15. **Delay of failure to perform instruction** in a reasonable time.
16. **Insubordinate defiance of authority, disregard of directive, refusal to comply with proper authority, insolence** or like behavior. Employees will promptly execute all lawful orders of supervisors. Disobeying a supervisor's legally issued order to mutinous, insolent, abusive language or conduct toward a supervisor, will be insubordination.
17. **Sleeping, loafing, or failure to attend to duties** –City employees will remain awake and alert on the job. Employees will arrange adequate sleep, on their own time, prior to reporting for work.
18. **Negligent performance of duties** – While on the job, employees are not to read unauthorized materials, watch television, play games, or otherwise engage in entertainment. Materials for entertainment are not permitted at work locations. Employees are restricted from engaging in any activity or personal business that draws their attention from their duties.
19. **Gambling** -participating in or appearing to participate in an unauthorized gambling activity while on municipal premises or in duty status; operating assisting, promoting, or appearing to promote such while on municipal premises.
20. **Participating in strike, work stoppage, slowdown, sick out or other job action interfering with the orderly conduct of work.**
21. **Conviction of a crime** -violating any municipal, state, or federal law.
22. **Seeking Gifts or Gratuities** -No individual will solicit, by request or exhibit of Identification, a discount, gift, gratuity, food or drink for self or others, from any individual, business establishment or merchant. Food or drink or discount for food or drink may be accepted, when offered, if it cannot be construed to influence or affect his/her position or performance of duty as a municipal employee. It is up to the employee

Exhibit A

to report any offers or attempts to offer any gift or gratuity to affect his or her official conduct.

23. **Violation of community standards** – No employee will engage in any behavior contrary to accepted community/neighborhood conventions.
24. **Employee Conduct** – No employee shall engage in any illegal, unethical, abusive, or unsafe acts. Unauthorized or improper use of official authority shall not be tolerated.
25. **City Property** – Willfully or negligently damaging city equipment, tools, machines, vehicles and/or other property shall be grounds for termination.
26. **Respecting Co-workers**- Employees shall treat all co-workers with respect and refrain from engaging in conversations that negatively address co-workers.
27. **Policy Violations** – No employee shall engage in any violation of rules, regulations policies, or procedures set forth in the City of Justin Personnel Policy.

Sec. 6.3 – Conflict of Interest

No employee shall have a financial interest, direct or indirect in any contract with the City, or be financially interested , directly or indirectly, in the sale to the City of any land, materials, supplies, or services except in performance of duties as employee. Willful violation of this section will result in dismissal of the employee from the service of the City.

Employees may not:

- Solicit or accept or agree to accept a financial benefit, other than from the City, which might reasonably tend to influence their performance of duties for the City or that they know or should know is offered with intent to influence the employee's performance.
- Accept employment or compensation that might reasonably induce them to disclose confidential information acquired in the performance of official duties.
- Accept outside employment or compensation that might reasonably tend to impair independence of judgement in the performance of duties for the City.
- Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City.
- 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.

Sec. 6.4-Social Media

The purpose of the City's social media presence is to establish a greater level of transparency of City government and services. Build a one-on-one connection that creates an open dialogue with residents and other interested parties, to be able to publish time sensitive information to residents and media quickly. This policy establishes procedures for the City's participation in various social media venues and to establish the standards for posting, allowing, or forbidding certain content and commentary on social media sites which include but not limited to Facebook, YouTube, and Twitter. The City encourages the uses of social media to convey information from the City to its citizens, to facilitate a sense of community and for residents and to allow businesses to communicate with and obtain information about the City of Justin. The City's website will remain the primary avenue for release of information to reach a broader audience and encourage citizen participation. Nothing contained in any social media site constitutes a binding representation, view, position, opinion, agreement, or endorsement of behalf of the City of Justin, Texas.

All Department Directors are responsible for their subordinate's compliance with the provisions of this policy and for investigating non-compliance.

Sec. 6.4.1 – Definitions

Social Media – Are third party websites containing information that is intended to facilitate communications, influence interaction with peers and with public audiences about some topic, typically via the Internet and mobile communication networks. Types of social media include but are not limited to, Facebook, Twitter, Instagram, and any other social media outlet that serves the purpose of information sharing.

City Social Media Sites – are pages sections or postings on Social Media websites that are established or maintained by an employee of the City who is authorized to do so as part of the employee's job. City Social Media Sites are intended to be used for City business, to communicate with office holders or City staff, and/or communicate or gather feedback from the residents and other interested parties.

City Social Media Content-is information posted or provided to a City Social Media Site by a City employee or authorized agent when such activity is a part of the employee or agent's duties.

Social Networking – is the practice of engaging in business and/or social contacts by making connections via interactive Web based applications.

Blog – is a web site that contains an online personal journal with reflections, comments, and often hyperlinks provided by the writer.

Post – is to display an announcement in a place for public view on a social media outlet.

Comment – means a response to a City article or social media content submitted by any person or entity.

Link - is short for hyperlink which connects a hypertext file to another location or file typically activated by clicking on a highlighted word or icon at a particular location on the screen.

Public Information – is any information collected, assembled, or maintained by the City in the transaction of official business pursuant to Chapter 552 of the Texas Government Code.

Sec. 6.4.2 – Guidelines

General Regulations of City Social Media Sites

All official City presences on social media sites or services are considered an extension of the City's computer information network and are governed by the City's Computer and Electronic Communication Devices contained in the City's Personnel Policies.

Respect copyrights and fair use. All postings must comply with the applicable federal, state, and local laws and regulations and retention schedule according to the Texas Local Government Code Chapters 102 and 205. Records required to be maintained pursuant to the Texas State Library and Archives Commission records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the usual or approved City platform or tools.

Information collected at this site, become public record that may be subject to inspection and copying by members of the public, unless an exemption in law exists according to the Texas Public Information Act.

When possible, links to more information should direct users back to the City's official website for more information, forms, documents, or online services necessary to conduct business with the City.

It is preferred that only one social media account per platform exists for the City. This is to create a singular source of free-flowing information that City residents will be able to always access easily.

Those wishing to launch new City Social Media sites, add site pages, or add content to the City's site should make their request in writing or via email to the City Manager. If the request is approved, any login and passwords to the information must be shared with the City Manager's office.

Employees creating or posting information to a City Social Media Site must always conduct themselves in a professional manner as a representative of the City in accordance with all City policies.

The City Manager may disable a City Social Media site or prohibit posting of City social media content to a site at any time for any reason, including but not limited to violation of this policy, improper content, lack of use or disinterest by the public, or a department's failure to properly

maintain the site. The City reserves the right to remove any content that is not within these guidelines while retaining said content of the appropriate records retention according to state law.

Remember that your postings are ultimately your responsibility.

Sec. 6.4.3 – Content of Social Media Sites

1. Employees using social media sites whether as an administrator or as a responder to a posting will follow these principles:

- Keep post factual and accurate. If a mistake is made, admit to it, and post a correction as soon as possible.
- Reply to comments in a timely manner, when a response is appropriate. Never get in an argument with a citizen on a City maintained social media site. Do not respond with opinion or conjecture – only respond with complete facts.
- Understand that postings are widely accessible, not retractable, and will be around for a long time, so consider content carefully.
- Ensure your comments do not violate City's privacy, confidentiality, and applicable legal guidelines for external communication.
- Ensure you have the legal right to publish others' material including photos and article pulled from other sites.
- Remember that your postings are ultimately your responsibility.

2. Social Media Terms of Use for Employee/General Public

- Persons may permanently be excluded from City social media pages if acting contrary to these rules. Persons who repeatedly break rules will receive a warning prior to removal.
- Persons writing more than 250 characters may be asked to rewrite.
- Anyone using profane language or posting any information that could be considered disrespectful dialogue will be asked to reword their post or it will be deleted.
- Content that is confidential according to the Texas Public Information Act.
- Comments must not be in support of or opposition to political campaigns or ballot measures; Postings for electoral campaign purposes will not be published.
- Content will be removed that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
- Sexual content or links to sexual content is not permitted.
- Conduct or encouragement of illegal activity is not permitted.
- Posted content must be relevant to the City of Justin

- Information or references to the personal addresses, personal telephone numbers, personal email addresses, family members or other personal information of City officials or City employees.
- No attacks on individual character will be permitted.
- Commercial promotions or spam.
- Links to websites or pages of outside vendors that are not related to the purpose of the media site.
- You are legally responsible for what you write, and it must not breach any law, confidentiality, or copyright. Because you are responsible for your statements, be careful about exaggeration, innuendo, etc.
- Comments must contribute and be relevant to the dialogue that is being discussed.
- The City reserves the right to restrict or remove any content deemed in violation of the terms outlined in this policy. Any content removed based on these guidelines will be retained including the time date and identity of the poster when available. The City of Justin reserves the right to update these terms of use.

Sec. 6.4.4 – Employee Social Media

While the City of Justin encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of its employees may become a problem if they have the effect of impairing the work of an employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the City; of harming the goodwill and reputation of the City of Justin among citizens or in the community at large. In the area of social media (print, broadcast, digital, and online), employees may use such media in any way they choose if such use does not produce the adverse consequences noted above or violates the Texas Public Information Act. For this reason, the City of Justin reminds its employees that the following guidelines apply in their use of social media, both on and off duty.

1. Blogging or posting information of a personal nature on the Internet is strictly prohibited during work hours. Your online presence during work hours can reflect negatively on the City of Justin. Be aware that your comments, posts, or actions captured via digital, or film images also affect the image of the City of Justin.
2. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the view expressed are the employee's alone and not reflective of the view of the City.
3. Employees must abide by all federal law, state law, policies of the City about information sent through the internet. Never disclose any confidential information concerning another employee, vendor, official of the City in a blog, or other posting. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
4. When posting, be respectful to the City of Justin's co-workers, citizens, vendors, and partners, and be mindful of your physical safety when posting information about yourself

or others on any forum. Do not discuss City employees, vendors, issues, or business without express consent.

5. An employee may be disciplined if an employee publishes any personal or confidential information about themselves, another employee, or vendor in any public medium that:

- Has the potential or effect of involving the employee, their co-workers, or the City of Justin in any kind of dispute or conflict with other employees or third parties.
- Creates a harassing, demeaning, or hostile working environment for any employee.
- Disrupts the smooth and orderly flow of work within the City, or the delivery of services to the City's citizens.
- Harms the good will and reputation of the City of Justin among its citizens or in the community at large.

6. Do not ignore copyright laws or cite and/or reference sources inaccurately. Remember that plagiarism applies online. .

7. Do not use City of Justin logos or trademarks without written permission. Do not post pictures of yourself or others containing images of City uniforms, insignia, logos, equipment, or work sites, unless they are being posted on City Social Media and/or unless it is a part of promotional campaign or City employee event.

8. Do not post anything on your blog or sites that may constitute a violation of the City's Harassment policy.

9. Content will be monitored to ensure adherence to the Social Media Policy.

10. Employees found in violation of any part of this policy may be subject to disciplinary action up to and including termination of employment.

Sec. 6.5 Confidentiality Agreement

All City of Justin employees understand that they may from time to time have access to highly sensitive and confidential information. This policy is to be used as an acknowledgement that all employee's job duties include the obligation to maintain the confidentiality of all highly sensitive and confidential information possessed by the City. All employees have a duty to maintain Local Government Records in a secure and professional manner. No information held by the City should be released to a third party unless it is done so in accordance with the City policy and the Texas Public Information Act.

All employees of the City understand and agree that the following obligations or conditions of employment with the City.

1. In the course of employment an employee may have access to Local Government Records as defined by Texas Local Government Code 201.003(8) some or all of which may be considered sensitive or confidential, whether it is labeled or identified as such.

Information considered sensitive or confidential by the City of Justin and covered by this agreement may include but is not limited to:

- Personal information (such as family, health, marital, or financial status, home address, phone number, age, social security number, salary, or compensation) about City employees, elected officials, associates, etc.
 - Computer network operations and security.
 - Construction and building plans of facilities.
 - Protected Electronic Health Information.
 - Current or projected financial particulars of the City, including its payroll systems.
 - Public Safety CAD and/or incident information.
 - Critical Infrastructure or Operational Information as defined by the Electric Reliability Council of Texas (ERCOT) or the Homeland Security Department.
 - Criminal Justice Information System (CJIS) data.
2. An employee of the City of Justin will treat with the same degree of confidentiality information proprietary to other parties to which they may also have access through their employment with the City of Justin. Such information may include but is not limited to:
 - Private employee documents or communications
 - Proprietary vendor information revealed under non-disclosure.
 3. Having access to City's sensitive or confidential information through privileged administrator's rights does not grant an employee permission to actively seek, examine, use, transmit share, copy, or change such information, and an employee will only actively seek, examine, use, transmit, share, copy, or change such information if it is in the exercise of their designated duties or permission to do so has been given to them either by their supervisor or designee, or by the Department that is considered the keeper of such information for a stated specific purpose and timeframe.
 4. Data should be kept secured both while it is in use by authorized users and when it is stored or archived. No unauthorized user should see or use such data without permission from the data owning Department Director or other appropriate personnel with the authority to grant such access.
 5. If an employee is uncertain whether a particular piece of information or data is considered sensitive or confidential, they will resolve all uncertainties in favor of preserving the confidentiality of that item and will promptly seek clarification from their confidentiality of that item.

Exhibit A

6. If at any time, security or confidentiality of the City's data is thought to be compromise, an employee will promptly notify their Department Director or if unavailable seek assistance from Human Resources.

Violation of these confidentiality policies may result in disciplinary measure up to and including termination, or other civil and/or criminal legal action to preserve the confidential nature of the information.

CHAPTER VII

DISCIPLINARY GUIDELINES

Sec. 7.1 – Types of Disciplinary Action:

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action may include oral reprimand, written reprimand, suspension, reduction in pay, demotion, or dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction depending upon the exact circumstances. An employee may be normally warned by his/her Department Director at any time that he/she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Informal disciplinary action may be documented in the employee's official personnel file at the discretion of the Department Director.

1. **Oral Reprimand** – an oral reprimand (admonishment) identifies all violations and indicates areas needing improvement. A written record of this warning may be maintained in the official employee personnel file.
2. **Written Reprimand** – Written reprimand becomes a permanent part of the disciplinary record maintained in the official Employee Personnel file maintained in the Human Resources Department.
3. **Suspension** – Time off without pay for a period of not less than one (1) hour nor more than thirty (30) calendar days. Employees will receive a written notice (Statement of Suspension) prior to the suspension and will have the right to respond to the charges alleged by filing an appeal in writing within five (5) calendar days. When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, he or she may be suspended without pay for the duration of the proceedings when such suspension would be in the interest of the City and the public. If the investigation or proceedings clear the employee, he/she shall be eligible for reinstatement with full pay and benefits restored. A suspension becomes a permanent part of the disciplinary record maintained in the official Personnel File maintained in Human Resource.
4. **Reduction in Pay** – Reduction of an employee's pay within reason. A written notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the consequences of further unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the employee's official Personnel File, but the employee shall not be disqualified from consideration for later pay increases.
5. **Demotion** – Demotion of an employee. A notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion

shall be permanently noted in the employee's official Personnel File, but the employee shall not be disqualified from consideration for later advancement.

6. **Dismissal** – Termination of the individual's employment with the City. An employee who has been dismissed will have the right to appeal the dismissal by filing a written appeal with the City Manager within three (3) calendar days of the dismissal and follow the Appeal of Disciplinary Actions process in Section 7.1.1. The City Manager shall receive a copy of the written appeal as soon as possible.

Sec. 7.1.1 – Appeal of Disciplinary Actions:

1. Any employee dissatisfied with any disciplinary action by his or her Department Director may file an appeal in writing with the City Manager. All appeals must be filed within three (3) calendar days, or the disciplinary action will be deemed final. Once an appeal has been filed, the City Manager must respond to the appeal within ten (10) business day.
2. Written appeals must contain the following information:
 - The type of disciplinary action being appealed and the effective date of the action.
 - The specific reason the discipline is judged to be unjust or otherwise in error.
 - The remedy or solution sought.
 - The signature of the disciplined employee.
3. The City Manager after careful investigation, of the facts, shall have broad authority to approve, disapprove, modify, or rescind any disciplinary action taken or proposed. The decision of the City Manager shall be final.

Sec. 7.1.2 Pending Investigations

When an employee is suspected of a violation of a local, municipal, state or federal law, rule, regulation or policy, which if proved, would justify disciplinary action, but an investigation determining the exact nature and extent of the violation is in progress or incomplete, the employee may be administratively placed on leave with or without pay pending the outcome of the investigation and/or the imposition of disciplinary action, whenever deemed appropriate by Human Resources, and the City Manager.

Sec. 7.1.3 – Consistent Application

The purpose of a standard disciplinary procedure is to provide consistency by applying similar penalties for similar offenses, and to avoid favoritism of one person over another. Supervisors have the discretion to take circumstances into account when taking disciplinary action. Supervisors also have the responsibility and the authority to instruct, correct, admonish, and recommend any adverse personal action felt necessary in disciplining an employee who is found guilty of unacceptable conduct.

Sec. 7. 2 – Drug and Alcohol Policy

This policy is published to notify, inform, and remind all employees, regardless of position, that the unlawful or unauthorized manufacture, distribution, dispensation, possession, sale, purchase, or use of controlled substances, illegal drugs, or intoxicating beverages are not permitted under the City's policies on any City premises or property. Drug paraphernalia and equipment related to the use of controlled substances and illegal drugs is strictly prohibited. Employees who violate this Policy are subject to appropriate disciplinary action including termination. In the event of an accident or if there is "reasonable suspicion" because of an employee's behavior, appearance, physical manifestations the City of Justin may perform drug-testing, background checks and driver's license checks.

Definitions:

1. **Inside City Premises** – All land and properties whether occupied or vacant, buildings, structures, automobiles, trucks and other vehicles, lockers, and rooms on or at any site for the performance of work done for or on behalf of the City.
2. **On City Property** – All property owned or leased by the City and used by employees, including (by the way of illustration and not limitation) vehicles, lockers, desks, closets, etc.
3. **Controlled Substance** – Any substance listed in Schedules I-V of Sec 202 of the Controlled Substance Act as amended.
4. **Drug** – A drug is any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
5. **Drug paraphernalia** – Equipment, a product, or any material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.
6. **Illegal drug** – An illegal drug is any drug or derivative thereof of which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation; any other drug, including, but not limited to, a prescription drug, used for any reason other than the legitimate medical reason; and inhalants use illegally. Included are controlled substances and marijuana or cannabis in all forms.
7. **Reasonable cause/reasonable suspicion** – Supported by evidence strong enough to establish that a policy violation has occurred. A determination as to whether reasonable cause or reasonable suspicion exists in a particular situation shall be made by the joint decision of three (3) persons consisting of (i) the employee's supervisor (ii) the appropriate Department Head and (iii) Human Resources and/or the City Manager.
8. **Testing** – Is generally defined as urine or breath test to determine chemical or drug content. Any employee may be tested for drug or alcohol use when there is a reasonable cause/reasonable suspicion that:
 - Use of a substance is affecting performance
 - The employee is engaged in any of the prohibited acts or activities listed in this policy.

Exhibit A

Additionally, testing can occur in:

- (i) The pre-employment processes.
- (ii) A routine physical examination.
- (iii) The treatment of an injury caused or contributed to by an employee.
- (iv) Investigation of an on-the-job accident.

9. **Under the influence** – A state of having a blood alcohol concentration of 0.08 or more, where “alcohol concentration” has the meaning assigned to it in Article 67011-1, Texas Revised Civil Statutes; or the state of not having the normal use of mental or physical features resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

General Policy Provisions

Any of the following actions constitutes a violation of the Policy and may subject an employee to disciplinary action, including immediate termination.

Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia or alcohol, or attempting or assisting another to do so, while in the course of employment or engaged in an activity sponsored by the City; on premises of the City; in vehicles owned, leased, or rented by the City; or on business of the City.

Working or reporting to work, conducting municipal business, or being on municipal premises or using any municipal property while under the influence of an illegal drug or alcohol or in an impaired condition.

Switching, adulterating, or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.

Search

Searches conducted under reasonable cause or reasonable suspicion, such as inspections of employee’s personal property, including (by way of example and not limitation to) briefcases, lunch boxes, or toolboxes, may be performed as part of the municipal security measures. All employees will be expected to cooperate, as a condition of continued employment, with special drug/alcohol searches of personal vehicles on municipal premises, purses, clothing, briefcases, or other employee personal property when there is reasonable cause or reasonable suspicion to believe that an employee may be in possession of drugs or alcohol. Searches on municipal premises and/or municipal property (for example, searches of lockers) may be conducted at any time.

Sec. 7.3 - Preventive Acts:

Employees taking drugs prescribed by an attending physician shall advise their direct Supervisor of the possible effects of such medication regarding their job performance and physical or mental capabilities. All prescription drugs must be kept in their original container(s).

Any employee involved in a work-related accident where alcohol or drugs are believed to be a contributing factor may be referred to a counselor in addition to any other accident investigation activities.

Sec. 7.4 - Corrective Act

Any employee involved in a work-related accident may be subject to urine and blood testing for drug or alcohol use or abuse. In addition, testing shall be required when there is a reasonable suspicion that drugs or alcohol is affecting job performance and/or conduct in the workplace.

In the administration of each screening test, dual samples shall be submitted by the employee. The duplicate sample not submitted for testing shall be retained for the purpose of checking a positive result. In the event of a positive test result, the employee, at the employee's expense may request submission of the duplicate sample for the purpose of checking an initial positive test result. If the testing of the duplicate sample results in a negative test result, then the City will reimburse the employee for the expense of testing the duplicate sample. The absence of a positive test result on the duplicate sample will be treated as an overall negative test result.

When screening test is positive, the employee will be disciplined or discharged and will not be eligible for reinstatement.

Sec. 7.5 – Coordination with Law Enforcement Agencies

The sale, use, manufacture, purchase, transfer, or possession of an illegal drug or drug paraphernalia is a violation of the law. The City will report information concerning sale, use, manufacture, purchase, transfer, or possession of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. The City will cooperate fully in the prosecution and/or conviction of any violation of law.

Sec. 7.6-Reservation of Rights

The City reserves the rights to interpret changes, suspend, or cancel, with or without notice all or any part of this policy or procedures or benefits discussed herein. Employees will be notified before implementation of any change.

Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time

Exhibit A

for any or no reason, without notice.

Sec. 7.7 Other Laws and Regulations

The provisions of this Policy shall apply in addition to, and shall be subordinate to, any requirements imposed by applicable federal, state, or local laws, regulations or judicial decisions. Unenforceable provisions of this Policy shall be deemed to be deleted.

Sec. 7.8 Smoking

To maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in the City offices and facilities is strictly regulated. You should become familiar with the areas throughout the City where smoking is prohibited. Because the City may be subject to criminal and civil penalties for violations of applicable smoking laws, we must insist on strict adherence to this policy. Employees smoking in any City owned building may be subject to disciplinary action. Smoking must be confined to designated areas only.

Tobacco Use – The use of any tobacco products, which includes but is not limited to, cigarettes, cigars, vape pens (or other vaping dispensers), and chewing tobacco is prohibited in and around all City offices and facilities, except in designated smoking areas. Smoking and the use of other tobacco products is prohibited in all City or Department owned vehicles.

Sec. 7.9 – Management Safety Policy

The safety and well-being of all employees of the City of Justin is of prime importance. In support of this commitment, the City will make every effort to provide its employees with a **safe working environment**. The objectives in accomplishing this goal are to ensure that:

- Employees are provided with all **safeguards to ensure safe working conditions**.
- Every effort is made to **maintain our equipment, tools, and that all machines are in good repair**.
- **Safe work and operation methods** are studied and developed, and that this information is disseminated to employees through ongoing training programs.
- **Hazardous situations** which might result in accidents **are reported immediately** to the proper supervisor in order that corrective action may be taken.
- **Comply with** federal, state, and local **laws** regarding accident prevention and working conditions.

THE SUCCESS OF OUR SAFETY AND HEALTH PROGRAM DEPENDS ON THE SINCERE, CONSTANT, AND COOPERATIVE EFFORT OF THE ENTIRE ORGANIZATION. THUS, WE REQUIRE EVERY EMPLOYEE TO TAKE SERIOUSLY THE MATTER OF ACCIDENT PREVENTION AND SAFETY AND TO GIVE ACTIVE SUPPORT TO THE CITY'S SAFETY PROGRAMS.

Sec. 7.10 – Political Activity Restricted

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

Employees may not:

- Use their 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.

Sec. 7.11 – Solicitations and Distribution of Literature

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time. Employees who are not on working time (e.g., those on lunch hours or breaks) may not solicit employees who are on working time for any cause or distribute literature or printed material of any kind in working areas at any time.

Non-employees are likewise prohibited from distributing material or soliciting employees on the City's premises at any time.

Sec. 7.12 - Outside Employment

Outside work ("moonlighting") is permitted so long as it does not interfere with an employee's municipal job or create a conflict of interests with the City. Any employee intending to engage in outside work must notify his/her immediate supervisor in writing. Outside employment may not be authorized for key personnel at the discretion of the City Manager. Previously approved outside employment may be disallowed by the City Manager at any time if concerns arise as to the employment impacting the employee's ability to successfully complete their City job duties. Specific departmental rules (e.g., Police Department) may restrict this privilege even further.

Sec. 7.13 – Telephones

Depending upon individual departmental restrictions, the City's telephones are available for limited personal use for local or charge-free calls.

Sec. 7.14 – Grievances and Complaints

“Grievance” shall be used to mean an allegation that the City has violated, misinterpreted, or inequitably applied an existing law, ordinance, resolution, policy, rule, or regulation, as it applies to the conditions of employment. This definition does not include questioning the substance of policy. Policy formulation is reserved as a right of management. The reporting of misconduct of an employee such as harassment or disagreement over a non-existing law, ordinance, resolution, policy, rule, or regulation is defined as a “complaint,” not a grievance.

As far as may be possible, it is the intent of the City to anticipate and avoid occurrences of grievances and complaints; however, when they do appear, it is our intention to resolve them as quickly as possible at the supervisory level closest to the origin of the complaint. The grievance and complaint procedure assures every non-trial employee with a grievance or complaint that he/she will be given an opportunity to discuss the problem and that corrective action will be taken if warranted. No grievance or complaint can be resolved or corrected unless the employee’s Department Director, Human Resources, and the City Manager are made aware of the problem.

Sec. 7.14.1 – Grievance and Complaint Handling Procedures

All grievances and complaints shall be filed and processed through the chain of command. A grievance shall be filed in writing. A grievance shall be filed with the employee’s direct supervisor, Human Resources, and the City Manager. A complaint will require the same procedure as the filing of a grievance, with the exception that if the employee’s complaint is directed at the supervisor, the complaint will be filed with the next higher level of authority in the chain of command.

City of Justin Chain of Command

1. City Manager
2. Human Resources
3. Department Director
4. Direct Supervisor

The employees reporting an incident and those assisting in the investigation will not be subject to any adverse employment action unless it is determined that the employee made the allegation knowing it was false.

CHAPTER VIII

TERMINATION PROCEDURES

Sec. 8.1 – Rules and Regulations

To resign in good standing, employees in regular positions must submit written notice to Human Resources office two (2) calendar weeks prior to the intended date of resignation. The written notice shall include, but is not limited to, the following:

- Date of letter
- Last day of employment
- Forwarding address
- Signature of employee

All records, property, or other instruments of the City of Justin in the possession of the employee shall be returned to the City before final payment is made. The City will make no payment for accumulated sick leave.

Sec. 8.2 – Resignation

An employee wishing to resign in good standing must give the City ten (10) working days' notice. The City Manager, and Human Resources may waive any portion of the notice period in extenuating circumstances.

The resigning employee should submit the written notice to his or her Department Director. The employee must turn in any assigned municipal property no later than the last day of employment, or earlier if requested by the Department Director. On the last day, the employee may also have an exit interview with Human Resources. Upon resignation, employees will be paid for vacation leave that has been accrued but not used.

Sec. 8.2.1 – Layoff

It may be necessary at times to reduce the number of persons working for the City. Department Directors will make recommendations to Human Resources and the City Manager.

Sec. 8.2.2 – Reinstatement

Applicants must have a satisfactory past employment record or, if past City employee, must have terminated with an acceptable work record. Employees who separate employment with the City of Justin and return to work as regular employee within two (2) years from their separation date will have their service time and sick time balance adjusted to prior service.

Sec. 8.3 – COBRA Statement

The Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, allows certain individuals the option of continuing their group health insurance, at the individuals' full expense, under specific conditions and employee must notify Human Resources of any qualifying event, and Human Resources will notify the City's health insurance administrator. The following paragraphs summarize the benefits provided under COBRA.

To be eligible for continuation coverage, an individual must be an employee of the City covered by the City's group health plan or an individual who is otherwise covered under the plan.

An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his/her hours or employment or the termination of his/her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he/she loses coverage under the City's group health plan for any of the following reasons:

- The death of the employee.
- Termination of the employee (for reasons other than gross misconduct).
- Divorce or legal separation from the employee.
- The employee applies for and becomes entitled to Medicare.

The dependent child of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he/she loses coverage under the City's group health plan for any of the following reasons:

- The death of a parent.
- The termination of a parent's employment (for reasons other than gross misconduct).
- Parents' divorce or legal separation.
- A parent applies for and becomes entitled to Medicare.
- The dependent ceases to be a "dependent child" under the City's group health plan.

Notice: Under COBRA, the covered worker or family member has the responsibility to notify Human Resources of a divorce, legal separation, or a child losing dependent status under the City's group health plan within thirty (30) days of the event or within thirty (30) days of the date on which coverage would be lost because of the event. Human Resources has the responsibility to notify the plan administrator of the covered worker's death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, the plan administrator will notify the covered worker or family member that they have the right to choose continuation coverage. The covered worker or family member then has at least sixty (60) days from the date on which they received the COBRA notice or the date of loss of coverage,

Exhibit A

whichever is the later date, to elect continuation coverage. If the covered worker or family member does not choose continuation of coverage group health insurance coverage will end. If the covered worker or family member chooses continuation of coverage, the City's plan administrator will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members.

Payments for COBRA coverage is due on the 1st of every month following election of continuation coverage. Payment must be received no later than the end of each month. If payment is not received than the person will be dropped from coverage.

Continuation coverage is limited to eighteen (18) months when the covered employee or family member lost group health coverage because of a termination of employment or reduction in hours. The eighteen (18) month period may be extended to thirty-six (36) months if other events (e.g., divorce, legal separation, death, or Medicare entitlement) occur during the eighteen (18) month period. Moreover, the eighteen (18) month period may be extended for an additional eleven (11) months (for a total of twenty-nine (29) months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination within thirty (30) days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

- The City no longer provides group health coverage to any of its employees.
- The premium for continuation coverage is not paid by the employee in a timely manner.
- The covered worker or family member becomes eligible for Medicare.
- There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra eleven (11) months of continuation coverage based on their disability at termination).
- The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a "pre-existing medical condition."

CHAPTER IX

INFORMATION SYSTEMS POLICIES AND PROCEDURES

Sec. 9.1 – General

The City of Justin provides computing resources and worldwide network access to designated employees for conducting the City's business. All employees of the City using computer and network resources are provided notice of the specific policies governing the use of such resources and must act responsibly while using shared computing and network resources. **There can be no expectation of privacy by any user in the use of the computer and network resources of the City.** Use of the computer systems in a manner inconsistent with this policy is strictly prohibited. All messages, internet material received, software, and the work product are the property of the City and subject to the Texas Public Information Act with respect to inspection, disclosure, scheduled retention, and disposition. Specific usage policies and guidelines follow but may not be all inclusive. Any employee found to be in violation of these policies is subject to disciplinary action.

Sec. 9.2 – Overview

This policy is the governing document for the acquisition and use of personal computer products for the City of Justin. This document describes the policies and procedures used by the City of Justin to manage the City's computer network and information systems, ensure security, maintain the system's operation and integrity, facilitate user training, and provide fine-tuning and system recovery. This document shall be the guideline for security, internet/email usage, and the acquisition and use of computer equipment and accessories.

Through this policy, the City intends to enhance the benefits of Local Area Networking (LAN) without threatening the integrity of data, while encouraging employees to use the computers as tools for performing their assigned duties. This policy attempts to maintain a balance between autonomy of user Departments and central management of automated information processing. The Department Directors are responsible for enforcement of these policies.

Sec. 9.3 – Computer Software

The City of Justin's computer software policy has three purposes: (1) to protect all computer software copyrights; (2) to protect the City's Information Systems from computer viruses; (3) and to provide for standardization and compatibility for City use.

- The City is committed to preventing copyright infringement. It is the policy of the City of Justin to respect all computer software copyrights and to adhere to the terms of all software licenses to which the City is a party. The software developer normally copyrights such software. The City is subject to all copyright laws pertaining to the use of copyrighted software except for backup or archival purposes. This restriction

includes, but is not limited to, making unauthorized copies for use on more than one computer includes, but is not limited to, making unauthorized copies for use on more than one computer, unless expressly provided for in the licensing agreement. The restriction also includes the introduction of unlicensed copies of software into City owned equipment.

- The City is committed to protecting the integrity of the City of Justin's Information Systems from computer viruses. Viruses are programs intended to disrupt normal microcomputer operations. Such disruptions can extend to the contamination of data and/or the complete reformatting of a computer disk. Computer viruses can destroy equipment and data costing the City immeasurable expense. The effect of such loss is decreased productivity, lost information and files, and equipment failure. **All Computer disks from any outside source must be scanned for viruses prior to use with any City computer equipment.**
- The City is committed to standardization and compatibility of software and data used for City business. This provides consistency throughout the organization, which improves communication and speeds workflow. This increased efficiency leads to financial savings. All software not consistent with the City's standards will be phased out and not allowed for future use.

Sec. 9.4 – General Statements

Employee Responsibilities

- **Password Protection**

Password Authentication protects all the City's servers and operating systems. Each user must choose a unique password.

- **Education**

Department Directors shall be responsible for scheduling computer training classes to ensure their employees are adequately trained, for maintaining the education of their employees in accordance with this software policy, and for budgeting appropriate funds to ensure sufficient levels of user training knowledge with the standard PC software products. Employees are encouraged to use their software's on-line Help menu to increase their expertise.

- **Duplication of Software**

City of Justin employees may not duplicate any licensed software or related documentation purchased by the City of Justin unless the City is expressly authorized to do so by agreement with the licensor.

Intentional and willful unauthorized duplication of software and/or related documents

may subject employees and/or the City of Justin to both civil and/or criminal penalties under the United States Copyright Act.

Intentional unauthorized duplication of software and/or related documents shall be considered an act of serious misconduct subjecting employees to disciplinary action.

- **Distribution of Software**

City of Justin employees shall not give software to any persons outside the City of Justin organization (i.e., clients, contractors, and customers), without the express written consent of the City.

City of Justin employees may use software on local area networks (LAN) or an assigned personal computer only in accordance with applicable license agreements.

- **Development of Software**

Software and work products (documents, databases, spreadsheets, etc.) developed by City employees for City project on City-owned or personal equipment remain the property of the City of Justin. Such software and/or work products are for the exclusive use of the City of Justin or City contractors/consultants. Such software and/or work products cannot be sold or given to anyone, except in accordance with law, without written consent from the user's Department Director or the City Manager. City of Justin employees shall not use City equipment and/or software before, during or after City business hours for development of software not related to City projects, unless approved by the Department Director.

- **Use of Hardware and Software**

City of Justin computer equipment and/or software is to be used during regularly scheduled business hours for City business. The computer network including hardware and software represent a significant City asset. It is intended that this asset be used for City and related civic and professional activities only. However, with the permission of the employee's supervisor, personal use of the City's computer system during non-business hours is permitted.

- **Virus Protection**

Computer viruses can be introduced to a computer network without detection. Viruses can cause irreparable damage to the network and indiscriminately destroy data. To prevent such a disaster, multi-level virus protection software is installed at the user and server levels. This software must be active all times and updated periodically. **Any users who deactivate the anti-virus software on his/her workstation, fails to update his/her virus software as requested or fails to scan all disks, thumb drives, etc. prior to use will be subject to disciplinary action up to and including termination of employment.** The severity of this penalty should clearly underscore the seriousness of

keeping the network virus-free. At the first sign of a virus, the employee shall immediately notify the Department Director for resolution.

- **Software Installations and Usage**

The City of Justin's computers are City assets and must be kept free of illegal software copies and viruses. Except as noted, only software acquired through the City purchasing procedures may be used on City computers.

Employees may not bring any software from other sources and load it on City computers unless specifically authorized by the Department Director. If such use is authorized the software and any associated problems, which may arise because of installation or use, shall be the sole responsibility of the requesting Department or Departments. All software used shall be subject to the same compatibility requirements as City-owned software, and the software shall be virus-free.

City-owned software may not be taken home and loaded on an employee's computer. If an employee's responsibilities require regular use of a particular software product at home, upon receipt of the appropriate approval from the employee's supervisor, the City shall purchase a separate software package, arrange for appropriate licensor, and record it as a City asset in the software register. The exceptions to this are: (1) If the employee already owns a legal copy of the necessary software, or (2) If the software license permits an off-site copy. Some software developers provide in their licensing agreements that home use is permitted under certain circumstances. Before taking any software home, an employee must obtain written approval from the City Manager or his/her designee. In the event of that employee's termination, any such software must be immediately returned to the City. Any employee who fails to return City-owned software will be responsible for the cost of replacement.

Sec. 9.5 – Software Acquisition

- **Purchasing**

The City is responsible for making all commercial software purchases. An employee who wishes to purchase software must identify a specific need for the product and obtain the approval of his/her Department Director. The Department Director will verify the software's functionality and compatibility with the City's computer network. If a user-specific software package is approved, the Department purchasing the software must also purchase the maintenance, updates, and support.

- **Budgeting**

Computer hardware, software and any necessary training should be included in Departmental budgets. All software and accessories purchased for an existing computer shall be charged to the appropriate Department's budget.

- **Registration**

Software must be registered in the name of the City. Software shall not be registered in an individual user's name.

- **Installation**

After registration requirements have been met, the staff shall install the software. If available, manuals, tutorials, and other user materials shall be provided to the user. Once the software is installed, original diskettes shall be kept in a safe storage area.

Vendors providing hardware with pre-installed software must also provide original diskettes and documentation for each program loaded on each machine. Vendors installing or re-installing software as required on a maintenance or repair problem, must use the original diskettes allocated to that unit.

Contractors with the City of Justin using computer programs for completion of contracted projects must provide all applicable computer data in a form compatible with City hardware/software specifications.

- **Auditing**

A person/company designated by the City Manager shall conduct an annual audit as necessary of all City computers to ensure that the City remains in compliance with all software licenses. During any audits, the City shall search for computer viruses and unauthorized software, eliminating any that may be found.

- **Upgrading**

Use of microcomputers is so prevalent that standards must be maintained to ensure that word processing, spreadsheet, and database files are interchangeable throughout City Departments. Such interchangeability is extremely critical to productivity and efficient usage of microcomputer resources.

The City shall carefully consider upgrading to newer versions of standard software products. Productivity impact upon the requesting Department and the City organization shall be a major part of this consideration. This consideration shall also include the cost of upgrading all Department/City software, necessary hardware upgrading and the City's ability to provide support.

Requests for upgrading software products, standard or nonstandard, must include information relating to increased capabilities and expected productivity gains, as well as any necessary training.

All diskettes and documentation (if new documentation is provided) shall be returned to the City Manager upon receipt of software upgrades. Old versions shall be disposed of in

Exhibit A

a manner prescribed by the City Manager. Intentional retention of old versions of software for personal use is a direct violation of licensing agreements and shall subject employees to disciplinary action.

Sec. 9.6 – Web Page

The City's Web page is for government use only. It exists solely to promote the City and its services, and an employee cannot use it for a personal or commercial reason.

Each department is responsible for keeping the information on its page of the website current. Consultant and Department Directors are responsible for the update of the website including, but not limited to member changes. Any changes and/or additions should be emailed to the Director of Strategic Services or his/her designee. Department Directors should verify the information contained on their web pages monthly to ensure accuracy.

Sec. 9.7 – Service

Technical Support

The Department Director is responsible for reporting computer problems to technical support that are attributed to the City's computer network. At this time of a report of computer problems to technical support, the Department Director shall receive notification of an approximate time frame that the technical support will respond to correct the problem.

Sec. 9.8 – Hardware

The Department Director shall maintain a list of standardized equipment, both hardware and software, along with associated costs. The list shall be updated annually and make available for budget purposes to be included in the budget preparation materials.

- **Purchasing**

The Department Director is responsible for ensuring standardization of hardware and software in the City. An employee who wishes to purchase hardware or software must identify a specific need for the product and obtain the approval of his/her Department Director if the purchase is approved, the Department Director purchasing the hardware shall complete an order and forward it to the appropriate vendor.

Sec.9.9 – Miscellaneous

- **Games**

Game software is an inappropriate use of City equipment and shall not be tolerated. Games discovered during audits shall be eliminated and the user may be subject to disciplinary action. The Department Director shall report violations to Human Resources. In addition, the Department Director may act upon a suspected incident at the request of a

complainant and review all software on an employee's computer.

Sec. 9.10 – E-mail/Internet

- **Purpose**

The purpose of the E-mail/Internet system is to contribute to the efficient operation of City Departments by providing convenient communication. The primary use of E-mail/Internet is intended for official business within the and among City employees, Departments, and the public. Personal and/or other non-city related messages should be held to a minimum. Due to the increased risk of computer viruses, no personal or non-business-related email attachments may be opened using any City owned computer equipment or privately owned computer attached to the City's network via Ethernet or Modem. In addition, downloading of any non-business-related files from the Internet are prohibited. **Employees that fail to comply with this policy will be subject to disciplinary action up to and including termination of employment.**

- **Privacy Issues**

There can be no expectation of privacy in the content of any message, business or personal sent or received by employees. These messages are subject to disclosure during system maintenance, and to direct inspection by supervisory personnel. Correspondence sent by E-mail is subject to review at any time by City officials. E-mail messages constitute official City documents and are subject to subpoena by courts and/or public information (open records) requests.

- **Privileges and Penalties**

The use of the Internet is a privilege, not a right, and inappropriate use may result in a cancellation of those privileges. The City may deny, revoke, or suspend specific user access. Additionally, in the event the user incurs any unauthorized costs, fees, or charges, said costs, fees or charges shall be the sole responsibility of the user and not the City of Justin.

- **E-mail/Internet Acceptable Uses**

The following are considered acceptable uses for E-mail and the Internet during the normal workday:

1. Obtaining and exchanging information directly related to work tasks.
2. Education facilitating performance of any task or project related to assigned duties.
3. Exchanging information for professional development, inquiry purposes, obtaining standards, finding statistics and analysis.
4. Announcement of new City regulations, ordinances, procedures, policies, special events and activities.
5. Conducting City business during normal working hours.

6. Using the Internet for professional improvement (e.g., working toward a degree, or taking job-related courses) outside of normal working hours with prior approval from supervisor.

- **E-Mail/Internet Non-Acceptable Uses**

The following uses of E-mail and the Internet are not permitted:

1. Transmission of any material in violation of any U.S. state, and/or local regulation. This includes, but is not limited to, copyrighted material or material protected by trade secret.
2. Use for personal business, advertisement and/or commercial activities such as purchasing good or services, operating a business, illegally seizing business opportunities or soliciting money for personal gain.
3. Displaying, transmitting, retrieving, or soliciting sexually oriented messages, cartoon, images, or any pornographic material, inappropriate text files, or files dangerous to the integrity of the network.
4. Interception of network traffic for any purpose unless engaged in authorized network administration.
5. Vandalizing or harassing, which is defined as any malicious attempt to harm or destroy data of another user, web site, or other networks.
6. Sending, receiving printing, or otherwise disseminating threatening, intimidating, offensive or harassing statements or language including disparagement of others based on their race, national origin, gender, age, disability, religious, sexual orientation, or political beliefs.
7. Sending chain letters, gambling, or engaging in any other activity in violation of local, state, or federal laws.

Sec. 9.11 – Employee Responsibilities

All employees are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:

1. Be polite and use appropriate language. The message should not be abusive to others. The use of vulgarities, swearing, or any other unsuitable language may be grounds for disciplinary action.
2. An employee should not reveal his personal address or telephone number or the addresses and/or telephone numbers of other employees.
3. An employee must not reveal his account password or allow another person to use the account. The password is confidential.
4. An employee may not log on as another user. An employee may use only his City-assigned e-mail address during the performance of job duties. No private or “ghost” accounts may be used, except by network administrators as part of their function.
5. E-mail received from citizens should be handled with the same seriousness as any other form of citizen contact. Employees should always maintain a professional decorum in their responses, reply promptly and seek approval from supervisors where appropriate.

Exhibit A

6. Respect copyright.
7. Clearly and accurately identify yourself in electronic communications
8. Multi-page “junk mail” documents from any source should not be re-transmitted.

CHAPTER X

SEXUAL HARRASSMENT

Sec. 10.1 Purpose

The purpose of this policy is for the City of Justin to provide and maintain a work environment free of sexual harassment, sexual exploitation, and sexual intimidation by employees, contractors, vendors, members of the City Council, the City Manager, or visitors to the workplace. The City of Justin has a "zero tolerance" policy regarding sexual harassment; the City will not tolerate sexual harassment. The City will investigate any complaint of sexual harassment promptly. All employees are expected to comply with this policy, and failure to do so will result in disciplinary action up to and including immediate termination.

Sexual Harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, as amended, and will not be tolerated by the City of Justin. Sexual harassment can occur in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gesture, and more subtle advances and pressure inviting sexual activity. Such conduct is unlawful where:

- Submission to such conduct is made term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual (i.e., denial of a pay increase, promotion, transfer, leave of absence, imposing disciplinary action, promising to withhold disciplinary action etc.).
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

Several factors are important to note:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the other sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or non-employee.
- The victim does not have to be the person harassed but could be affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- Any circumstances in which the harasser's conduct is unwelcomed.

Sec. 10.1.1 – Examples of Sexual Harassment

The policy extends to City employees, contractors, vendors, members of the City Council, the City Manager, or visitors to the workplace. It is illegal and against the City's policy for anyone male or female to harass a city worker or to create a hostile working environment by either committing or encouraging any of the following.

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

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs, images, or drawings. However, actions that arise out of personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment. The City will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.

Sec. 10.1.2 – How to Report Sexual Harassment

If an employee is either subjected to or witnesses sexual harassment, he/she should immediately inform the harasser that the conduct is offensive and insist that it stop. If sexual harassment continues the employee should report the matter to his/her immediate supervisor within twenty-four (24) hours. If you are unable or unwilling to speak with your supervisor about the harassment, you should report the incident directly to Human Resources or the City Manager.

Sec. 10.2.3 – Supervisor Responsibility and Complaint Procedure

Each supervisor has the responsibility to maintain the workplace free of sexual harassment and to ensure that the employees are not subjected to insulting, degrading or exploitative sexual treatment. With the passage of SB 45 by the Texas Legislature, which was effective September 1, 2021, establishes that all supervisors, managers, and other agents of the City can be held personally liable for the harms caused to victims of sexual harassment, should they not prevent, or respond in a timely manner to a sexual harassment complaint.

Sec. 10.1.4 Duties of Employees

The Complainant – If you are making the complaint of sexual harassment, the investigator will need to know all the details, unpleasant though they will be to recount. The investigator has a duty to be fair to everyone involved and needs as much information as possible. Be prepared to give the following information:

- The names of everyone who might have seen or heard about the offensive conduct.
- The names of everyone who may have had a similar experience with the alleged harasser.
- A chronology – when and where did each incident occur
- The reasons why you did not report the incidents earlier (if you have delayed at all).
- Your thoughts on what the City should do to correct the problem and maintain a

harassment free environment.

The Accused – If you are the person accused of harassment, you must remember that you have a duty to cooperate in the investigation, regardless of whether you believe the allegations to be true or false. You will be expected to answer questions completely and honestly. You may be asked not to communicate with certain individuals during the investigation. You must remember that you are not to retaliate against the person who made the complaint or against anyone who participates in any way in the investigation. You must treat them in the same fair and even-handed manner you would if the complaint had not ever been raised. Failure to abide by these rules may result in discipline against you, even if the investigation shows no harassment occurred.

A Potential Witness – You may be asked to provide details concerning the alleged harassment between other employees. You have a duty to respond truthfully to the questions concerning these allegations.

Sec. 10.1.5 – Sexual Harassment Investigations

The City will investigate reported alleged sexual harassment immediately. Human Resources will arrange for each complaint for sexual harassment to be investigated. As soon as an employee reports an incident to their supervisor, Human Resources, or the City Manager. Human Resources is responsible for investigating the alleged complaint even if the employee does not want anything said or done about it.

Human Resources will obtain facts and view from all parties involved as well as any witnesses to the alleged sexual harassment. The person accused will be informed of the allegation and given the opportunity to respond.

An employee will not be subjected to retaliation for pursuing a sexual harassment complaint.

Sec. 10.1.6 – Discipline

An employee after a complete investigation of the allegations is found to have violated the City's Sexual Harassment policy will be immediately terminated.

Sec. 10.2 – Anti Harassment Policy

Many forms of harassment including harassment because of one's race, ethnicity, gender, religion, sexual orientation, or sexual harassment are prohibited by federal and state laws. It is the City's policy to prohibit harassment of any kind, and the City of Justin will take appropriate action swiftly to address any violations of this policy. The definition of harassment is verbal or physical conduct designed to threaten, intimidate, or coerce. Also, verbal taunting (including racial and ethnic slurs) that, in the employee's opinion impairs his/her ability to perform his/her job. Examples of harassment are:

- **Verbal** – Comments that are not flattering, demeaning or are unwelcome regarding a

Exhibit A

person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearances, epithets, slurs, and/or negative stereotyping.

- **Non-Verbal** – Distribution, display, or any written or graphic materials that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, body disability, or appearances, gender identity, martial or other protected status.

Any allegation of harassment other than sexual harassment, shall be addressed in accordance with the City's Disciplinary Procedures.

Sec. 10.2.1 – Discipline

An employee found to have violated and/or failed to enforce or follow this policy shall be subject to disciplinary action, including written reprimands, transfer, demotion, suspension, or termination. By enforcing this policy, the City will preserve the right of every employee and applicant for employment to enjoy a workplace free of harassment of any type.

CHAPTER XI

DEFINITIONS

Sec.11.1 – Definitions

In these personnel polices:

- **Call Back** means an unscheduled or emergency return to work outside of normal hours or on a holiday or day off. It does not mean overtime or holiday work scheduled in advance. Call back will be paid overtime with a two (2) hour minimum.
- **Department** means a major functional unit of the City.
- **Department Director** means a person in charge of a group of employees within a unit.
- **Employee** means any person, permanent or temporary, working in the Service of the City.
- **Employee evaluation** means a formal personnel evaluation report which is completed for each employee after six (6) months of service and once every year thereafter.
- **Full -time employee** means any employee who regularly works not less than thirty-five (35) hours per week.
- **Immediate family** means husband, wife, son, daughter, father, mother, brother, sister, grandparents, or grandchildren.
- **Layoff** means a separation from the City because of shortage of funds, or materials, abolishment of position or other reasons beyond the control of an employee and not reflecting discredit on the employee.
- **Military leave** means the leave of absence granted to employees entering the armed forces of the United States during a national emergency or in response to the draft or call to duty from civilian components of the armed forces.
- **On call** means being available at a designated place for a designated period.
- **Overtime** means time worked in addition to the normal forty (40) hours worked or emergency leave hours used during a regular work week for all non-police department employees. Overtime for police department employees shall be considered hours worked more than eighty (80) hours in each pay period. Overtime will be compensated at one and one-half (1 ½) times the regular rate of pay for all overtime hours worked by a none-exempt employee.
- **Part-Time employee** means any employee who works more than twenty (20) hours per week but less than thirty (30) hours per week.
- **Part-time-30 employee** means any employee who works more than thirty (30) hours per week but less than thirty-five (35) hours per week.
- **Permanent part-time employee** means any employee who regularly works at least twenty (20) hours per week but less than forty (40) hours per week.
- **Position or job** means a group of current duties and responsibilities legally assigned or delegated by appointing authority, requiring the full-time or part-time employment of one (1) person.

Exhibit A

- **Probationary period** means a working test period of initial six (6) months during which an employee is required to demonstrate his/her fitness for a position by actual performance of the duties of the position. Police Department probationary period will be twelve (12) months.
- **Probationary employee** means an employee who has not completed his/her test period.
- **Promotion** means an assignment of an employee from a position to a position having a higher maximum salary rate or higher organizational rating.
- **Statutory benefit** means personal day, sick days, vacation days, insurance, and paid holidays.
- **Supervisor** means any person responsible for to a superior for directing the work of others.
- **Temporary employee** means an employee who has been appointed for a period not to exceed three (3) months to accomplish a limited task.
- **Workday** means one (1) shift during which a department is open for business or one (1) which an employee is scheduled to work.
- **Work Week** means several hours regularly scheduled to be worked during any seven (7) consecutive dates.

CHAPTER XII

SICK LEAVE DONATION PROGRAM

Sec. 12.0 – Sick Leave Donation Program

Employees may donate unused sick time to the Sick Leave Bank during their employment. Upon termination or giving notice of resignation to the City, employees will not be given the option to donate remaining sick time to the Bank.

Employees wishing to receive additional sick leave hours through this program must complete an application and be a full-time employee who has already exhausted their own accrued paid leave, including sick leave, vacation, holidays, and compensatory time off. The sick leave donation program is intended to provide additional hours for serious or catastrophic personal illness or injury of the employee only. The City manager will either approve or deny the application and will include the applicant's past use of sick leave and reason for the absence.

Upon approval by the City Manager, a request for sick leave hours to be donated will be issued to all City employees. The request for donated hours will only state the number of hours needed; all other information will be confidential. Donations will be accepted for a period of approximately one week. At the end of that time, Human Resources will compute the **dollar value** of the hours donated. This amount divided by the applicant's pay rate will become the number of donated hours available. No employee is entitled to a sick leave donation. The ability to apply for a donation does not guarantee that the request will be approved. Nor that the number of hours donated will meet the amount requested.

CHAPTER XIII

Children at Work

Sec. 13.0 – Children at Work

The City of Justin understands there are times that occur when an employee must address situations that arise with their child(ren). However, the City of Justin strives to provide all employees with a rewarding and productive workplace and understands that the presence of employees' children in the workplace can be disruptive to the work environment. Employees may bring their children into the workplace under certain circumstances, but they must adhere to the terms of this policy. Examples of circumstances where children are allowed at the workplace are:

- City of Justin Event
- Last minute childcare cancellation, with no other options
- Brief visit with the employee

The child shall not be brought to work on a frequent or regular basis, and the employee must first obtain permission from his or her supervisor. The workplace is not a substitute for proper daycare arrangements for an employee's child. Additionally, an employee's sick child may not be brought to work. If employees need time to deal with a sick child, the employee must stay home or leave work and use any applicable leave or time off.

If an employee's child is brought to the workplace, that employee shall have sole responsibility for the child's needs and behaviors. The child shall always be accompanied by and under the direct supervision of the employee. If the nature of the child's visits becomes problematic, or if the child disrupts the workplace or the employee's performance, the employee's supervisor will advise the employee of the issue. That employee will be expected to take corrective action immediately. In the event the employee does not take immediate corrective action, the employee's supervisor will request that the employee take the child home and will be required to use applicable leave time.

City Council Meeting

August 23, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #3

Title: Consider and take appropriate action awarding or rejecting a contract to C. Greenscaping, LP in the amount of \$1,073,455. 89 for the downtown parking and lighting project.

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation:

The downtown parking lighting and landscaping project was bid out on August 2nd which resulted in one bid submission. We have included a bid tabulation for C. Greenscaping, LP.

The City has \$509,290 budgeted for this project between 2019 CO funds and the General Fund. The CDC Board will also be allocating \$50,000 towards this project for the roundabout landscaping portion for a total of \$559,290.

The bid from C. Greenscaping, LP came to a total of \$1,073,455.89.

City Council may accept or reject the bid. If accepted the balance of the cost can be offset with available fund balance. If rejected, staff will look any modifications to the project that provide savings and rebid.

City Attorney Review: N/A

Attachments:

1. Bid Tab and Engineering Estimates

BID TAB - JUSTIN DOWNTOWN PARKING IMPROVEMENTS AND ROUNDABOUT						
ESTIMATED QUANTITY		ITEM DESCRIPTION (SPECIFICATION NO.) PRICES TO BE WRITTEN IN WORDS	Engineer's Estimate - May 2022*		C. Green Scaping, LP	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	LS	MOBILIZATION (7% Max)	\$43,000.00	\$43,000.00	\$52,000.00	\$52,000.00
1	LS	SW3P & EROSION CONTROL	\$7,000.00	\$7,000.00	\$13,200.00	\$13,200.00
4	MO	BARRICADES, SIGNS AND TRAFFIC HANDLING	\$1,500.00	\$6,000.00	\$4,200.00	\$16,800.00
VOLUME 1						
0.30	AC	SITE PREPRATION	\$10,000.00	\$3,000.00	\$40,600.00	\$12,180.00
650	LF	CONCRETE LANDSCAPE EDGE (12" WIDTH)	\$22.00	\$14,300.00	\$32.00	\$20,800.00
425	LF	STEEL EDGING	\$10.00	\$4,250.00	\$11.00	\$4,675.00
5.3	CY	LOOSE AGGR (TYPE I) (DECOMPOSED GRANITE)	\$120.00	\$636.00	\$566.60	\$3,002.98
1.1	CY	LOOSE AGGR (TYPE II) (BRAZOS RIVER ROCK)	\$120.00	\$132.00	\$465.45	\$512.00
1,510	SY	PLANT BED PREPARATION	\$3.00	\$4,530.00	\$21.00	\$31,710.00
15	EA	3" CANOPY TREES	\$700.00	\$10,500.00	\$956.00	\$14,340.00
3	EA	30 GALLON ORNAMENTAL TREES	\$450.00	\$1,350.00	\$440.00	\$1,320.00
540	EA	1 GALLON PLANT	\$10.00	\$5,400.00	\$15.70	\$8,478.00
595	EA	3 GALLON PLANT	\$20.00	\$11,900.00	\$36.25	\$21,568.75
3,850	SF	BUFFALO SOD	\$0.75	\$2,887.50	\$2.02	\$7,777.00
9	MO	PLANT MAINTENANCE	\$825.00	\$7,425.00	\$1,900.00	\$17,100.00
1	LS	IRRIGATION SYSTEM	\$45,000.00	\$45,000.00	\$47,140.00	\$47,140.00
9	MO	IRRIG SYS OPER AND MAINT (SCH A)	\$750.00	\$6,750.00	\$600.00	\$5,400.00
2	EA	ELECTRICAL SERVICE	\$7,200.00	\$14,400.00	\$11,730.00	\$23,460.00
2,585	LF	2" CONDUIT (PVC) (SCH 80)	\$22.00	\$56,870.00	\$12.00	\$31,020.00
1,130	LF	2" BORE (PVC) (SCH 80)	\$10.00	\$11,300.00	\$24.00	\$27,120.00
3,590	LF	ELECTRICAL CONDR (NO.8) BARE	\$9.50	\$34,105.00	\$2.70	\$9,693.00
9,260	LF	ELECTRICAL CONDR (NO.8) INSULATED	\$9.50	\$87,970.00	\$2.70	\$25,002.00
14	EA	GROUND BOX TY A (122311) W/APRON	\$1,000.00	\$14,000.00	\$570.00	\$7,980.00
1	EA	GROUND BOX TY A (122311)	\$800.00	\$800.00	\$320.00	\$320.00

BID TAB - JUSTIN DOWNTOWN PARKING IMPROVEMENTS AND RONDAABOUT							
ESTIMATED QUANTITY			ITEM DESCRIPTION (SPECIFICATION NO.) PRICES TO BE WRITTEN IN WORDS	Engineer's Estimate - May 2022*		C. Green Scaping, LP	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
25	43	EA	DECORATIVE LIGHT POLE AND FIXTURE (SINGLE) W/FOUNDATION	\$6,400.00	\$275,200.00	\$9,045.00	\$388,935.00
26	8	EA	DECORATIVE LIGHT POLE AND FIXTURE (DOUBLE) W/FOUNDATION	\$9,200.00	\$73,600.00	\$11,820.00	\$94,560.00
27	51	EA	BANNER ARMS	\$600.00	\$30,600.00	\$748.00	\$38,148.00
28	51	EA	DRILL SHAFT AND FOUNDATION	\$1,400.00	\$71,400.00	\$1,380.00	\$70,380.00
29	1	LS	REMOVAL OF EXISTING ILLUM ASSEMBLY	\$12,000.00	\$12,000.00	\$5,620.00	\$5,620.00
VOLUME 2							
30	0.10	AC	SITE PREPRATION	\$15,000.00	\$1,500.00	\$47,410.00	\$4,741.00
31	94	LF	RETAINING WALL	\$150.00	\$14,100.00	\$304.00	\$28,576.00
32	16	LF	FREE STANDING WALL	\$150.00	\$2,400.00	\$718.00	\$11,488.00
33	8.4	CY	RIVER COBBLE (LIMESTONE GRAVEL)	\$120.00	\$1,008.00	\$269.52	\$2,263.97
34	16	LF	STEEL EDGING	\$10.00	\$160.00	\$11.00	\$176.00
35	15	SY	PLANT BED PREPARATION	\$3.00	\$45.00	\$27.00	\$405.00
36	45	EA	1 GALLON PLANT	\$10.00	\$450.00	\$15.56	\$700.20
37	528	SF	BUFFALO SOD	\$0.75	\$396.00	\$2.00	\$1,056.00
38	9	MO	PLANT MAINTENANCE	\$825.00	\$7,425.00	\$400.00	\$3,600.00
39	1	LS	IRRIGATION SYSTEM	\$12,000.00	\$12,000.00	\$9,000.00	\$9,000.00
40	9	MO	IRRIG SYS OPER AND MAINT (SCH A)	\$450.00	\$4,050.00	\$300.00	\$2,700.00
41	1	LS	ANY AND ALL ITEMS REQUIRED BY THE PLANS & SPECIFICATIONS NOT ACCOUNTED FOR OR SUBSIBIARY TO OTHER BID ITEMS (MAY BE \$0)	N/A	N/A	\$8,508.00	\$8,508.00
TOTAL LUMP SUM BASE BID				\$899,839.50	TOTAL	\$1,073,455.89	TOTAL

City Council Meeting

August 23, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #4

Title: Consider and take appropriate action regarding appointments to and membership of the Justin Community Library Board.

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Appoint Sandra Rincon to Place 2, and Jennette Mears to Place 4 on the Justin Community Library Board.

Background: After a recent resignation, the Library Board is down to 4 members.

Two applicants are before you for consideration. If appointed, there will be one remaining vacancy.

- Place 1: [Helen Allen](#)
- Place 2: Vacant
- Place 3: Brian Ovens
- Place 4: Vacant
- Place 5: [Susan Famigletti](#)
- Place 6: Vacant
- Place 7: Debra Kohut

City Attorney Review: N/A

Attachments: 1. Sandra Rincon application 2. Jenette Mears application

From: noreply@civicplus.com
To: [Brittany Andrews](#); [Abbey Reece](#)
Subject: Online Form Submittal: Board, Commission & Committee Application
Date: Saturday, July 9, 2022 9:57:29 AM

Board, Commission & Committee Application

First Name	Sandra
Last Name	Rincon
Address	607 Ridge View Way
City	Justin
State	TX
Zip Code	76247
Mailing Address (If different)	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	4694789775
Email Address	sandrarincongallegos@hotmail.com
Are you over the age of 18?	Yes
Are you a registered voter?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Montessori Teacher
Education, Licenses, or Certifications	First aid,
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Justin Community Library Board

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Justin Community Library Board

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

I was working with kids for more 20 years, I have a lot of experience with arts, crafts and reading program. My mother language is Spanish and this will be a great addition for the Justin community!

List any additional information which you believe would be of value for the City Council to know about you.

Spanish speaking skills

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

Are there any criminal charges or proceedings pending against you?

No

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Sandra Rincon

Date of Submission

7/9/2022

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Brittany Andrews](#); [Abbey Reece](#)
Subject: Online Form Submittal: Board, Commission & Committee Application
Date: Tuesday, August 16, 2022 11:05:23 AM

Board, Commission & Committee Application

First Name	Jennette
Last Name	Mears
Address	9240 Tay Lane
City	Justin
State	Texas
Zip Code	76247
Mailing Address (If different)	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	443-235-1856
Email Address	jcmeares7@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Retired
Education, Licenses, or Certifications	Masters Elementary Education Real Estate Certificate
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Justin Community Library Board

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Field not completed.

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

Teacher for 23 years
Current NISD sub
CASA for 12 years in MD
House of Shine volunteer

List any additional information which you believe would be of value for the City Council to know about you.

N/A

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

Are there any criminal charges or proceedings pending against you?

No

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Jennette Mears

Date of Submission

8/16/2022

Email not displaying correctly? [View it in your browser.](#)

City Council Meeting

August 23, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #5 (Consent)

Title: Consider and take appropriate action approving City Council meeting minutes dated August 9, 2022.

Department: Administration

Contact: City Secretary, Brittany Andrews

Recommendation: Motion to approve consent items as presented.

Background:

City Attorney Review: N/A

Attachments:

1. August 9, 2022 draft minutes



Mayor, Elizabeth Woodall

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin City Council Regular Session Meeting- August 9, 2022

The Justin City Council Meeting convened into a Regular Session being open to the public the 9th day of August, 2022 at 6:00 pm in the Council Chambers of Justin Municipal Complex, and notice of said meeting giving the time, place, date and subject there of having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Mayor, Elizabeth Woodall, Mayor Pro Tem, John Mounce, Councilmembers, James Clark, Tomas Mendoza, and Chrissa Hartle. City Staff: City Manager, Chuck Ewings, Public Works Director, Josh Little, Planning and Development Director, Matt Cyr, City Secretary, Brittany Andrews, and City Attorney, Matthew Butler.

Convene into Session: Mayor Woodall called the meeting to order at 6:01PM
Invocation led by: Tomas Mendoza

WORKSHOP SESSION

1. Presentation and discussion of Fiscal Year 2022-2023 annual budget.

Discuss regular session agenda items

CONVENE INTO REGULAR SESSION- Immediately Following Workshop Session

PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the mayor may impose a three-minute limitation on any person addressing the Council. The Texas Open Meetings Act prohibits the City Council from discussing issues, which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

Carla Gastineau – address on file, Mayor Woodall read Mrs. Gastineaus comments for the record. “I was against the street maintenance sales tax in the beginning and still think it is a bad idea. The reason I was given for this reallocation the other day was not acceptable. I personally would rather the council return the money to economic development and community development. Hopefully, more business will be attracted to our city which will create more money and small businesses will have a resource if they would need a little help to get started. We are currently building for businesses let’s fill those buildings with businesses people want and will use. Growth is happening fast. If we have more businesses, then more money follows

and then reallocation is not necessary. What will be the next thing taken away and give EDC-CDC less ability to attract businesses and less ability to reach out to the community for community projects.”

Tawana Weaver, 225 Pafford St. Justin, TX 76247 – Spoke to her concerns about the overwatering and water restrictions. Watering 2 times a week is ok, but not enough. The problem is not the water it is the city not preparing for and supplying the resources.

James Castle, 301 Pafford St. Justin, TX 76247- Spoke to his issue with the watering and how he is noticing the areas along 156 are being overwatered where water is running into the streets.

PUBLIC HEARING

2. **PUBLIC HEARING:** Conduct a Public Hearing for a zoning change from General Business – Old Town (GB-OT) to Single Family-Old Town (SF-OT) Planned Development for the properties legally described as O T JUSTIN BLK 48 LOT 2, O T JUSTIN BLK 48 LOT 1, DONALD-HARMONSON ADDN BLK 7 LOT 1-6, and DONALD-HARMONSON ADDN BLK 10.

Brooks White, 9401 Hackamore Ct. Justin, TX. – developer spoke on history of the project.

- a. Open public hearing **6:45PM**

Cynthia Morris, 6230 Florence rd. Justin, TX 76247, and property owner of 202 W. 5th st. spoke in opposition.
Tom Cronberger, Justin resident – address on file, spoke in opposition.

- b. Close public hearing **7:03PM**
- c. Consider and take appropriate action

Councilwoman Hartle moved to approve as presented.

Seconded by: Councilman Clark

Aye votes: Councilmembers Hartle, Clark and Mendoza

Nay votes: Mayor Pro Tem, Mounce

Not Present: Councilman Tate

Motion carries 3-1

3. **PUBLIC HEARING:** Conduct a Public Hearing for a Replat for the properties legally described as O T JUSTIN BLK 48 LOT 2, O T JUSTIN BLK 48 LOT 1, DONALD-HARMONSON ADDN BLK 7 LOT 1-6, and DONALD-HARMONSON ADDN BLK 10.
 - a. Open public hearing **7:06PM**
 - b. Close public hearing **7:06PM**
 - c. Consider and take appropriate action

Councilman Clark moved to approve as presented.

Seconded by: Councilman Mendoza

Aye votes: Councilmembers Hartle, Clark and Mendoza

Nay votes: Mayor Pro Tem, Mounce

Not Present: Councilman Tate

Motion carries 3-1

4. **PUBLIC HEARING:** Conduct a Public Hearing to hear concerns for or against a Site Plan with a variance request to landscaping for the properties legally described as 6th Street Commercial Lots 1-5, Block A. Generally located southwest from the intersection of 6th Street and Topeka Avenue.
 - a. Open public hearing **7:18PM**
 - b. Close public hearing **7:18PM**
 - c. Consider and take appropriate action

Councilman Mendoza moved to approve as presented.

Seconded by: Mayor Pro Tem, Mounce

Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza

Not Present: Councilman Tate

Motion carries

5. **PUBLIC HEARING:** Conduct a Public Hearing to hear concerns for or against a Replat for a total of two lots legally described Lots 2R-1 and Lots 2R-2. Generally located northwest from the intersection of FM 407 and Collingwood Drive.
 - a. Open public hearing **7:19PM**
 - b. Close public hearing **7:19PM**
 - c. Consider and take appropriate action

Mayor Pro Tem, Mounce moved to approve as presented.

Seconded by: Councilwoman Hartle

Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza

Not Present: Councilman Tate

Motion carries

6. **PUBLIC HEARING:** Conduct a Public Hearing to hear concerns for or against amending Chapter 52 and Chapter 10 of the Code of Ordinances relating to Temporary Batch Plants.
 - a. Open public hearing **7:24PM**
 - b. Close public hearing **7:24PM**
 - c. Consider and take appropriate action

Councilman Mendoza moved to approve with the condition that it as an SUP rather than by right.

Seconded by: Councilman Clark
Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza
Not Present: Councilman Tate
Motion carries

POSSIBLE ACTION ITEMS

7. Consider Resolution No. 586-22 Authorizing the Execution and Delivery of the Trinity River Authority – Denton Creek Regional Wastewater Treatment System Eight Supplemental Contract (City of Justin, Texas) and Continuing Disclosure Agreement.

Councilman Clark moved to approve item 7 as presented.

Seconded by: Mayor Pro Tem, Mounce
Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza
Not Present: Councilman Tate
Motion carries

8. Consider and take appropriate action approving Ordinance 732-22 calling a General Election to be held on November 8, 2022 regarding reauthorization of the street maintenance sales tax.

Councilwoman Hartle moved to approve item 8 as presented.

Seconded by: Councilman Clark
Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza
Not Present: Councilman Tate
Motion carries

9. Consider and take appropriate action approving Resolution 587-22 regarding the negotiated settlement between the Atmos Steering Committee and Atmos Energy Corp, Mid-Tex division regarding the 2022 rate review mechanism filings.

Mayor Pro Tem, Mounce moved to approve item 9 as presented.

Seconded by: Councilwoman Hartle
Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza
Not Present: Councilman Tate
Motion carries

10. Consider and take appropriate action approving Resolution 588-22 disapproving of the Denton Central Appraisal District 2023 budget.

Councilman Clark moved to approve Resolution 588-22 disapproving of the Denton Central Appraisal District 2023 budget.

Seconded by: Councilwoman Hartle
Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza
Not Present: Councilman Tate
Motion carries

11. Discuss City Council Liason roles and respnsibilities.

No action

CONSENT

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration

12. Consider and take appropriate action regarding City Council meeting minutes dated July 12, 2022 and July 26, 2022.

Mayor Pro Tem, Mounce moved to approve consent item 12 as presented.

Seconded by: Councilman Clark
Aye votes: Councilmembers Hartle, Clark, Mounce and Mendoza
Not Present: Councilman Tate
Motion carries

EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

- Under Section 551.071, to conduct private consultation with the City Attorney regarding:
 - Preserve Development Agreement

Council convened into executive session at 8:30PM
Council re-convenec into regular meeting at 8:44PM

FUTURE AGENDA ITEMS

- **Budget Workshop**
- **Updates on model homes in City**

ADJOURN

With there being no further business, the meeting was adjourned at 8:50PM

Brittany Andrews

Brittany Andrews, City Secretary

Seal: