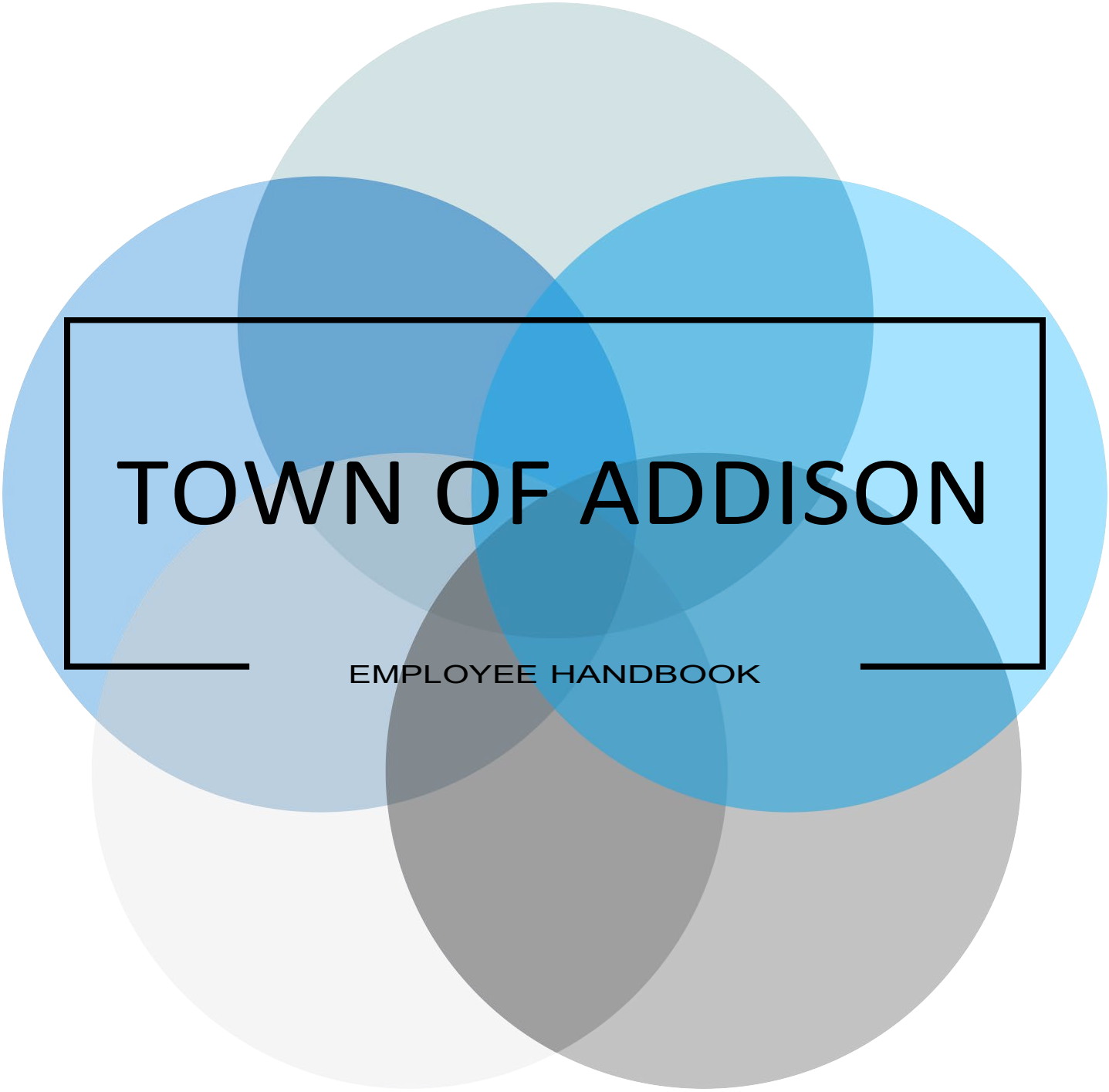

TOWN OF ADDISON

EMPLOYEE HANDBOOK

Town of Addison Employee Handbook

Revised September 2026

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SECTION 1.01
OBJECTIVES OF EMPLOYEE POLICIES

The objectives of employee policies are as follows:

- To promote good and uniform personnel practices and administration in the management of the Town's human resources.

- To develop a program of recruitment, advancement and tenure that will make municipal employment attractive as a career and encourage each employee to render their best services to the citizens of the Town.

- To provide equitable and adequate compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the Town.

- To promote high morale by the consistent administration of employee policies and through consideration of the rights and interests of all employees.

- To provide that tenure of employees covered by these policies shall be subject to good behavior, satisfactory performance, necessity for the position and availability of funds.

SECTION 1.02
AT-WILL EMPLOYMENT

Employment with the Town of Addison is for no fixed or definite term. All employment by the Town has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. This means that the employee and/or the Town have the right to terminate employment at any time, with or without notice, and with or without cause. The Employee Handbook does not constitute a contract of employment. Nothing in this Handbook is intended to alter the continuing at-will status of employment with the Town.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's at-will 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, with or without notice, and the Town retains the right to terminate any employee at any time, for any or no reason.

SECTION 1.03
TOWN GOVERNMENT

The Town of Addison is a home rule city. The chief administrative officer is the City Manager. The Council is the Town's legislative body and is composed of a Mayor and six Council members, each elected for a term of two years for up to three terms. The Mayor and each of the Council members have a vote in decisions related to Town affairs.

The City Manager, or their designee, attends all Council meetings and may offer advice on matters before the Council but has no vote on actions taken. The City Manager is responsible for carrying out the decisions of the Council, enforcing ordinances and the hiring of all Town employees. All Department Directors report to the City Manager directly or through either the Deputy City Manager or equivalent executive leadership. By charter, Department Directors are subject to appointment and removal by the City Manager.

SECTION 1.04
CITY COUNCIL MEETINGS

City Council meetings are typically held on the second and fourth Tuesday of each month. The agenda for each meeting is made available to all employees in advance of the meeting via the Town's local area network. Employees will periodically be invited to attend City Council meetings, and City Council meetings are open to the public except when authorized to meet in closed session pursuant to the Texas Open Meetings Act.

SECTION 1.05
MANAGEMENT AUTHORITY

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority

The Town may modify, revoke, suspend, interpret, terminate or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the Town and its employees for any duration of employment. Employment with the Town is on an "at-will" basis. There is no specified length of employment, and either the Town or the employee can terminate the employment relationship at any time, for any or no reason.

Policy administration rests with Town management and Town management reserves sole authority to administer Town operations.

Departmental Policy and Procedural Requirements

At the discretion of the Department Director, in consultation with the Director of Human Resources, and with approval from the City Manager, each department may develop and implement departmental policies, procedures, rules, regulations and/or practices which apply to that department only and which are separate from and in addition to the policies, procedures and regulations contained in the Employee Handbook. Departmental policies, procedures, rules, regulations and/or practices shall not be inconsistent with those contained in the Employee Handbook. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with these requirements.

Other Authority

Policies and procedures apply to all employees of the Town, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or otherwise addressed by State and/or Federal law.

Only the City Manager has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in Town or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the Deputy City Manager, Assistant City Manager or to others as deemed appropriate in the City Manager's sole discretion.

SECTION 1.06
DEPARTMENTAL POLICIES

The policies contained in the Employee Handbook apply to all employees of the Town. At the discretion of the Department Director, in consultation with the Director of Human Resources, and with approval from the City Manager, each department may develop and implement departmental policies, procedures, rules, regulations and/or practices which apply to that department only and which are separate from and in addition to the policies, procedures and regulations contained in the Employee Handbook. Departmental policies, procedures, rules, regulations and/or practices shall be developed in consultation with the Director of Human Resources and shall not be inconsistent with those contained in the Employee Handbook.

SECTION 1.07
POLITICAL ACTIVITY

Town of Addison employees will not be appointed or retained based on their political support or activities. Town employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and this policy.

A. General Limitations

Town employees may not:

- Use their position or office to coerce political support from employees or citizens.
- Use their official authority or influence to interfere with or affect the result of a campaign issue, an election, or nomination for public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate, except as permitted by law; provided nothing herein shall infringe upon the rights of employees to seek office themselves or their constitutional rights to express their opinions or to cast their votes.
- Use working hours or Town of Addison property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for Town of Addison election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with Town of Addison employment, *e.g.* Town of Addison City Council or Dallas County governmental office. Upon being elected to such an office, an employee must immediately resign or will be terminated upon failure to do so.

B. Fire and Police Department Employees

While in uniform or on active duty, employees in the Town's Fire and Police Departments may not engage in a political activity relating to a campaign for an elective office. For purposes of this policy, an employee engages in political activity if the employee:

- Makes a public political speech supporting or opposing a candidate
- Distributes a card or other political literature relating to the campaign of a candidate
- Wears a campaign button
- Circulates or signs a petition for a candidate
- Solicits votes for a candidate, or

- Solicits campaign contributions for a candidate

While out of uniform and not on active duty, employees in the Town's Fire and Police Departments may engage in a political activity relating to a campaign for an elective office, including the activities listed above, except such employees may not solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs.

C. Hatch Act

Employees whose position is funded in whole or in part by a federally funded program must also comply with the applicable provisions of the federal Hatch Act.

SECTION 1.08
CONFLICT OF INTEREST

No employee of the Town may:

- Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the Town;

- Use Town equipment, authority, or influence in any manner for their personal betterment, financial or otherwise;

- Have any financial interest, directly or indirectly, in the sale to the Town of any land, materials, supplies or services;

- Have discussions or participate in decisions of City Council, any Town department, or any board, commission or instrumentality, if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;

- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a Town employee or that might impair independent judgment in the performance of duties to the Town (See Outside and Self-Employment Policy); or

- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the Town.

Violations of this policy may result in disciplinary action up to and including termination of employment. Questions regarding the prohibitions imposed by this policy shall be referred to the City Manager's Office.

SECTION 1.09
SOLICITATIONS

Solicitation of funds or anything of value for any purpose whatsoever shall be permitted by Town employees on work time only with the approval of the City Manager or their designee. No employee shall be required to make any contribution, nor shall any employee be penalized in any way concerning their participation, response, or lack thereof, to a solicitation.

SECTION 1.10
GIFTS

The Town strives to treat all employees, citizens and individuals conducting business with the Town in a fair and equitable manner. An employee (and their relatives and significant others) may not receive any income or other material gain from anyone outside the Town for services provided by the employee in the performance of their job with the Town. Individual Town employees are prohibited from accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, seeks to do business, with the Town or is regulated by the Town.

An employee who accepts the following will not be in violation of this policy:

- an award publicly presented in recognition of public service;
- an occasional meal where public business is discussed;
- t-shirts, caps and other similar promotional material;
- any gift which would have been offered or given to the employee even if the employee were not a Town employee; or
- any item under $25 in value.

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out Town business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the Town. If the item is non-routine, or of more than minimal value, the employee must check with their Department Director to see if the item should be returned or, in the alternative, turned over to the Town.

Town employees are allowed to accept nominal gifts where the gratuity can be shared by a significant number of Town employees (e.g., all employees of a particular department or building sharing a holiday gift basket; Town employees participating in events sponsored by vendors, such as receptions held during the TML Conference).

Employees may not give their supervisor or anyone else in Town management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The Town takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. If an employee receives a prohibited gift, the gift shall be immediately returned with a letter stating that Town policy does not permit employees to accept such gifts. Copies of all letters shall be sent to the Human Resources Department.

Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Director of Human Resources.

SECTION 1.11
NEPOTISM

The Town of Addison has adopted a policy regarding nepotism for the purposes of preventing conflicts of interest, avoiding accusations and perceptions of biased conduct and maintaining the confidentiality of restricted information. Definitions of relationships are as follows:

A. Definitions

First Degree of Relationship:

Spouse
Mother
Father
Sister
Brother
Son
Daughter
In-law of any of the above

Second Degree of Relationship:

Uncle
Aunt
Nephew
Niece
Grandfather
Grandmother
Granddaughter
Grandson
First Cousin
In-law of any of the above

B. Restrictions

The following restrictions apply on the employment of any relative, as defined as first or second degree of relationship:

- No employee in the relationship shall supervise, review or process the work of the other;
- The employees' relationship must not create a conflict between employees/Town interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the Town.

- Written authorization must be obtained from the City Manager (or designee) to employ any family member of a current Town employee.
- Relatives will not be permitted to work in the same department without written authorization from the City Manager (or designee).

C. Applicants

The following restrictions apply to those making application for employment with the Town of Addison:

- Qualified relatives are permitted to be employed by the Town provided no direct reporting or supervisory/management relationship exists.
- Under no circumstances will an applicant be employed in a department or promoted into a position in which they may directly or indirectly supervise or be supervised by a member of their first or second degree of relationship. Supervisory authority shall include, but is not be limited to: hiring decisions, assignment of job duties, performance counseling or evaluations, disciplinary reviews or actions, and/or termination decisions.
- An applicant related to the City Manager by blood or marriage within the first or second degree of relationship shall not be employed by the Town.
- An applicant related by blood or marriage within the first or second degree of relationship to any member of the City Council shall not be employed by the Town.

D. Promotion or Reorganization

In the event of a promotion or change in supervisory duties where an employee is assigned to a position which includes responsibility for an employee who is a relative, by first or second degree of relationship, either employee shall be granted a reasonable amount of time, not to exceed six calendar months, in which to find another available position within the Town that meets the requirements of this policy and for which they are qualified and selected. If a suitable transfer cannot be made within six months of the event giving rise to a relationship prohibited by this policy, one of the affected employees will be required to resign from employment.

E. Marriage of Current Employees

In the event of a marriage between two Town of Addison employees where one employee is assigned to a position which includes responsibility for the other employee, either employee shall be granted a reasonable amount of time, not to exceed six calendar months, in which to find another available position within the Town that meets the requirements of this policy and for which they are qualified and selected. If a suitable transfer cannot be made within six months of the marriage, one of the employees will be required to resign from employment.

F. Application of Policy

This policy applies to all full-time, part-time and temporary/seasonal employees of the Town.

SECTION 1.12
EMPLOYEE ACTIVITIES

The Town sponsors a number of activities and events throughout the year for employee enjoyment and recognition. Among these activities are service award luncheons, picnics, holiday parties and open houses. Employees are encouraged to participate in these activities as to the extent their work and supervisor allow. Generally, time spent participating in such Town- sponsored activities is not compensable work time, unless otherwise noted prior to the event.

Information about upcoming events and activities will be communicated electronically.

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SECTION 2.01
JOB DESCRIPTIONS

Each job is distinguished by a written job description including the following information:

- Title of the position;
- Classification level;
- Departmental assignment;
- Most current revision date;
- Identification of the supervisor to whom the employee reports and a summary of major responsibilities of the position;
- Essential and other job functions;
- Minimum qualifications, including education, experience and certifications, plus required knowledge, skills and abilities;
- Attendance requirements; and
- Work environment and physical requirements of the position

The Director of Human Resources shall be responsible for continuous maintenance and administration of the compensation plan and corresponding job descriptions. Job descriptions may be amended at any time with the approval of the Director of Human Resources and the City Manager or their designee. No job will carry an official title that has not been approved by the City Manager or their designee as being appropriate to the duties performed.

SECTION 2.02
PERFORMANCE EVALUATION SYSTEM

The Town uses a thorough performance evaluation system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor/employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

A. Schedule

Regular full and part-time employees hired shall receive a performance review:

- prior to completing the initial introductory period; and
- annually, prior to the department's awarding of merit increases.

Newly transferred or promoted employees who are in their introductory period in the new position shall also receive periodic evaluations during their introductory period.

Sworn Police and Fire personnel shall receive a performance review on either their anniversary date or promotion date.

Department Director positions are evaluated based on a schedule established by the City Manager's Office.

B. Supervisory Responsibilities

All performance evaluation information must be completed on the Town's performance review form and the original shall be forwarded to the Director of Human Resources for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

The evaluation will focus on all elements of job performance, key result areas, performance standards, measures, strengths, and areas of improvement.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. As employee evaluations are not subject to appeal, and to prevent any obvious errors or rating bias, Department Directors and/or mid-level managers are encouraged to review all performance evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee.

C. Director of Human Resources Responsibilities

The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Director of Human Resources is responsible for maintaining original evaluation documents in official personnel files and for timely processing of evaluations for any compensation due.

D. Employee Responsibilities

Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. While performance evaluations are not subject to appeal, employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve their issues and concerns with the evaluating supervisor, the employee may include a written response to their performance evaluation which will be included in the employee's personnel file.

SECTION 2.03
PERSONNEL RECORDS

The Human Resources Department maintains a complete personnel file on every employee. Information in these records is kept confidential, subject to the Public Information Act of the State of Texas and as otherwise required by law. An employee's personnel file may be reviewed upon request during employment with the Town. Records may not be removed from the Human Resources Department and must be reviewed in the presence of an authorized employee. An employee will be allowed to have a copy of any document contained in their personnel file.

SECTION 2.04
CONFIDENTIALITY OF MEDICAL INFORMATION

Federal law requires that the Town of Addison maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the Town maintains a separate medical file for each employee. The Director of Human Resources is responsible for maintaining these confidential medical files.

Examples of information that may be provided to the Town by an employee's health care provider and maintained in the confidential medical file include:

- documentation to justify an employee's absence, or a period of leave, from work;
- documentation to verify the employee's ability to return to work and any associated limitations or condition;
- medical records to support a claim for sick pay or disability benefits;
- insurance records, and
- worker's compensation records.

While the Town treats an employee's medical information as confidential, the employee may waive confidentiality by disclosing information to individuals who are outside of the employee's chain of command or who do not otherwise have a "need to know" of an employee's diagnosis, condition or other information. When an employee provides information to their supervisor or to Human Resources, they are expected to share the information only on a "need to know" basis.

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

SECTION 2.05
REASONABLE ACCOMMODATION

The Town of Addison complies with the Americans With Disabilities Act and applicable state and local laws providing for nondiscrimination in employment against qualified individuals and strictly prohibits discrimination against qualified individuals with disabilities. The Town also provides reasonable accommodation for such individuals in accordance with these laws.

It is the Town's policy:

- Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process, and that employees with disabilities are treated in a non-discriminatory manner in all terms, conditions and privileges of employment.
- Administer medical examinations, such as second medical opinion or fitness-for-duty exams, (a) to applicants only after conditional offers of employment have been extended, and/or (b) to employees only when the examination is job-related and justified by business necessity.
- Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files.
- Provide applicants and employees with disabilities with reasonable accommodation. An accommodation request is evaluated and determined based on whether or not such accommodation would create an undue hardship on the Town or its staff as legally permitted.
- Notify individuals with Disabilities that the Town provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the Town's employee handbook, and by posting the Equal Employment Opportunity Commission's poster with respect to not discriminating against individuals with disabilities and other protected groups conspicuously throughout the Town's facilities.
- Ensure breastfeeding employees will be provided time and space to express milk during work following the birth of a child. Accommodation under this policy shall include a place, other than a bathroom, which is shielded from view and free from intrusion from coworkers and the public. Discrimination and harassment related to breastfeeding are unacceptable and will not be tolerated.

The Town will provide reasonable accommodation for the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue and when the request does not create an unreasonable hardship to the Town or its staff. The Town will also provide reasonable accommodation for the sincerely held religious beliefs of its employees, as well as for employees who experience pregnancy, childbirth or related medical conditions, or nursing employees as required by law.

A. Procedure for Requesting an Accommodation

All requests for accommodation must be in writing and submitted to the Director of Human Resources. On receipt of an accommodation request, Human Resources will normally meet with the requesting employee to discuss and identify potential accommodation.

The Director of Human Resources, may as appropriate, consult with the employee's supervisor, the employee's health care provider, and/or the City Manager (or designee), to determine possible accommodations. Supervisors and Department Directors should refer employees seeking accommodation to the Director of Human Resources.

The Town will consider input from the employee concerning reasonable accommodation, but the ultimate decision about what will be considered a reasonable accommodation remains with the Town. The Director of Human Resources will inform the employee of the Town's decision on the accommodation request, including alternate offers of accommodation.

B. Pregnant Workers Fairness Act Accommodation

The Town will provide reasonable accommodation for known limitations related to pregnancy (including termination of pregnancy), childbirth, or other related medical conditions or medical appointments (including fertility treatments), provided that such accommodation would not create an undue hardship.

The following accommodation will generally be presumed to be reasonable and will be granted as soon as possible and without supporting documentation:

- Carrying or keeping water nearby and drinking
- Additional restroom breaks
- The ability to alternate between sitting and standing
- Breaks to eat and drink

If you need accommodation, notify your supervisor or the Human Resources Department. If the need for a particular accommodation is not obvious, you may be asked to provide additional information, such as how it will address limitations caused by pregnancy, childbirth, or related medical conditions. If additional discussion is necessary, the Town will engage with you in the interactive process to accurately understand your limitations and find reasonable accommodation. Documentation to support a request for accommodation may be required, but only when reasonable under the circumstances.

If leave is provided as a reasonable accommodation, it may run concurrently with other leaves provided by federal, state, or local law.

C. Complaints

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, Title VII, or other applicable law including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the Town's Prohibited Harassment and Complaint Procedure/Policy.

SECTION 2.06
DRESS AND APPEARANCE

The professional culture and image of our organization are maintained, in part, by the appearance that employees present to business contacts, residents, visitors, vendors and others. Our appearance should reflect pride in our work and in ourselves.

Employees must dress appropriately and present a clean and neat appearance while at work and while representing the Town or conducting Town business. Employees are expected to report to work well-groomed and dressed in professional business attire appropriate for the job. Clothing must be clean, pressed and in good repair. All employees are expected to practice common sense in rules of good taste and to dress in a manner that promotes a safe, productive, non-hostile work environment that discourages harassment of any kind.

Employees may wear jeans. Jeans must be clean and in good condition with no holes, tears, patches or fraying. Jeans that are worn should be seen as part of a professional 'dressy' jean look that represents the Addison image.

Neckties are generally not required. However, if an employee is conducting or attending meetings where they come into contact with other business professionals, the employee is expected to represent the Town in a professional manner and dress appropriately for conducting such business and may be required to wear a necktie.

Items of apparel that are considered inappropriate business attire and which are not allowed during standard business hours, unless they are part of an approved uniform, include:

- shorts;
- T-shirts;
- clothing with slogans or unclear or obscene messages or which endorses alcohol, tobacco products, drugs, pornography or obscene material of any kind;
- provocative or revealing attire;
- wrinkled or torn clothing;
- leggings or jean leggings;
- tights or other apparel that are traditionally worn for exercise workouts;
- tennis shoes (athletic shoes or sneakers);
- thong (or flip-flop) sandals or other casual footwear such as Crocs.

Employees may not have visible tattoos which could be deemed offensive. Tattoos that may be deemed a violation of this policy include tattoos that portray nudity, violence, or obscenity. Also prohibited are nose rings/studs, eyebrow rings/studs, tongue studs or similar types of facial jewelry.

Hairstyles and hair colors must be appropriate to the employee's position. Hairstyles which are disruptive or extreme are unacceptable. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

Reasonable accommodation will be made for employees' religious beliefs and for disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public.

Department Directors, managers and supervisors are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling an employee whose appearance is inappropriate. Issues that cannot be resolved by the Department Director may be addressed with the Director of Human Resources.

The Police and Fire Department Directors, and the Recreation Department staff in the Athletic Club, may require additional dress and grooming standards beyond those stated in this policy, based upon safety and business necessity.

In certain circumstances, Department Directors may approve for members of their staff to wear jeans and/or tennis shoes for situations like moving equipment, packing offices or other instances approved by the Director.

Employees working a Special Event may wear a blue Addison special event shirt and dress casual. However, employees are expected to dress in a way that represents Addison and cut-off shorts, shorts that are above mid-thigh or shorter, bandanas, etc. are not allowed. Employees may wear hats or caps (if worn properly) as long as they are tasteful and do not contain non-Addison slogans, emblems or advertising. Addison logo hats are preferred. Sandals or tennis shoes may be worn while working a special event.

Department Directors may not impose less restrictive standards than those stated in this policy, unless approved by the City Manager or their designee.

The Town also reserves the right to send home an employee whose attire is considered unacceptable for work. Under these circumstances, non-exempt employees will not be paid for work time missed and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

SECTION 2.07
COMPUTER, INTERNET, EMAIL & OTHER ELECTRONIC COMMUNICATIONS

The Town may provide computer networks, Internet access, email, instant messaging, telephones, pagers, digital cameras, voice mail, fax and other communication systems for use by Town employees in the performance of their job duties. These communication systems and devices are referred to collectively in this policy as "electronic communications systems" or "systems."

These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of Town employees and to encourage work-related communication and sharing of information resources within the Town. This policy governs user behavior pertaining to access and usage of Town systems. The Town's electronic communications systems must be used in a professional, responsible, respectable, efficient, secure, ethical, and legal manner.

This policy governs user behavior pertaining to access and usage of Town systems and applies to all Town employees, contractors, volunteers and others who use the Town's electronic communications systems.

A. Internet, Instant Message, and Email Access

A comprehensive document detailing all conditions and responsibilities of using the Town's electronic communications systems must be signed by all new employees, during the orientation process, acknowledging their compliance. In addition, users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, IM, and/or email access account. Failure to adhere to this policy and related guidelines will likely result in suspension or revocation of the employee's privilege of access and/or other disciplinary action.

B. Acceptable Use

Acceptable uses of the Town's electronic communications systems are limited to those activities that support reference, research, internal/external communication and conducting Town business in line with the user's job responsibilities. The Town prohibits connections to sites, or forwarding of information, that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Use of any Town-provided, publicly-accessible computer network such as the Internet, IM, and email is a privilege. Minimal personal use of the Internet, email and other electronic communications systems is allowed under this policy as long as such use is not excessive, does not impede job performance or the performance of Town business, and does not result in additional cost to the Town. The Town is not responsible for personal communications sent on its electronic communications system.

C. Unacceptable Use

Users of the Town's electronic communications systems are prohibited from the following:

- Using profanity, obscenity or other language which may be offensive or harassing to coworkers, citizens, or others.
- Accessing, displaying, downloading or distributing sexually explicit material or profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to Town business.
- Using the systems in such a manner as to create a security breach of the Town's network or systems.
- Looking or applying for work or business opportunities other than for internal Town postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, sexual orientation, gender identity, pregnancy, disability, marital status, military or veteran status, citizenship, genetic information, physical attributes, sexual preferences, or any other characteristic protected by law or Town policy.
- Transmitting or sharing information regarding a coworker's health status without their explicit permission.
- Expressing opinions or personal views that could be misconstrued as being those of the Town.
- Using the systems for any illegal purpose or in any way that violates Town policy.
- Sharing or otherwise failing to safeguard a password.
- Playing games.
- Gambling.

D. Filtering

The Town has the ability to use software to filter Internet and Instant Message content for all employees. These filters are designed to prevent employees from accessing, viewing, sending, or receiving inappropriate content, such as violence, profanity, full or partial nudity, sexual or deviant acts, satanic/cult, militant/extremist, and illegal activities. The Information Technology Department reviews this filtering on a periodic basis and may modify the list of prohibited content without prior notice. The City Manager, or designee, may grant exceptions and exemptions to filtering after a review of the requested information has been conducted and a determination that the Town's current filtering practice impedes the requestor's ability to perform their job duties.

E. Responsibility

The Director of Information Technology, in whose name a Town provided Internet, IM, email, or other system account is issued is responsible at all times for its proper use, regardless of the user's location.

Exchanges that occur in the course of conducting Town business on the Town's electronic communications systems will be considered communications of the Town and held to the same level of professional standards.

F. No Right of Privacy/Monitoring

Users of Town systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its systems, the Town will monitor their use. Management has the ability and will, with or without advance notice, monitor and view both personal and business usage, including but not limited to employee email (including attachments); texts; voice mail; instant messages; blog posts; information and content accessed, transmitted, received and/or stored using Town systems; and user Internet access and usage patterns, including social media. Monitoring is necessary to ensure the Town's resources are devoted to maintaining the highest levels of productivity, customer service, and confidentiality, as well as proper use and compliance with this and other Town policies. Even personal, password-protected, web-based accounts used or accessed using Town devices or other systems are subject to review, so employees have no expectation of privacy. Contents of emails, texts, etc., along with any attachments, including those of a personal nature, stored on a hard drive can be retrieved by the Town.

G. Copyright Restriction

Prior written authorization from the Director of Information Technology is required before introducing any software into the Town's computer system. Employees may not download music, entertainment software, games, or any other software, either related or unrelated to their work, without the written permission of the Director of Information Technology. Any software or other material accessed or downloaded into a Town computer or other device may be used only in ways consistent with the licenses and copyrights of the vendor, author, or owner of the material.

SECTION 2.08
CELLULAR PHONE USE IN THE WORKPLACE

Cellular phones are provided to those Town employees where the phone is considered a tool necessary in the performance of the employee's duties. The Town also recognizes that many employees have personal cellular phones that they bring to work. The use at work of cellular phones, including those with a camera, must not interfere with the employee's or a co-worker's job duties or performance.

For safety concerns, no employee is to engage in the use of a cellular phone during work hours while driving a moving vehicle, unless such cellular phone is equipped and used with a hands-free device. The only exception to this policy is where a phone call is made in a bona fide emergency situation, such as "911" or a similar emergency number. Even with a hands-free device, cellular phone use while operating a moving vehicle should be kept at a minimum; conversation should be as brief as possible and cellular phone calls should be made when the vehicle an employee is operating is not in motion.

Employees using cellular phones should always remember not to discuss confidential issues with others present who do not have a "need to know" such information, and that cellular phone courtesy should be practiced at all times (i.e. when others are present, do not speak in a loud voice or in a manner that could be offensive to others). Employees who use cellular phones to violate Town policy, such as the Town's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including termination of employment.

While employees with Town-issued cellular phones are allowed to use the phones for personal phone calls, the Town discourages personal phone calls during work hours, and the number and duration of all such calls should be kept to a minimum. If a Town-issues cellular phone has been used for personal calls, the employee will be required to reimburse the Town for any charges in excess of the standard monthly billing rate.

While employees are permitted to access personal social media platforms during work hours for brief, non-work-related purposes, the use of specific applications deemed high-risk for data privacy concerns, such as TikTok, is strictly prohibited on company devices and networks due to potential security vulnerabilities and data leakage. The only exception is for the limited purpose of providing law enforcement or developing or implementing information security measures and only with prior supervisor authorization. Any violation of this policy may result in disciplinary action, including termination.

Employees may use cellular phones for the purpose of two-factor authentication required for various software logins for workplace purposes only.

SECTION 2.09
PERSONAL CONTACT NUMBER

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours.

No reimbursement shall be made to the employee for use of such employee's personal contact number.

SECTION 2.10
TOWN PROPERTY AND EQUIPMENT USE

A. General Rules for Property/Equipment Issuance and Use

The Town shall provide employees with adequate tools, equipment, vehicles and facilities for the job being performed. The Town also requires all employees to observe safe work practices and lawful**,** careful and courteous operation of vehicles and equipment. Any Town provided safety equipment must be used at all times.

Depending upon the situation, the Town may issue other equipment or property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the Town, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment, and their agreement to pay for any lost or unreturned property through payroll deduction. The Town may take such action as it deems appropriate or necessary to recover and/or protect its property, including payroll deduction to cover the cost of lost, stolen or unreturned items.

Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

The Town may, at any time, check the driving record of a Town employee who may drive as part of their job duties to determine that they maintain the necessary qualifications as a Town driver. Employees agree that they will cooperate in giving the Town whatever authorization is required for this purpose.

B. Personal Use Prohibited

Town property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager or their designee or Department Director.

While employees are permitted to access personal social media platforms during work hours for brief, non-work-related purposes, the use of specific applications deemed high-risk for data privacy concerns, such as TikTok, is strictly prohibited on company devices and networks due to potential security vulnerabilities and data leakage. The only exception is for the limited purpose of providing law enforcement or developing or implementing information security measures and only with prior supervisor authorization. Any violation of this policy may result in disciplinary action, including termination.

C. Tobacco Use Prohibited

The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in Town owned vehicles and/or equipment.

D. Alcohol Use Prohibited

No alcoholic beverages are allowed in Town owned vehicles, with the exception of alcoholic beverages seized by the Police Department in the course of an arrest or investigation, and Town management authorizing an employee to pick up and deliver alcohol for Town functions.

E. Use of Town Vehicles and Personal Vehicles for Town Business

Town owned or leased vehicles may only be used for official Town business and may only be driven by authorized Town employees. If an employee drives their own, or a Town-owned, rented or leased vehicle on the job or while carrying out Town-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.

- Drivers must always observe all posted laws and speed limits.

- Drivers must always wear seat belts when the vehicle is in operation.

- No passengers other than Town employees or others on Town business may ride in a Town vehicle unless otherwise approved in advance by the Department Director.

- No personal use of Town provided vehicles is allowed without the prior, specific approval of the City Manager.

- All maintenance and use records for Town vehicles must be completed as directed by the employee's supervisor.

- Drivers must report any broken, missing, or worn parts, tires, etc., or any needed maintenance of Town vehicles to the appropriate supervisor immediately.

- All drivers must be eligible for coverage under the Town's insurance policy.

- Drivers covered by Department of Transportation regulations must comply with such regulations at all times.

- Employees should utilize the Town's fueling stations, when possible, for Town-owned, rented or leased vehicles on the job. Any other fuel purchases should be made with a Town purchase card. If the employee does not have a Town purchase card, the employee must keep receipts for any fuel purchased and submit them for reimbursement. Reference the Town's Travel Policy for details regarding vehicles and travel.

- **AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A TOWN VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING TOWN BUSINESS.**

- **EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A TOWN VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON TOWN BUSINESS, MUST IMMEDIATLEY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE DIRECTOR OF HUMAN RESOURCES.**

F. Vehicle Allowance

An employee may be given a monthly allowance for consistently using such employee's own vehicle for Town business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager. See the Town's Vehicle Allowance and Take-Home Vehicles Policy.

G. Take Home Vehicles

A Town vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal workstation. No personal use of a take-home vehicle is permitted except to commute to and from home or work without prior written approval of the City Manager. No passengers may be transported in take-home vehicles, except as required by official duties or with prior written approval of the City Manager. No alcoholic beverages are allowed in Town vehicles. See the Town's Vehicle Allowance and Take-Home Vehicles Policy.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

H. Personal Property and Vehicles

All employees shall be solely responsible for their personal property at all times. No Town employee may park their personal vehicles and/or any personal trailer, whether enclosed or not, RV, or other non-motorized vehicle on gated or locked Town property outside of normal (or shift) working hours unless otherwise approved in advance by the Department Director.

SECTION 2.11
USE OF TOWN FUNDS

Town of Addison funds are to be used solely for the purposes identified in the budget, as approved each year by the City Council. Town employees are responsible for using good judgment when incurring expenses. The use of Town funds for entertainment expenses may be referenced in the Town of Addison Code of Ordinances.

A. Purchase of Meals Related to Business Meetings

Town employees are authorized to incur reasonable expenses related to the purchase of meals, as described below:

- Business lunches or dinners with outside parties/representatives to discuss a common interest or project that benefits the Town of Addison.
- Internal meetings related to Town business that unavoidably extend through a meal period.
- An employee gathering for the purpose of enhancing employee morale. Such events should be limited to two per calendar year for each department. More than two events may be allowed if employee assignments prohibit all employees from participating.
- An event recognizing the retirement of a Town employee who is leaving in good standing. The department may also use Town funds to recognize the service of an employee leaving in good standing by purchasing an appropriate token of appreciation.
- An event recognizing exceptional or notable employee achievements, as determined by the Department Director.

The purpose or benefit of all meal expenses shall be explained on the Town of Addison expense voucher. All vouchers must be approved by the Department Director and must be accompanied by receipts for the purchases.

B. Purchase of Flowers

A request to purchase flowers with Town funds shall be coordinated through the Human Resources Department. All employee flower purchases shall be made by the Human Resources Department and charged to the appropriate department(s).

The purchase of flowers or floral arrangements with Town funds is allowed for the following purposes:

- To celebrate the birth (or adoption) of an employee's child
- To commemorate the death of an employee's immediate family member, defined as: spouse, child or stepchild, or parent or stepparent.

The City Manager's Office shall authorize the purchase of flowers or floral arrangements for elected officials or other citizens.

Each purchase shall not exceed $100 and shall be reported on a Town of Addison expense voucher and be accompanied by a receipt. Donations to local charities or other organizations in lieu of flowers are not allowed.

C. Entertainment Expenses

The Department Director may approve, if budgeted, an expense related to entertainment for their department. Parties should be limited to one per year and all attempts should be made to utilize Addison businesses and limit unnecessary party expenses. The U.S. General Services Administration tool will be utilized to determine how much the department should spend per person based on the current fiscal year and location zip code 75001, for Breakfast, Lunch, Dinner, and Incidental Expense rates. If expenses are outside those U.S. GSA rates, approval by the City Manager or their designee is required.

U.S. General Services Administration tool: https://www.gsa.gov/travel/plan-book/per-diem-rates

SECTION 2.12
OUTSIDE AND SELF-EMPLOYMENT

Town of Addison employees may engage in outside or self-employment provided they receive prior written approval from their Department Director. Department Directors and others who report directly to the City Manager must receive written approval from the City Manager prior to engaging in outside or self-employment. Police and Fire Department personnel will follow approval guidelines as established by their departmental policy.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee's duties with the Town, or conflicts in any way with the best interests of the Town. Other outside activities, such as volunteer activities, that might similarly detract from an employee's ability to perform their job with the Town are also prohibited.

An employee will not be covered by the Town's workers' compensation insurance while working for another employer or while self-employed, unless the employee is required to perform official Town employment activities while engaged in such outside or self-employment. This includes employees who volunteer to work in a similar capacity as their paid job duties with the Town of Addison, such as a volunteer firefighter or EMT.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Director of Human Resources.

This policy also applies to employees whose responsibilities include being on-call, where their outside or self-employment must not interfere with their on-call duties and are required to notify the Department Director and Director of Human Resources of their outside or self-employment to ensure it doesn't interfere with those duties.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise which constitutes a form of employment or business outside the responsibilities of employment with the Town. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Boy/Girl Scouts, American Heart Association, faith-based activities or similar activities, which do not interfere with an employee's performance of their job duties and where compensation is neither expected nor paid in the ordinary course of operations.

SECTION 2.13
TRAVEL

It is the Town of Addison's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on Town-related business in accordance with this policy.

A. Transportation

The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department and must be booked at the most discounted fare available, whenever possible. With the approval of the Department Director, Town-owned vehicles may be used when an employee travels on Town-related business.

An employee using a personal vehicle on Town business is eligible to be paid an amount per mile equivalent to the current rate paid by the federal government to its employees. Employees that receive a vehicle allowance will not be reimbursed for travel and rideshare costs within a fifty (50) mile radius of Town limits.

In instances of approved Town-owned or private vehicle use, the Town will also pay for tolls and parking fees either by Town issued purchase card or by reimbursement. Receipts are required for toll and parking fees, as well as other modes of transportation.

The Town will pay for rental vehicles upon written approval of the City Manager, their designee, or the Department Director.

B. Travel Approval and Per Diem Cash Advances

All travel and per diem cash advances must be approved in advance by the employee's Department Director. In addition, any travel out of state must be approved by the City Manager or their designee.

Overnight travel requests with authorized per diem cash advances must be submitted through Employee Self-Service as an Expense Report and received by the Finance Department at least ten business days prior to the departure date. Per diem cash advances will be paid on the Friday prior to the departure date.

C. Lodging

Expenses for lodging are to be at the single room rate unless an employee is approved in advance for double occupancy. Extra charges for room service, except for meals that are within the day's authorized food allowance and paid by the per diem received by the traveler, will not be paid by the Town. An itemized hotel receipt must be provided, including an itemization for any room service charges. In certain circumstances, a spouse or other family members may accompany an employee traveling on Town business; however, the employee will not be advanced or reimbursed for any expenses related to their spouse or other family members.

D. Meal Allowance

Expenses for meals for an employee traveling overnight on Town business shall be advanced or reimbursed by per diem allowance. A per diem allowance based on the U.S. General Services Administration per diem rates for the travel destination is authorized, for breakfast, lunch, and dinner.

At the Department Director's discretion, employees travelling locally may use a Town issued purchase card or be reimbursed for meal expenses incurred.

E. Long Distance Phone Calls

Only reasonable and necessary long-distance business phone calls and computer related expenses for Town business reasons will be reimbursed. Town-owned cellular phones may be available for use when an employee travels on Town business.

F. Non-Allowable Expenses

Expenses or charges for the following items will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;
- Dry cleaning and laundry;
- Health clubs and spas;
- Expenses of a spouse or other family member;
- Alcoholic beverages;
- Personal long-distance telephone calls; and
- Other items of a personal nature.

G. Request for Reimbursement

Upon return to Addison, the employee must submit a complete accounting of all employee's travel-related expenditures for which the employee wishes to be reimbursed through Employee Self Service as an Expense Report. Receipts for all expenses, with the exception of meals purchased with the per diem received by the traveler, must be attached.

Expense reports received by 12 p.m. on Monday will be processed 4 days later on Friday while expense reports received after the deadline will be processed the following Friday.

H. Travel to Training

The current mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination farther than their designated work location. Reimbursement will be made only for the difference in miles from the normal work location

to the farther training location. If the employee leaves directly from home to travel to the training site, the reimbursable mileage will be the lesser of the total mileage from home or work site. The mileage should be from Google Maps/Directions to reflect the lesser mileage of the two: (from the workplace to the training site or from the home to the training site). This should be submitted through Employee Self-Service as an Expense Report.

I. Expenses Not Covered in Policy

A written approval from the City Manager or their designee must be obtained prior to any expenditure of funds for items or charges which are not specifically addressed in the travel policy.

J. Compliance

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

Chapter III: Employment Status Policies

Section 3.01	Equal Employment Opportunity
Section 3.02	Recruitment and Selection
Section 3.03	Employment Status
Section 3.04	Introductory Period
Section 3.05	Promotions
Section 3.06	Transfers
Section 3.07	Separations
Section 3.08	Reappointment and Bridging of Service
Section 3.09	Reduction in Force
Section 3.10	Exit Interviews

SECTION 3.01
EQUAL EMPLOYMENT OPPORTUNITY

The Town of Addison is an equal opportunity employer. In order to provide equal employment and advancement opportunities to all, employment decisions are based on merit, qualifications, knowledge, skills, and abilities of the applicant, as well as the organizational need. The Town prohibits discrimination on the basis of any legally protected characteristic. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, disability, veteran's status, genetic information, or other unlawful basis, is prohibited.

SECTION 3.02
RECRUITMENT AND SELECTION

The Town hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law. Town residents shall be given preference for employment, if all other considerations are equal.

It is the desire and intent of management to provide promotional opportunities for employees of the Town by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

A. Recruitment Requirements

The recruitment process is initiated when a department submits the appropriate paperwork to the Human Resources Department requesting that a vacant position be filled. All requests must be signed by the Director of the department requesting recruitment for a position, the Director of Human Resources and the City Manager or their designee.

Position vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting. Some position openings, particularly in the Police and Fire Departments, may be limited to employees within the department because of the specific certifications and job experience required. The minimum posting period is five business days.

After deciding to hire, the hiring department must submit the appropriate paperwork to the Human Resources Department. This request must also be signed by the Director of the hiring department, the Director of Human Resources and the City Manager or their designee.

No final job offers will be extended without the authorization of the City Manager or their designee. No oral or implied compensation agreements which differ from written policy or authorized salary plans will be honored unless approved by the City Manager with a corresponding exception memorandum.

The recruitment method for vacant Director, or other upper management positions, may be determined by the City Manager on a case-by-case basis.

B. Applications

Anyone seeking employment or reemployment with the Town must complete and submit an official Town application for the position desired. Current Town employees who are seeking promotion or transfer to another position must notify the Human Resources Department in writing and provide all necessary information to present their qualifications for the position they are seeking. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled.

C. Hiring Process

Applicants who are considered for employment with the Town are required to submit to an oral interview with at least two or more interviewers preapproved by the Human Resources Department, and a background investigation. The background investigation may include but is not limited to: verification of social security number, birth records, current and previous residences, employment history, education (including certified transcripts), character references, credit history and reports, criminal history records from any criminal justice agency in any or all federal, state, or county jurisdictions, motor vehicle records, including traffic citations and registration; and all other public records. Additionally, the Town may conduct interviews with third parties relative to an applicant's character and general reputation. Deviation from the interview process stated in this policy will require preapproval from the Director of Human Resources and City Manager, with a corresponding exception memorandum requesting the informality in detail. For some positions, pre-employment testing may be required. All candidates will be required to submit to a drug and alcohol screening and depending on the physical requirements of the position, a post-offer physical examination.

Candidates for public safety positions are additionally required to successfully complete all processes required by the hiring department, as defined in Police and Fire Department policies, including a pre-offer physical fitness test.

D. Disqualification

Applicants will be disqualified from consideration for one or more of the following reasons:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If the applicant previously worked for the Town and was terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a Town policy or procedure;
- If the applicant's hiring would result in a violation of the Town's Nepotism Policy;
- Failure to meet minimum age requirement of 17, unless applying for a seasonal position with City Manager approval;
- False statements or material omissions on the application form or during the hiring process;
- Failing any of the Town's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job for which they applied with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the Town.

SECTION 3.03
EMPLOYMENT STATUS

The Town of Addison classifies Town employees for the purpose of employment status and benefit eligibility as follows:

A. Definitions of Status

- **Introductory**
  A full-time or part-time employee during the introductory period of initial employment.

  Newly hired introductory employees are not entitled to progressive levels of discipline and are not eligible to use the Town's Grievance/Appeal Policy.

  A promoted or transferred employee is considered introductory in the new position for a period of six months but, if they have successfully completed the initial new hire introductory period, they are entitled to progressive levels of discipline and use of the Town's Grievance/Appeal Policy.

- **Regular Full-Time**
  An employee in a budgeted position with an officially scheduled work week of 40 hours or more each work week (except for certain fire and police shift personnel who have different work cycles) who has successfully completed their initial introductory period.

  Generally, regular full-time employees are eligible for the Town's full benefit package, subject to the terms, conditions and waiting periods of any benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

- **Regular Part-Time**
  An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed the initial introductory period.

  Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, if they work at least 1000 hours in a year, are eligible to participate in TMRS.

- **Temporary/Seasonal**
  An employee who is employed for only a specific time period or for a special assignment.

Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary and seasonal employees hired by the Town receive all legally mandated benefits, such as workers' compensation insurance coverage, but are not eligible for the Town's other employment benefits.

Temporary workers who are placed with the Town but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such workers are not eligible for benefits from the Town.

- **Volunteers**
  Volunteers are not employed by the Town in any capacity.

  Volunteers may donate time and service as a volunteer for the Town without any expectation of compensation. Volunteers are not paid and are generally not entitled to any benefits other than workers' compensation insurance.

B. Exempt or Non-Exempt

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt from federal and state wage and hour laws. Exempt employees are employed on a salary basis and are generally not eligible for overtime compensation. Non-exempt employees are employed based on an hourly rate and are eligible to receive overtime compensation when they work in excess of the number of hours in their defined workweek, or work period for Police Officers and Fire Department shift employees.

Employees are advised of their classification as exempt or non-exempt at the time of their initial employment and are subsequently advised if their classification changes for any reason. An employee's exempt or non-exempt classification may be changed only upon written notification by the Director of Human Resources.

SECTION 3.04
INTRODUCTORY PERIOD

All new employees hired to fill regular full-time or part-time positions, or former employees who are rehired, must satisfactorily complete an initial performance introductory period of six months, except for Police Officers and Firefighter/Paramedics whose introductory period is one year. Additionally, all current employees who are transferred or promoted must satisfactorily complete a performance introductory period of six months in their new position.

The introductory period assists the Town in maintaining an effective, productive and efficient workforce to provide quality services to the citizens. During the employee's introductory period, their supervisor will work closely with the employee to ensure that the employee has the necessary orientation and training to perform the essential functions of the job to the best of their ability. Only those employees who meet acceptable performance and other standards during their introductory period will be retained as employees.

Each introductory employee is responsible for knowing, understanding and meeting the expectations and standards for their position. In addition, each employee is also responsible for performing their job in a safe, productive and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the introductory period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attendance, attitude or conduct that has been brought to the employee's attention by their supervisor or Department Director. Employees are considered introductory employees until they have proven that they can perform their regular job duties and can meet acceptable standards of work performance and conduct for their position and an employee's introductory status may be extended at the direction of the Department Director, after conferring with the Director of Human Resources.

A. Seasonal/Temporary Employees

Seasonal and temporary employees do not serve a performance introductory period and have no right of appeal when terminated at any time.

B. Change in Assignment of Introductory Employee

Introductory employees may not request or make application for reassignment, promotion or voluntary transfer during the introductory period without approval from the City Manager, or their designee, as requested by the employee's Department Director. If the reassignment, promotion or transfer is approved, the employee will serve a six-month performance introductory period in the new position beginning with the date of the position change.

C. Absences During Introductory Period

During the performance introductory period, an employee is eligible to use sick leave for qualifying illnesses or injuries, with the approval of their Department Director.

Paid vacation leave will not be authorized during the introductory period except for an absence due to illness or injury where all sick leave has been exhausted and only if approved by the employee's Department Director and the Director of Human Resources. All requests for unpaid leave during this period must first be approved by the Department Director and should only be used for unplanned emergencies. If the employee leaves the Town of Addison's employment for any reason during the introductory period, they will not be entitled to payment for accrued, unused vacation leave.

Introductory employees will be allowed time off for holidays and birthday, as scheduling permits and as approved by their Department Director.

D. Transferred or Promoted Employees

Transferred or promoted employees serving introductory periods retain their eligibility for all types of leave, as well as all other rights of regular employees, as established by Town of Addison policy.

E. Introductory Performance Evaluations

All introductory employees shall be constantly evaluated and will receive a performance review near the end of the regular introductory period. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Employees are not eligible for merit increases during their introductory period. Newly hired employees who successfully complete their initial introductory period may receive a salary increase if they were hired within the six-month period preceding the distribution of annual merit increases on October 1.

F. Extensions to Introductory Period

An introductory period may be extended for time spent on an approved Leave of Absence, including leaves due to injury, illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full day absence incurred by an employee during the introductory period will normally extend the introductory period by an additional day.

An introductory period may also be extended for an employee that has exhibited dissatisfactory performance as determined by the Department Direct and Director of Human Resources. The introductory period extension is intended to provide the employee with the opportunity to improve in identified areas of concern.

The decision to extend or not to extend an employee's introductory period will be at the sole discretion of the Department Director and the Director of Human Resources and may not be appealed.

If an introductory period is extended, the employee will be advised in writing of the reasons for the extension and what they must accomplish to successfully complete the introductory period. They will also be advised of the date by which these accomplishments must be met.

G. Introductory Period in Conjunction with Disciplinary Action

In conjunction with an employee receiving serious disciplinary action, the Department Director and the Director of Human Resources may impose an introductory period, not to exceed six months. The reasons for the introductory period, as well as the length and desired outcomes, will be included in the written disciplinary action.

H. Successful Completion of Introductory Period/Regular Status Granted

An employee is granted "regular" status in the new position if the employee satisfactorily completes the introductory period.

I. Failure of Introductory Period

An employee is considered to have failed the introductory period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, adherence to organizational values, or combination thereof, does not meet minimum job performance standards and expectations for the position. An employee who fails the introductory period will normally be terminated from the Town's employment.

Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the introductory period, including counseling, training and other efforts to help employees during the introductory period. All documentation must be reviewed by the Director of Human Resources before an introductory employee can be terminated or before an introductory period is extended.

J. Termination of Introductory Employment

Introductory employees are at-will employees and may be terminated at any time during the introductory period, with or without notice or cause. An introductory employee who is terminated has no right of appeal. Introductory employees are not entitled to progressive levels of discipline. Introductory employees are otherwise subject to all policies and procedures of the Town.

K. Sexual and Other Unlawful Harassment

Introductory employees are subject in all respects to the Town's Prohibited Harassment and Complaint Procedure Policy. While introductory employees have no right of appeal of disciplinary actions, if they believe they have been subjected to unlawful harassment or discrimination, they must immediately report such conduct as set out in Town Policy.

SECTION 3.05
PROMOTIONS

A. Definition

A promotion is defined as a move, other than temporary, from one position to another position at a higher classification level.

B. Promotional Opportunities

It is the policy of the Town of Addison to provide promotional opportunities whenever possible to qualified Town employees. Positions available shall be filled with Town employees currently on the payroll when possible. Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager or their designee.

This policy shall not prohibit the City Manager or other management personnel from filling positions with persons not employed by the Town. The Town's objective is to attract, hire, develop and retain the most qualified personnel available. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

C. Change in Pay

An employee promoted will receive an increase in salary of at least 5% at the time of promotion, not to exceed the maximum salary range in the new position. If a 5% increase will not bring the new salary into the range for the new position, the promoted employee's salary will be increased to at least the entry level for the new position, regardless of the amount of the increase.

A salary increase request greater than 5% will be reviewed and determined by the Director of Human Resources and the City Manager, or their designee.

Salary increases at the time of promotion are awarded in addition to annual merit increases, unless the promotion was awarded conditionally. In this case, the merit increase may be delayed until the completion of the six-month introductory period or until the required condition is met.

D. Introductory Period

All promoted employees will serve a six-month introductory period in the new position. There will be no additional salary increase at the completion of the introductory period other than the delayed merit increase for those promoted conditionally. Should a promoted employee fail to successfully complete the introductory period, the employee is eligible to return to the previous position held, if such position is available, or to another available position for which they are qualified. If no position is available for which the employee is qualified, the employee will be terminated.

SECTION 3.06
TRANSFERS

An employee may apply for job openings within the Town at any time after they have completed the introductory period in their present position, provided they meet the established minimum qualifications for the open position. Requests for transfers must be submitted to the Human Resources Department during the period in which applications are being considered for the open position. The request must be accompanied by an updated application form confirming qualifications for the position.

Transfers may be requested to other positions in the same classification level (lateral transfers) or to positions in a lower classification level. A lateral transfer will not affect the employee's salary. A transfer to a lower classification shall require an adjustment in salary if the employee's current salary is outside the salary range for the position being considered. If the employee's transfer affects their full-time or part-time status, both their salary and benefits shall be adjusted.

SECTION 3.07
SEPARATIONS

The Town of Addison designates all employee separations as one of the following types:

A. Resignation

An employee who intends to resign is requested to notify in writing their supervisor and/or the Director of Human Resources at least two weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire or offered an exit interview. The employee's Department Director is responsible for immediately notifying the Director of Human Resources when he/she is notified of a resignation.

B. Retirement

An employee who intends to retire is requested to notify in writing their Department Director, supervisor and the Director of Human Resources 30 days prior to the date of retirement to ensure that all required paperwork is timely prepared and submitted.

C. Reductions in Force/Reorganization

An employee may be separated from Town service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization.

D. Termination

The Town may terminate any employee for any reason and at any time, with or without cause. Any separation of employment that does not fall under one of the other defined categories in this policy will be considered a termination.

E. Reference Policy for Separated Employees

In the absence of a signed release by the former employee, the Town's policy is to provide neutral references for former employees, regardless of the reason for their departure. Neutral references consist of verification of hiring and termination dates, position held and salary. All inquiries concerning former employees shall be referred to the Human Resources Department. The Town will respond to written requests for copies or inspection of an employee's personnel files according to the Texas Public Information Act or as otherwise required by law.

F. Death

If a Town of Addison employee dies, their designated beneficiary or estate will be paid all earned pay and payable benefits.

SECTION 3.08
REAPPOINTMENT AND BRIDGING OF SERVICE

An employee in good standing who voluntarily resigns from employment with the Town may be rehired at a later date. The rehired employee will have the same benefits as those offered to a new employee until such time as the employee is eligible for the bridging of former service.

Prior service from the employee's first employment period will be bridged after they have been back at work for a period of 12 consecutive months. At that time the total length of service from both periods of employment will be used to calculate longevity pay and vacation accrual rates. A break in service permanently cancels all sick leave accrued. In the event of rehire, sick leave shall be computed only from the rehire date.

SECTION 3.09
REDUCTION IN FORCE

In circumstances where it becomes necessary to reduce the number of employees, such as budget constraints, elimination of certain responsibilities or for any other reason, every effort will be made to determine the positions to be eliminated in the most fair and equitable method possible. Consideration will be given to a number of job-related variables, including specific duties performed, anticipated staffing levels, job performance and attendance, and longevity. If a reduction in force is necessary, the Director of Human Resources will notify the affected employees if any severance will be provided and, if so, the amount of severance pay and benefits.

If an employee loses their position through no fault of their own, they may be eligible for consideration for another unfilled position for which they are qualified or they may be eligible for rehire at another date.

The Town of Addison is an at-will employer which means the Town maintains the right to terminate employment at any time, with or without notice, and with or without cause.

SECTION 3.10
EXIT INTERVIEWS

The Town of Addison provides separating employees with an exit interview through an online exit interview survey prior to their last day of work so long as the employee provides ample notice. The purpose of the exit interview survey is to finalize all compensation due, return Town equipment, provide an explanation of any continuing benefits, state the reason(s) for the separation and solicit constructive feedback to improve the Town's operations. Exit interviews are conducted confidentially by the Human Resources Department. Employees may request a follow-up meeting with Human Resources at the end of the survey if they would like to further discuss their responses. Information submitted through the exit interview survey or discussed during any follow-up meeting may be shared with the City Manager's Office and acted upon as deemed appropriate.

The Department Director (or designee) is responsible for promptly notifying the Human Resources Department of all separations, arranging for the exit interview survey to be sent to the departing employee, and providing documentation of receipt of all departmental and/or Town property from the exiting employee to the necessary and applicable departments. Human Resources will review survey responses upon submission and will follow-up with the employee if a meeting is requested or if additional clarification is needed. Survey responses will be retained in accordance with the Town's records-retention policies and applicable law.

Chapter IV: Benefits

Section 4.01	Insurance
Section 4.02	Group Health Continuation Coverage (COBRA)
Section 4.03	Disability Benefits
Section 4.04	Social Security and Medicare
Section 4.05	Workers Compensation
Section 4.06	Deferred Compensation Plan
Section 4.07	Flexible Spending Plan
Section 4.08	Tuition Reimbursement
Section 4.09	Employee Assistance Program (EAP)
Section 4.10	Retirement
Section 4.11	Retiree Health Insurance

SECTION 4.01
INSURANCE

The Town furnishes hospitalization, medical, dental, and life insurance for each full-time and benefited part-time employee. For details of coverage, including effective dates and premiums, please contact Human Resources or see the Town's annual Benefits Summary.

All insurance becomes effective on the date of employment and continues so long as the employee remains on the full-time payroll or remains a benefited part-time employee.

The Town offers all full-time employees' comprehensive hospitalization, medical and dental insurance at no cost to the employee. Full-time employees may purchase medical insurance for a spouse and/or dependent children. The Town will pay a portion of the monthly premium for dependent insurance and will deduct the employee's portion in semi-monthly payments from the employee's paycheck.

Benefited part-time employees are offered comprehensive hospitalization, medical and dental insurance and are eligible for partial coverage of the employee's individual premiums. The employee may also elect to include coverage for a spouse or dependent children. For part-time benefited employees, the Town will pay a lesser portion of the monthly premium for dependent insurance and will deduct the employee's portion in semi-monthly payments from the paycheck.

The Town provides a life insurance policy to all benefited employees, both full-time and part-time.

The Town also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated. See Workers Compensation Policy.

The Town of Addison shall offer retiring employees who meet certain criteria the opportunity to elect to continue their health insurance, up to age 65, through the Town's group plan and receive a subsidy of $150 per month toward the payment of medical insurance premiums. The retiree must pay the remaining amount of the monthly premium. For information concerning eligibility, please see the Retiree Health Insurance Policy. The Town reserves the right to change or amend the policy regarding health insurance for retirees at any time.

SECTION 4.02
GROUP HEALTH CONTINUATION COVERAGE (COBRA)

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) is a federal law requiring most employers who sponsor group health plans to offer employees and the employees' families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The Town of Addison complies with this requirement.

The employee is responsible for paying for the cost of any such continuation coverage. Under COBRA, employees may elect continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct) or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under certain circumstances, COBRA coverage is available for up to 36 months following a qualifying event.

Employees must notify the Human Resources Department within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the Town's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, please contact the Human Resources Department.

SECTION 4.03
DISABILITY BENEFITS

Both short-term and long-term disability benefits are offered by the Town at no cost to the employee.

A. Short-Term Disability

The Town is self-insured for short-term disability and all salary indemnity payments for short-term illnesses will be issued through the payroll system. To be eligible for short-term disability, an employee must be:

- A regular, full-time, or regular part-time employee, and
- disabled because of a non-work-related injury or illness, including pregnancy,
- under the continuous care of a physician,
- not employed or working in any other occupation or position, whether for wages or other personal gain.

Each employee who meets the qualifications for short-term disability will have the employee's case reviewed by the Human Resources Department for compliance with the Town's disability program and the employee's physician's recommended recovery plan. The employee will be required to submit documentation from the employee's physician concerning the need for further time away from work. The employee must also provide a written statement from the employee's physician confirming the employee's ability to resume essential job duties before the employee is permitted to return to work.

When an employee is receiving disability benefits, the Town reserves the right to require the employee to submit to a doctor of the Town's choosing for a medical evaluation at any time during the period of illness or disability.

The Family and Medical Leave Act (FMLA) requires the Town to hold a position for twelve weeks during a covered absence. Town policy allows an employee fourteen weeks additional recovery time, beginning upon the expiration of FMLA leave. At the end of the combined 26-week period, if the employee is still unable to perform the essential duties of the employee's job, with or without reasonable accommodation, the employee's position may be filled and the employee may be transferred to another vacant position for which the employee is qualified, if such a position is available. If the employee is unable to return to either the employee's current position or any other vacant position, the employee's employment may be terminated, at which time the employee may become eligible for long-term disability benefits as a former employee.

B. Long-Term Disability

Benefits from long-term disability are available only to employees who have separated from service with the Town of Addison due to the employee's physical inability to

perform the essential duties of the employee's job. Long-term disability benefits are distributed by the carrier of the long-term disability policy and not through the Town's payroll system.

SECTION 4.04
SOCIAL SECURITY AND MEDICARE

Benefited employees hired before July 1, 1991, are not contributing to Social Security through the Town. Employees hired after July 1, 1991, who are not eligible for participation in the Town's Texas Municipal Retirement System (TMRS) plan must be enrolled in Social Security. Those not eligible for TMRS include non-benefited employees and employees hired for less than the minimum annual hours required by TMRS for membership.

Employees hired after April 1, 1986, are subject to Medicare deductions through payroll.

SECTION 4.05
WORKERS COMPENSATION

A. Eligibility for Workers' Compensation

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of the employee's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the Town are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the Town of Addison, injuries occurring while an employee or volunteer is working for an employer other than the Town, and/or injuries occurring during self-employment, are not covered under the Town's workers' compensation plan.

B. Accident and Injury Reporting Procedures

Medical Attention

When an employee is injured on the job, the Town's priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the employee's supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL), as provided by the Texas Department of Insurance.

Reporting and Documentation

The employee's supervisor is responsible for notifying the Human Resources Department and the employee's Department Director immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical to allowing Human Resources to authorize treatment of the employee's injuries.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the injury, interview all witnesses and prepare a detailed written report explaining how and why the accident occurred. The supervisor must submit the Addison Accident Report, First Report of Injury or Illness and any other related information to the Human Resources Department no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.

If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the

performance of the employee's assigned job duties, the supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the Texas Department of Insurance and not by the Town.

For every doctor's office visit, the employee is required to obtain from the employee's doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Human Resources Department and to the employee's supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

C. Injuries Occurring During Physical Fitness Activities

To encourage fitness among employees, the Town of Addison has established both mandatory and voluntary physical fitness programs and sporting events. Some injuries occurring during physical fitness activities may be eligible for workers' compensation benefits and supplemental salary continuation benefits, while others will not be eligible for either. An employee injured during the course of a voluntary fitness program is ineligible for workers' compensation benefits. An employee injured during the course of a mandatory physical fitness program may be eligible for workers' compensation benefits and may also be eligible for salary continuation. Definitions of these programs are as follows:

Mandatory Program

- The employee is required to maintain minimum fitness levels that have been established by the Town;
- Failure to maintain established fitness levels may result in termination of employment; and
- Official testing for fitness is conducted during paid time.

Voluntary Program

- Participation in events is not required by the Town and lack of participation will not jeopardize the employee's job, and
- Activities are conducted during unpaid time such as lunch breaks, before or after scheduled work times or on days off.

D. Returning to Work

The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor light duty. The employee must have a

written release from the employee's doctor to return to work and it must specify any restrictions. The Town does not guarantee the availability of a light duty opportunity. However, the employee shall accept any light duty assignment that is offered, including an assignment in another department.

All light duty assignments must be approved by the Director of Human Resources to ensure compliance with Town policies and with the Americans with Disabilities Act (ADA). Upon returning to work for a light duty assignment, the employee's supervisor will draft a written description of any light duty assignment detailing the employee's temporary duties. The employee must sign the light duty assignment agreement and the original is forwarded to the Human Resources Department.

E. Maximum Time Limits

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the Town will hold an employee's position, following an injury that occurred while performing official job duties or conducting Town business, for no more than 52 weeks. Twelve weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave. At the end of the aggregate 52-week period, should the employee still be unable for any reason to perform the essential duties of the employee's job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified. If no vacant position is available for which the employee is qualified, if the employee is not selected to fill the vacant position or if the employee declines to accept another position, the employee's employment with the Town will be terminated.

F. Eligibility for Salary Continuation

An employee who is unable to work for any period of time, either at the employee's regular job or at any light duty position, because of an injury that occurred while performing official job duties or conducting official Town business, is eligible to receive workers' compensation benefits equal to approximately 70% of the employee's salary. It is the Town's policy is to make up the remainder of the employee's regular pay for at least a portion of the time off, provided certain conditions are met.

The Director of Human Resources will determine whether the employee meets the criteria for receiving supplemental salary continuation pay for any hours missed because of restrictions imposed by the employee's physician. To be eligible for supplemental salary continuation, the employee must furnish to the Town sufficient documentation to verify the injury or accident:

- occurred during the course and scope of the employee's employment;
- did not occur while conducting personal business on paid or unpaid meal breaks or while participating in voluntary fitness activities;
- was timely reported;
- was not caused by the employee's failure to use or wear prescribed safety apparel or devices;
- did not occur while the employee was under the influence of alcohol, illegal drugs or abuse of legally obtained drugs; and
- prevents the employee from performing the employee's regular job duties or any other light duty assignment.

The Director of Human Resources will continue to evaluate the employee's eligibility for supplemental salary continuation benefits at each 30-day interval of the employee's absence. The following events will be considered violations of Town policy and grounds for possible immediate loss of supplemental salary continuation benefits and/or termination of employment:

- failure to follow the procedures stated in this policy under "Accident and Injury Reporting Procedures;"
- failure or refusal to see a doctor or follow the physician's instructions regarding treatment;
- failure to keep medical appointments;
- refusal to see a doctor of the Town's choosing for an evaluation when requested by Human Resources;
- working on another job, including but not limited to working in the employee's personal business, while collecting workers' compensation benefits, sick leave pay or supplemental salary continuation benefits from the Town;
- refusal to perform other duties assigned during the recovery period and approved by the employee's physician;
- misrepresentation or falsification of physical condition(s) or disabilities; and
- refusal or failure to immediately return to work after the employee has been released by their physician.

In no case will supplemental salary continuation benefits be granted for a period in excess of twelve calendar months for the same injury.

If at any time during this process the employee elects to retain an attorney and the Texas Department of Insurance orders that payment of attorney fees is to be deducted from the employee's workers' compensation benefit, a proportionate amount of the attorney fees will likewise be deducted from the salary continuation supplement paid by the Town.

Employees suffering injuries that are not eligible for supplemental salary continuation may elect to use accrued unused sick leave, vacation, or holiday leave to offset the loss of income during the recovery period.

SECTION 4.06
DEFERRED COMPENSATION PLAN

The optional deferred compensation plan (457b) offered by the Town affords regular full-time and part-time employees the opportunity to invest money for retirement and temporarily defer the payment of federal income taxes on a portion of the employee's pay. The employee has a choice of investment options. Additionally, employees have the option of contributing to a designated Roth account, post-tax, with no employer contribution match. For qualifying employees, this plan is offered in addition to the mandatory TMRS retirement program.

New employees may immediately begin authorizing deductions from bi-weekly pay to the deferred compensation plan. Upon successful completion of the new hire introductory period, the Town Council has authorized a maximum of 4% Town contribution into each employee's account providing the employee is contributing 6% of the employee's wages. Funds are vested immediately. An employee may change the employee's contribution level or cease contributions by contacting the Human Resources Department. Loans are also available from an employee's individual account.

The annual maximum contribution to the deferred compensation plan is established by the Internal Revenue Service. Eligible employees may make catch-up contributions as permitted by the plan and applicable law.

Please contact the Human Resources Department for more information.

This policy summarizes the deferred compensation plan. If this policy conflicts with the applicable plan documents, the plan documents control.

SECTION 4.07
FLEXIBLE SPENDING PLAN

The flexible spending plan is authorized under Section 125 of the Internal Revenue Code and has been approved as an employee benefit by the City Council. Benefited employees may elect an annual amount, which will be deducted pro-rata on a pre-tax basis each payroll period, to pay for eligible health and childcare expenses. Generally, qualifying health care expenses are those not reimbursable from any other source, which may include medical or dental insurance deductibles, co-payments, and out-of-pocket costs.

Participation in the flexible spending plan is voluntary. Enrollment in the plan is allowed during the annual open enrollment period to become effective the following January 1. Unless the employee experiences a "qualifying life event," participation in the plan will continue until December 31.

In compliance with the IRS regulations on flexible spending plans, eligible expenses must be incurred between January 1 and December 31 of the enrollment year. Employees are allowed a three-month grace period, until March 31, to submit the receipts and request reimbursement. Any balance remaining in the account at that time must be forfeited.

Please contact the Human Resources Department for additional information.

SECTION 4.08
TUITION REIMBURSEMENT

Regular full-time and part-time employees are eligible for tuition reimbursement for classes for which the employee earns a grade of "C" or better. Reimbursement for regular full-time employees is 50% and part-time employees are pro-rated depending on the number of hours per year the employee is authorized to work.

Regular full-time and part-time employees are eligible for reimbursement up to and including reimbursement of study material to obtain a certification. To be eligible for reimbursement, the employee's chosen certification must increase the Town's services and organizational excellence as approved by the department Director.

Approval from Human Resources is required prior to enrollment in a class for which tuition reimbursement will be requested. College hours received from colleges and universities will be recognized only if the institution is a Texas-based institution and is accredited by a national accrediting organization in the United States. It is the employee's responsibility to furnish documentation of the accreditation prior to enrolling in any course of study program. To be eligible for tuition reimbursement, the employee's chosen degree must meet one or more of the following criteria:

- Career development related to Town functions
- Courses in preparation for a promotion within the Town
- Relates to current job duties
- Provides new knowledge and skills to enhance job performance
- Enhances the Town's ability to respond to current and/or future needs

Specialized accreditations, those that accredit only specific kinds of schools, such as home study institutions or trade and technical schools, will not be recognized unless written approval was given prior to the implementation of this policy.

In addition to reimbursement for tuition and certain fees, the Town will also reward the employee's efforts with grade bonuses.

Full-time employees earn an additional $100 for an "A", $75 for a "B" and $25 for a "C," based on courses of three semester hours and adjusted for courses earning more or less than three semester hours.

For a passing grade in a three-hour pass/fail course, the employee will receive a grade bonus of $50. Grade bonuses for regular part-time employees are pro-rated depending on the number of hours per year the employee is authorized to work.

Tuition reimbursement requests must be forwarded to the Human Resources Department with documentation of the completed course, the final grade and tuition costs. Tuition reimbursement and grade bonuses are paid through payroll.

Temporary, seasonal and employees still in the new hire introductory period are not eligible for tuition reimbursement or grade bonuses. Classes taken during any portion of

the introductory period will not qualify for this benefit.

Tuition reimbursement is limited to 18 credit hours per calendar year and is not available for expenses already covered by other types of assistance or benefits, such as scholarships, grants or other programs. The maximum reimbursable amount per employee per calendar year shall be $4,000.00. This does not include the bonus amount for grades. Please contact the Human Resources Department for clarification of eligibility.

Any employee who receives tuition reimbursement and leaves Town employment (due to voluntary or involuntary termination) shall repay the Town all tuition reimbursement paid to them in the twenty-four (24) months prior to the last tuition reimbursement payment received. Repayment shall be according to the following schedule:

Termination within 0-12 months of tuition reimbursement received	Repay 100%
Termination after 12 months, prior to 24 months of tuition reimbursement received	Repay 50%

As a recipient of tuition reimbursement, the employee authorizes the Town to deduct the balance owed for tuition reimbursement from their paycheck or any other final payments due to the employee. The employee understands that if sufficient funds are not available to satisfy the tuition reimbursement owed to the Town, the employee is legally obligated to pay the balance owed to the Town by certified check, cash, or money order.

SECTION 4.09
EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Town's Employee Assistance Program (EAP) is a comprehensive program that helps employees resolve personal problems that may adversely impact their work performance, conduct, health, and overall well-being. Assessment and short-term counseling are available through EAP to provide assistance to employees who may be experiencing a mental health challenge caused by personal or family problems, difficulties with alcohol or drug abuse, legal difficulties, financial burdens, marital or other personal or family issues. It is a professional and confidential assessment and referral service which the Town provides for all employees and their family members. There is no cost to the employee for accessing the Employee Assistance Program. Employees are encouraged to access EAP services before job performance is affected by a mental health concern or personal challenge.

Any employee who feels he may have an alcohol or drug problem is encouraged to utilize the program's resources before the problem adversely affects either job performance or employment status. Participation in the program is typically voluntary and confidential; however, a supervisor may make a mandatory referral when some aspect of an employee's personal life negatively affects their performance on the job. Treatment may be a requirement of continued employment.

SECTION 4.10
RETIREMENT

The Town of Addison is a member of the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. Participation in the program is a condition of employment for all benefited employees.

The Town's current TMRS plan requires a contribution of 7% of the salary of each employee member to be deducted from each paycheck. The Town matches employee contributions and interest earned at an actuarial rate of two to one, the maximum allowable under the plan. TMRS sends the employee member an annual statement of service credit and the account balance of employee contributions.

Changes to the employee's contribution rate, the Town's contribution rate or other optional benefits may be authorized by the City Council, as long as such changes are within the guidelines established by TMRS. For more information concerning the Town's current plan, please contact the Human Resources Department or TMRS.

Employees cannot withdraw member contributions and earned interest unless the employee terminates employment with the Town.

A. Eligibility for Retirement

An employee can retire when the employee has five years of service credit and is at least 60 years of age, or the employee may retire at any age with twenty years of service credit.

B. Retirement Benefit Options

TMRS has several annuity options from which a retiring employee can choose, each of which are explained in detail in the TMRS handbook available at the Human Resources Department. Information is also available on the TMRS website at www.tmrs.com.

C. Survivor Benefits

Should an employee die, the employee's beneficiary or estate will receive at least all of the member contributions and interest in the employee's TMRS account. Under certain conditions, if the employee were to die before retirement the employee's beneficiary or estate could choose either a monthly retirement benefit or a lump sum refund of member contributions and interest. Upon the employee's death after retirement, depending on the annuity plan chosen at retirement, a beneficiary can receive a monthly benefit for life or a payment for the balance of a guaranteed term.

D. Supplemental Death Benefits

If an active employee dies, TMRS will pay a beneficiary or estate a separate benefit approximately equal to the employee's annual salary. For retirees, the benefit is a lump sum amount of $7,500.

E. Occupational Disability Retirement

If an employee becomes disabled and cannot perform the employee's job, the employee may be eligible to retire immediately. The monthly benefit will be based on employee contributions to TMRS, accumulated interest and the Town's matching funds.

Employees may obtain more information about retirement benefits from the TMRS Handbook available at the Human Resources Department or by visiting the TMRS website at www.tmrs.com.

SECTION 4.11
RETIREE HEALTH INSURANCE

Retiring employees who meet the following criteria may elect to continue their health insurance, up to age 65, through the Town's group plan and receive a subsidy of $150 per month toward the payment of medical insurance premiums. The retiree must pay the remaining amount of the monthly premium.

To be eligible to remain in the plan and receive the subsidy, a retiring employee must:

- have at least ten years' full-time service with the Town of Addison,
- be at least 55 years of age,
- begin receiving TMRS benefits immediately upon retiring from the Town,
- voluntarily retire with a satisfactory record of service, and
- be ineligible as the primary insured person on any other group medical insurance plan.

Only retirees who satisfy all the above qualifications will be eligible to continue health insurance through the Town's group plan. Any dependents covered by the employee on the Town's medical insurance policy at the time of retirement may remain on the plan after the employee's retirement. No new dependents may be added at the time of retirement or during any subsequent enrollment process.

Retirees who qualify for participation in the Town's health insurance plan must notify Human Resources in writing within 31 days of retirement of their decision to remain in the plan. If participation in the plan is not elected during this period of time, the retiree forfeits the employee's eligibility for coverage.

When the retiree reaches age 65 and becomes eligible for Medicare, they will no longer be allowed participation in the Town's group medical insurance plan. At that time, the subsidy will reduce to $75 per month. Employees retiring at age 65 or older, who would have been eligible for the $150 per month health insurance subsidy had they retired earlier, will also be eligible to receive the $75 per month subsidy.

Some retirees who do not meet the above criteria for retiree insurance and the premium subsidy will be eligible for temporary continuation of medical and dental insurance through the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Please contact the Human Resources Department for more information.

The Town further reserves the right to change or amend the policy regarding retiree health insurance at any time. Notice of any changes to this policy will be provided to the employees and to any affected retirees in a timely manner.

Chapter V: Compensation

Section 5.01	Compensation Plan
Section 5.02	Method of Payment
Section 5.03	Overtime and Time Management
Section 5.04	Call Back Duty and Compensation
Section 5.05	Vehicle Allowance and Take-Home Vehicles
Section 5.06	Longevity Pay
Section 5.07	Payroll Deductions
Section 5.08	Bilingual Skills Certification Pay
Section 5.09	Certification Pay
Section 5.10	Step Pay Program for Sworn Police and Fire Personnel
Section 5.11	Hiring Incentives

SECTION 5.01
COMPENSATION PLAN

The Town has adopted a merit pay plan for compensating employees. The goal of a merit-based pay plan is to encourage excellence in service by tying salary increases to job performance rather than to tenure.

The City Council as part of its annual budget process will consider the allocation of funds for merit increases and/or pay plan adjustments. A merit increase advances an employee's position in the salary range to a point closer to the maximum salary for the position.

If the employee is in the employee's introductory period when annual merit increases are awarded on October 1, the employee will receive a delayed merit increase when the introductory period is successfully completed.

The current pay plan consists of a number of positions, both exempt and non-exempt, with salary ranges for each level. Salary levels are determined for each job classification based on factors that include education and training, required experience, authority and decision-making responsibility, scope and difficulty of job duties, value to the organization, and internal and external salary comparability. Employees may be hired for positions at a higher pay than entry level pay, based upon certain factors, such as qualifications, job-related experience, and internal equity, as determined by Human Resources or by the approval of the City Manager.

Any revisions or additions to the pay plan, that are needed to maintain the integrity of the plan, will be recommended to the City Manager for approval by the Director of Human Resources. Adjustments to the pay plan that may affect the bottom and/or the top of the range will not usually result in a change in salary or hourly rate to those employees whose pay is already within the salary range for their job classification.

SECTION 5.02
METHOD OF PAYMENT

A. Regular Payroll

Payroll is prepared bi-weekly and distributed via direct deposit or by employee receipt of a payroll check, at the employee's discretion. The pay received each payday covers the two-week period ending on the Friday before payday.

An employee who is unavailable to receive the employee's paycheck and does not have direct deposit arrangements must provide written direction to Human Resources for the distribution of the employee's paycheck.

B. First Paycheck

The employee will receive the employee's first paycheck, full or partial, on the first regular payday which covers any time period in which the employee worked.

C. Final Paycheck

A regular employee, who has satisfactorily completed the initial introductory period and is separating from employment with the Town, will receive a final paycheck to include payment for all unused accrued vacation, unused accrued holidays and earned longevity pay. The value of lost or damaged Town property and all other lawful offsets will be deducted from the employee's final paycheck pursuant to the employee's written authorization.

The "last day worked" will be the last business day the employee actually worked and will not be a holiday, vacation, sick day or any other paid non-working day. If the employee does not return to work following FMLA leave or an extended absence, then the employee's final date of employment will be the final date of approved leave.

D. Wages in Lieu of Notice

At the Town's discretion, regular employees who are terminated or laid off may be paid wages in lieu of notice instead of providing a two-week resignation notice. If an employee voluntarily resigns the employee's position and provides a two-week severance notice, the employee's Department Director may choose to offer wages in lieu of the severance notice. The Director of Human Resources and the City Manager must approve all requests for wages in lieu of notice. When the reason for termination is violation of Town rules, regulations or policies, or the commission of a criminal offense, no wages in lieu of notice will be authorized.

SECTION 5.03
OVERTIME AND TIME MANAGEMENT

A. Overtime Compensation

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Overtime pay will begin the eighth minute over the regular work period and will be paid in 15-minute intervals. For tasks performed on days other than the employee's normal workdays or for tasks requiring a second trip back to work on a normal workday, minimum overtime pay will be two hours.

B. Non-Exempt Employees

When the Town's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime at the request of the employee's supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. Public safety personnel are also expected to follow this procedure. However, when unanticipated work-related emergencies preclude prior authorization, public safety personnel must follow their departmental guidelines and procedures for those situations.

The appropriate supervisor must approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including possible termination of employment.

Generally, with the exception of sworn Public Safety employees, overtime pay for non-exempt employees is at the rate of one and one-half times the employee's regular hourly rate of pay for hours actually worked in excess of the employee's regular work week. (The Town's work week begins at 12:00:01 a.m. on Saturday and ends at 12:00 midnight the following Friday.) Sworn Public Safety personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

All paid leave, with the exception of sick leave, workers' compensation leave and short-term disability, are included as hours worked for purposes of determining eligibility for overtime pay.

C. Adjusting the Work Schedule

In situations where overtime work is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

D. Exempt Employees

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek.

Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources.

In the absence of eligible accrued paid leave time, an exempt employee may not be paid for any workweek in which the employee performs no work.

SECTION 5.04
CALL BACK DUTY AND COMPENSATION

(NON-EXEMPT PERSONNEL)

The Town provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be subject to call-backs. Employees designated to be called back are expected to respond to departmental after-hour service needs in a reasonable period, as required by procedures established by their department.

A. Return to Work Provisions

After regularly scheduled working hours, call back employees are free to pursue personal activities but must respond to a call back (via telephone, radio or paging) within designated guidelines set by their department. Employees designated as call back must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as call back only when approved by the employee's supervisor in accordance with procedures established by the employee's department.

B. Compensation

Call back status is not considered time worked and is not compensable unless the employee actually responds to a call back. Call back employees called back to the workplace will be paid at their regular rate of pay for actual hours worked until overtime requirements are met. Call back employees are guaranteed a minimum of two hours pay for each call back within the same 24 hours after their regularly scheduled working hours or on a regular day off.

Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call back and is paid at the employee's regular rate of pay until overtime requirements are met.

Call back employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent responding remotely. In all cases, employees must report their actual hours worked on their timesheets.

Employees exempt from overtime are not eligible for additional compensation under the provisions of this policy.

C. Departmental Policies

Some departments have their own internal procedures for handling call back schedules and services. Departments may establish guidelines for varying levels of response to call back situations depending upon the nature and importance of the services to be completed, if such guidelines are not in conflict with the policies stated above.

SECTION 5.05
VEHICLE ALLOWANCE AND TAKE-HOME VEHICLES

A. Vehicle Allowance

An employee may be given a monthly allowance for consistently using the employee's own vehicle for Town business, if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

B. Take Home Vehicles

A Town vehicle may be assigned to a position or employee by the City Manager when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal workstation.

General Services, Human Resources, and Finance must be notified when an employee is issued a take-home vehicle.

No personal use of a take-home vehicle is permitted except to commute to and from home or work, without prior written approval of the City Manager. No passengers may be transported in take-home vehicles except as required by official duties or as authorized by the City Manager. No alcoholic beverages are allowed in Town vehicles.

The Town's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take home use will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability. Finance will make the determination of "exempt" versus "non-exempt" and will adjust the employee's pay and tax deductions in the payroll system accordingly. Employees should be aware that personal use of an "exempt" vehicle could result in tax implications for the employee.

C. Vehicle Maintenance

Employees authorized for car allowances or take-home vehicles must maintain the vehicle in good condition and appearance. The City Manager has the authority to suspend the car allowance or use of a take home vehicle of any employee who fails to properly maintain their vehicle.

SECTION 5.06
LONGEVITY PAY

The Town provides regular full-time employees with longevity pay at the rate of $4 for each month of service paid on an annual basis. Accrual of longevity pay begins after a regular, full-time employee has completed one year of service.

Regular full-time employees who are terminating from the Town's employment will receive pro rata longevity pay for any months of service since their last annual payment.

SECTION 5.07
PAYROLL DEDUCTIONS

Payroll deductions are authorized for the following reasons:

- Income withholding taxes.
- Contributions to the Texas Municipal Retirement System.
- Contributions to deferred compensation plan.
- Contributions to Retirement Health Savings plan.
- Authorized medical insurance premiums.
- Authorized “other insurance” premiums.
- Credit Union contributions or loan payment amounts.
- Social Security contributions, where applicable.
- United Way contributions.
- Association dues.
- Child support judgments; and
- IRS judgments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

SECTION 5.08
BILINGUAL SKILLS CERTIFICATION PAY

The purpose of this policy is to establish guidelines regarding bilingual skills certification pay for eligible Town of Addison employees and to better serve the community by ensuring that oral and written communication to non-English speaking citizens and employees is accurate and clear.

Town of Addison employees often use bilingual skills to enhance the performance of position duties to better serve citizens and employees of the Town. All employees receiving bilingual skills certification pay will be expected to interpret or translate for any Town department as needed.

Bilingual Skills Certification Pay

The Bilingual Skills Certification Pay provides additional pay to eligible regular full-time and part-time employees who are deemed fluent (proficient) in a designated secondary language that the Town determines to be beneficial to its business needs. Additional languages other than Spanish will be considered on a case-by-case basis upon recommendation by the Department Director and with the approval by the Human Resources Director.

Department Directors, with the approval of the City Manager or designee, may designate employees eligible for Bilingual Skills Certification Pay. The employee's job duties should require the use of bilingual skills or the department or organization should regularly benefit from the employee's ability to speak, interpret, write, or converse proficiently with employees, citizens, and the public in general whose primary language is not English. If the employee moves to another position or the bilingual designation is removed because the duties no longer meet the criteria for such designation, or the employee does not pass a re-test, bilingual pay will cease.

The Human Resources Department will maintain a list of employees who receive Bilingual Skills Certification Pay and serve as a central source for Town-wide referrals aiding departments that need assistance with bilingual communication. Departments may call upon certified bilingual staff with the permission of the employee's Department Director, and designated employees must be willing to use their bilingual skills when called upon to do so. Refusal to assist may result in the loss of bilingual pay.

Bilingual Skills Categories, Certifications, and Pay Rates

There are three (3) categories of proficiency for Bilingual Skills Certification Pay for eligible employees as defined below with the respective bi-weekly pay amounts, which are not included in the employee's base pay rate.

Category 1 (Conversational)

Qualifications for this pay level will be based on regular conversational use of bilingual oral and interpretation skills. Written approval from the Department Director is required to be eligible for this category for $25.00 bi-weekly (prorated for part-time employees).

Category 2 (Oral and Interpretation Skills)

Qualifications for this pay level will be based on regular use of fluent bilingual oral and

interpretation skills. Employees determined to be qualified at this level by the Town's prescribed testing procedure will be eligible for $50.00 bi-weekly (prorated for part-time employees).

Category 3 (Oral, Interpretation, Written, and Translation Skills)
Qualifications for this pay level will be based on regular use of bilingual oral, written, interpretation, and translation skills. Employees determined to be qualified at this level by the Town's prescribed testing procedure will be eligible for $75.00 bi-weekly (prorated for part-time employees).

The Department Director, with the approval of the City Manager or designee, and certified by the Human Resources Department, will determine the number of employees needed to fulfill Categories 1-3 customer service demand. The Department Director will designate the employee(s) to serve in this capacity.

This designation will be based upon proficiency level, customer service skills, and need. In the event of equally qualified employees, prescribed test results will determine the selection. It is understood that the decision to assign an employee to such duty rests with the Department Director and the Director of Human Resources or designee. The Department Director, in collaboration with the Director of Human Resources, retains the right to withdraw the designation at any time to include removal of pay if there are disciplinary concerns or refusal to provide assistance with bilingual skills when requested.

In cases of multiple bilingual certifications, employees will receive Bilingual Skills Certification Pay for only one certification, not to exceed $75.00 bi-weekly.

The Town will pay for an employee's first language certification test. The employee must pay for the cost of any subsequent attempts to be certified. Upon receiving evidence of the employee having successfully completed the test, the Town will reimburse the employee in full for the costs associated with the testing.

The Human Resources Department, in conjunction with the Department Director, reserves the right to test a candidate's language skills at any time. Bilingual Skills Certification Pay will be discontinued for employees who fail to successfully re-certify or who do not re-certify.

SECTION 5.09
CERTIFICATION PAY

The purpose of this policy is to establish guidelines regarding certification pay for eligible Town of Addison employees and to better serve the community by incentivizing employees who have obtained additional skillsets that directly impact organizational operations and success.

Town of Addison employees often use certifications or licenses to enhance their skillset to better serve citizens and Town operations. All employees receiving certification pay will be expected to utilize these specific skills as needed.

Certification Pay

Certification Pay provides additional pay to eligible regular full-time and part-time employees who have successfully obtained a specific certification or license that directly enhances the services provided relative to their position. Certifications required based on job description are not eligible for certification pay. Incumbents holding relevant certifications that exceed the minimum requirements may be eligible for certification pay at the discretion of the Department Director, subject to approval by the Director of Human Resources and City Manager, or their designee.

The employee's job duties should require the use of these skills or the department or organization should regularly benefit from the employee's skills related to the certification or license. If the employee moves to another position or the skillset no longer meets the criteria for such their new position, or the employee lets the certification or license expire, certification pay will cease.

The Human Resources Department will maintain a list of employees who receive Certification Pay. The Human Resources Department, in conjunction with the Department Director, reserves the right to remove or reduce Certification Pay at any time. Certification Pay will be discontinued for employees who fail to successfully re-certify or who do not re-certify.

Employees receiving certification pay are responsible for re-certifying their certification or license and informing their supervisors immediately or, if possible, in advance. Supervisors must inform the Department Director and Human Resources Department once a certificate of license has expired. Failure to do so may result in disciplinary action for both the employee and/or supervisor.

Employees must notify their supervisor of their initial request for certification pay who will then notify their Department Director. If approved, Department Directors will forward the request to the Human Resources Department for additional approval.

Certifications, Licenses, and Pay Rates

Certification pay is not limited to one certification or license and additional certifications will be considered on a case-by-case basis and up to the monthly maximum allowed, upon recommendation by the Department Director and with the approval of the Director of Human Resources and City Manager, or their designee.

There are three (3) Certification Pay divisions for eligible employees as defined below with the respective monthly pay amounts, which are not included in the employee's base pay rate. These monthly amounts will be provided to eligible employees on a bi-weekly basis. Eligibility for Certification Pay begins upon employees' successful completion of their introductory period.

Fire Department

Certifications	Amount	Eligible Ranks
Intermediate	$50/month	Firefighter requires Basic, eligible for additional pay if employee holds Intermediate or above
Advanced	$75/month	Fire Equipment Officer and Lieutenant require Intermediate, eligible for additional pay if employee holds Advanced or above
Master	$100/month	Captain and Battalion Chief require Advanced, eligible for additional pay if employee holds Master
Assignment Pay	**Amount**	**Eligible Ranks**
Field Training Officer	$100/month	

Police Department

TCOLE Certifications	Amount	Eligible Ranks
Intermediate	$50/month	Police Officer requires Basic, eligible for additional pay if employee holds Intermediate or above.
Advanced	$75/month	Police Sergeant requires Intermediate, eligible for additional pay if employee holds Advanced or above
Master	$100/month	Police Lieutenant through Assistant Chief require Advanced, eligible for additional pay if employee holds Master

Other Departments

Certifications/ Licenses	Amount	
Building Inspections Licenses	$50/month	Any building inspection licenses held over the minimum requirement, maximum of $200/month
Certification	$25/month	Any certification above requirement, $25 per certification, maximum of $100/month

The Department Director, in collaboration with the Director of Human Resources, retains the right to withdraw the designation at any time to include removal of pay if there are disciplinary concerns or refusal to provide these skills when requested.

SECTION 5.10
STEP PAY PROGRAM FOR SWORN POLICE AND FIRE PERSONNEL

The Town may establish and administer a STEP pay program for sworn Police and Fire Department personnel as a method of structured, merit-based compensation progression. Participation in the STEP pay program, and advancement within the program, is not automatic and is subject to the conditions set forth below.

Eligibility for STEP pay advancement requires job performance that meets expectations on the employee's performance evaluation and compliance with all Town and departmental policies, procedures, and standards of conduct. Advancement within the STEP program is contingent upon successful completion of required performance evaluations and continued good standing. Review for STEP pay advancement will be held on the anniversary of the employee's hire date or promotional date, as applicable.

Sworn Police and Fire personnel who are subject to formal disciplinary action, including but not limited to a written reprimand, suspension without pay, or demotion, may have their STEP pay advancement delayed or withheld for a defined corrective period, as determined by the Department Director and approved by the City Manager or designee.

A delay or withholding of STEP or merit pay may result from sustained findings of misconduct following an internal investigation conducted pursuant to departmental policy and applicable Town procedures or from an employee's failure to Schieve a "meets expectations" rating on the applicable performance evaluation. Any such delay or withholding must be reviewed and approved by the City Manager or designee prior to implementation.

Any delay or withholding of STEP pay advancement imposed under this Section must be documented in writing and maintained in the employee's official personnel file. Eligibility for future STEP pay advancement may be restored following completion of the corrective period upon demonstration of sustained satisfactory improvement in conduct and performance. Such improvement must be documented in the employee's personnel file and approved by the Department Director, Director of Human Resources, and the City Manager or designee.

Nothing in this Section creates a guaranteed right to a STEP pay increase, and the Town reserves the right to modify, suspend, or discontinue the STEP pay program at any time in accordance with applicable law and Town policy. This includes the authority of City Council to suspend or discontinue the STEP pay program, in whole or in part, through Council action.

SECTION 5.11
HIRING INCENTIVES

The Town of Addison may, at its discretion and subject to budget availability, offer hiring incentives to attract qualified candidates for difficult-to-fill or highly specialized positions.

Hiring incentives are discretionary, must be approved in writing by the City Manager or their designee, and may vary depending on labor market conditions, position requirements, recruitment challenges, and organizational need.

Hiring incentives under this Section may include:

- Sign-on bonuses
- Relocation assistance
- Certification or licensing incentives
- Education advancement incentives
- Other recruitment incentives approved by the City Manager or designee.

All hiring incentives must be documented in a written Hiring Incentive Agreement signed by the employee prior to payment or reimbursement of any incentive.

A. Sign-On Incentives

The Town may provide a sign-on incentive as:

- an initial payment upon hire and a completion payment after a defined service period; or
- a single payment earned upon completion of a defined service period

Unless otherwise approved, sign-on incentives should generally use a split-payment structure to reduce repayment obligations and support retention goals.

B. Relocation Assistance

Relocation assistance may be offered when recruitment requires the Town to attract candidates from outside the local labor market.

Eligible relocation expenses may include:

- moving and transportation costs
- temporary lodging
- storage fees
- travel related to relocation
- other documented expenses approved by Human Resources

Relocation assistance is limited to the amount approved in the employee's offer documents or Hiring Incentive Agreement and supporting receipts or other documentation acceptable to Human Resources could be requested before processing.

C. Certification and Licensing Incentives

The Town may provide a one-time hiring incentive for required certifications, specialized licenses, or professional credentials necessary for the position.

This incentive is separate from recurring certification pay under Section 5.09 and is intended solely as a recruitment tool.

D. Education Advancement Incentives

The Town may provide a hiring-stage education incentive when recruitment for a position requires advanced education, degree completion, or specialized professional coursework.

This subsection supplements Section 4.08 (Tuition Reimbursement) and applies only to incentives offered as part of recruitment and hiring. Ongoing tuition reimbursement for current employees remains governed by Section 4.08.

E. Service Commitment

Employees receiving a hiring incentive may be required to remain continuously employed with the Town for a defined service period, generally between six (6) and twelve (12) months, but may extend up to twenty-four (24) months for highly specialized or difficult-to-fill positions as approved by the City Manager or designee, unless otherwise approved by the City Manager or designee.

The applicable service period shall be specified in the written Hiring Incentive Agreement.

F. Repayment Obligations

Employees receiving a hiring incentive may be required to complete a written service commitment.

If an employee voluntarily resigns, abandons their position, fails to report for duty after an approved leave, fails to begin active employment after receiving any hiring incentive payment or reimbursement, or is terminated for misconduct (i.e., "for cause"), the employee may be required to repay all or a prorated portion of the incentive previously paid or reimbursed.

Repayment obligations shall:

- be clearly defined in the written Hiring Incentive Agreement
- be proportional to the unserved portion of the service commitment where applicable
- be limited to the amount actually paid or reimbursed by the Town for reimbursement-based incentives
- reasonably reflect the Town's recruitment, relocation, credentialing, education, and onboarding investment
- include, where applicable, separate repayment calculations for different incentive installments or payment phases in the Hiring Incentive Agreement.

The Town may waive repayment in whole or in part for involuntary separations not involving misconduct, reductions in force, disability-related separations, organizational restructuring, or other circumstances approved by the City Manager or designee.

G. Method of Repayment

Repayment shall be made directly to the Town within the timeframe established in the written Hiring Incentive Agreement.

Where administratively appropriate, the employee may authorize repayment through final compensation. If final compensation is insufficient to satisfy the amount owed, the remaining balance must be repaid directly to the Town.

H. Administration

The Human Resources Department shall administer this policy, including:

- maintaining all Hiring Incentive Agreements
- verifying required approvals
- confirming documentation requirements
- coordinating repayment and closeout upon separation

Nothing in this policy creates a contract of employment or alters the employee's at-will status.

Chapter VI: Attendance and Leave Policies

Section 6.01	Attendance and Work Hours
Section 6.02	Holidays
Section 6.03	Employee Birthday
Section 6.04	Vacation Leave
Section 6.05	Sick Leave
Section 6.06	Family and Medical Leave Act (FMLA) Leave
Section 6.07	Military Leave and Differential Military Pay
Section 6.08	Military Family Leave
Section 6.09	Jury Duty
Section 6.10	Bereavement Leave
Section 6.11	Administrative Leave
Section 6.12	Unpaid Leave of Absence
Section 6.13	Inclement Weather/Emergency Closing
Section 6.14	Leave Donation
Section 6.15	Volunteerism

SECTION 6.01
ATTENDANCE AND WORK HOURS

A. Definitions

The Town of Addison has established the following definitions regarding time and attendance:

Work Time

Work time, also referred to as hours worked, is defined as all-time the Town requires, suffers, or permits any employee to be on duty, whether on the work site, on other Town premises, or at any other prescribed place that work is performed.

Workday

A workday is defined as a period of 24 hours, beginning at 12:00:01 a.m. and ending at 12:00 midnight.

For calculating the number of hours granted for leave that is usually defined in days, i.e., birthday, holidays or bereavement leave, a workday is defined as eight hours for all forty-hour per week employees. A workday for police officers who work 80 hours in a two-week period is also eight hours. A workday is twelve hours for shift employees of the Fire Department.

Work Week

A work week is the time span of seven consecutive 24-hour periods, beginning at 12:00:01 a.m. on Saturday and ending at 12:00 midnight on Friday.

Pay Period

Pay period is an internal accounting term which refers to a period of two work weeks for all employees. Each employee is issued an individual paycheck, including any overtime earnings, if applicable, for each pay period. The paycheck may be direct deposited to the employee's bank account or delivered as a paper check to the employee. For details on payment methods refer to Section 5.02.

B. Regular Work Hours

The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. In times of disaster or emergency, working hours shall be determined by the City Manager.

40 Hour Employees

Non-exempt employees of the Town normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks.

Police Officers

For a full-time, non-exempt police officer the work period consists of 80 hours, usually assigned in two consecutive weeks. Some officers work a flexible schedule consisting of six 12-hour workdays and one 8-hour workday in a consecutive two-week period. Special assignment officers will work 80 hours in a work period, as assigned by their supervisor.

Firefighter/Paramedics

For a full-time, non-exempt firefighter/paramedic, the work period consists of 216 or 240 hours, depending on shift assignment, usually assigned over four consecutive work weeks. Fire personnel attending approved certification training which may result in fewer than 216 or 240 hours of regular shift work may be eligible for their regular 216 or 240 hours of pay, which includes 4 or 8 hours of pay at their overtime rate if applicable, depending on shift assignment. Approved classes include basic structural firefighting certification, basic aircraft rescue certification and National Fire Academy classes.

C. Adjustment to Work Hours

In order to ensure the continuity of Town services, it may be necessary for Department Directors to establish other operating hours for some personnel in their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the Town includes the employee's acknowledgement that changing shifts or work schedules may be required and includes that the employee will be available to do such work.

D. Meal Periods

Full-time employees, excluding most Police and Fire Department employees, are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

E. Breaks

Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen minutes, paid breaks each day, one during the first part of the workday and the other during the latter part of the workday.

F. Attendance Records

Employees are expected to be at their workstations and ready to work at their scheduled start time. Non-exempt employees are required to record the number of hours worked each day. Certain non-exempt employees are also required to record the time the employee arrived to work, the time the employee left at the end of their workday, plus the time the employee left for and returned from lunch and the time(s) the employee left for and returned from any unpaid break during the workday.

G. Attendance and Punctuality

As an essential function of each job, the Town requires employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and make for a greater burden on the Town and on co-workers to maintain a safe and productive work environment. Either absenteeism or tardiness may lead to disciplinary action, up to and including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the employee's supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to the employee's supervisor the reason for the absence or tardiness and the date and time of the employee's anticipated arrival. For absences of a day or more the employee must personally notify the employee's supervisor on each day of their absence unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the employee's supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the Town of an absence of three days or more may be presumed to have voluntarily resigned from the employee's employment.

SECTION 6.02
HOLIDAYS

The Town provides paid holidays to introductory, regular full-time and regular part-time employees. The following official holidays will be observed. Holiday schedules are posted no later than the end of September for the following year.

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- Juneteenth National Independence Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Friday After Thanksgiving
- Christmas Eve
- Christmas Day

A. Scheduling of Holiday

Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

B. Definition of Holiday Time

A holiday is a period of 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours. Employees who flex their schedule or work alternative schedules must also code their holiday time in a period of 8 hours.

C. Employees Scheduled to Work on a Holiday

Employees required to work on a holiday will be given an alternate day off with pay or will be paid for the holiday at the employee's regular rate of pay, in addition to the hours worked.

D. Non-Exempt Employees Called in to Work on a Holiday

Non-exempt employees who are called in on an emergency basis to work a holiday for which they were not scheduled will be paid for the holiday at the employee's regular rate of pay, plus payment for the number of hours worked. The holiday pay will be counted toward hours worked for the purpose of calculating overtime.

E. Employees Scheduled "Off Duty" on a Holiday

When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue one day of holiday leave to be taken at a later date or, at the employee's election, receive pay for the holiday at the employee's regular rate of pay.

F. Regular Part-time Employees

Regular part-time employees are eligible for four hours holiday pay only if the holiday falls on of the employee's regularly scheduled workdays.

G. Temporary and Seasonal Employees

Temporary and seasonal employees are not eligible for holiday pay. Temporary and seasonal employees will be paid the employee's regular hourly rates for a holiday only if required to work on the holiday.

H. Ineligibility for Holiday Pay

Holiday pay will not be authorized in addition to any other paid leave an employee may receive for the same day. Employees on injury leave, military leave, or leave without pay are not eligible for holiday pay. Non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday. An employee who is on sick leave both the day before and the day after a holiday will be considered on sick leave and will not be paid for the holiday.

I. Holiday Occurring During Vacation Leave

A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

J. Holiday Occurring During Workers' Compensation Leave

An employee on worker's compensation leave will not receive holiday pay.

K. Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Separating employees who have successfully completed the employee's introductory period will be paid for unused accrued holidays on the employee's final paycheck.

L. Other Religious Holidays

Employees may request an approved absence to celebrate a religious holiday that is not a scheduled Town holiday. If approved, the employee must charge the time to vacation, accrued holiday leave or time off without pay.

M. Fire Department Holiday and Birthday Accrual

At the beginning of each fiscal year, each Fire Department shift employee will accrue 132 regular holiday hours and 12 birthday holiday hours, for a total of 144 accrued hours, which each employee may use at any time with supervisor approval. If an employee should leave the Town after using accrued holiday leave for holidays which have not yet occurred, the pay for such leave will be deducted from the employee's final paycheck.

N. Fire Department Pay Out for Unused Annual Accrual

Any unused holiday/birthday accrual remaining at the end of the fiscal year will be paid on the next payroll at the employee's regular hourly rate.

O. Maximum Holiday Accrual for Police Officers

Maximum holiday accrual may not exceed eleven (11) days for police officers. Any unused holiday accrual can be paid based on the employee's request through payroll at the employee's regular rate of pay on any paycheck or on the employee's final paycheck.

SECTION 6.03
EMPLOYEE BIRTHDAY

All benefited employees will be granted the employee's individual birthday as a personal day away from work with pay. Birthdays falling on a non-working day will also be honored. All birthday leaves are to be taken within the fiscal year (October 1-September 30). Birthday holidays will not roll over to the next fiscal year. Birthday leave will not be authorized in advance of the fiscal year in which the birthday occurs. Fire and Police Department employees will follow their departmental policy for scheduling time off for employee birthdays.

Paid time off for birthdays will not be authorized during extended periods of sick or injury leave, or during unpaid leaves of absence.

SECTION 6.04
VACATION LEAVE

A. Scheduling Vacation

Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the employee. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when accrued sick leave is exhausted, inability to travel to work because of inclement weather or for other purposes.

Employees are expected to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to avoid any scheduling problems that may develop. Whenever possible, vacation time will be granted at the convenience of the employee; however, Department Directors must be certain that vacations do not interfere with the normal functions and activities of departmental operations. The Police and Fire Departments may have departmental policies concerning the scheduling of vacation.

Upon notification of intent to retire from the Town of Addison, the retiring employee cannot use more than five (5) consecutive days of vacation before their retirement date.

Vacation leave may be taken in full days or in one-hour increments of time.

Vacation scheduling and use, including any restriction or required use, will be administered consistently with applicable law.

B. Vacation Accrual Rate

All full-time employees accrue vacation leave for each complete payroll period in which at least one hour was actual work time. Vacation hours will not accrue in any pay period during which an employee is absent on sick leave, injury leave or unpaid leave for the entire period.

Accrual rates are based on length of service with the Town and number of hours worked in a regular workweek. Please see the chart below for accrual rates by classification and months of service.

Length of Service	Days per Year	Hours per Month
First 36 months of service		
40 hour employees	10 days	6.67 hours
24 hour Fire Department shift employees	5 shifts	10.00 hours
37 through 60 months of service		
40 hour employees	12 days	8.00 hours
24 hour Fire Department shift employees	6 shifts	12.00 hours
61 through 120 months of service		
40 hour employees	15 days	10.00 hours
24 hour Fire Department shift employees	7.5 shifts	15.00 hours

Over 120 months of service		
40 hour employees	20 days	13.34 hours
24 hour Fire Department shift employees	10 shifts	20.00 hours

September 11 will be recognized as one of the holidays included in the annual holiday leave provided to firefighters.

C. Maximum Vacation Accrual

The maximum accrual of vacation leave is two years' accumulation. The actual number of accrued vacation hours permitted will depend on the number of vacation hours the employee earns per year. It is the employee's responsibility to monitor the employee's vacation accrual to be aware of nearing maximum accrual.

The City Manager may waive the limitation on maximum accrual for a period if the needs of the Town preclude an employee's ability to take vacation.

D. Compensation for Vacation Leave

Vacation is paid at the employee's base rate at the time vacation leave is used and is paid only for hours the employee would ordinarily have worked.

Upon an employee's resignation, termination or retirement, an employee who has successfully completed the employee's initial introductory period of employment shall be paid for accrued unused vacation leave at the rate of pay the employee was receiving at the time of separation. Upon the death of an employee who has successfully completed the employee's introductory period of employment, payment for accrued unused vacation leave shall be made to the employee's designated beneficiary or estate, as applicable. Pay shall be at the employee's last regular rate of pay.

E. Regular Part-Time Employees Eligibility for Vacation Accrual

Regular part-time employees shall accrue vacation leave at a rate proportionate to the number of hours worked in a week as compared to a full-time 40-hour workweek. For example, an employee who is regularly scheduled to work 20 hours per week will accrue vacation at one-half the rate of similarly employed full-time 40 hour per week employees with equal seniority.

F. Temporary/Seasonal Employees

Temporary and seasonal employees are not eligible to accrue vacation leave.

G. Vacation During Trial Period

Vacation leave may be authorized during the initial six-month introductory period as authorized by the Department Director or designee. If the employee leaves employment with the Town for any reason during the introductory period, the employee will not be entitled to payment for vacation leave.

H. Holidays During Vacation

If a holiday falls during an employee's scheduled vacation, the time will be considered holiday leave and not vacation leave.

I. Required Vacation Leave

When it appears that time away from work may be in the best interest of the employee or the Town, the employee's Department Director may, with the approval of the City Manager, require the employee to take at least one week of accrued vacation. Similarly, the City Manager may require a Department Director to take accrued vacation leave.

J. Vacation Buyback

Vacation buyback is a benefit offered to employees which allows exchanging accrued unused vacation leave for payment. The employee is eligible for vacation buyback after three years of service, at which time the employee is accruing over two weeks of vacation in a year. Participation in the vacation buyback program is the employee's option.

Provided the employee has taken at least one full week of vacation leave during the most recent fiscal year (October 1 – September 30), the employee may exchange up to one week of accrued unused vacation leave for pay at the employee's effective hourly rate at the end of the fiscal year for which the buyback is offered. The vacation time sold back to the Town will be removed from the employee's accrual.

One week of vacation will be defined as 40 hours for all 40 hour per week employees, 56 hours for Fire Department 24-hour shift employees and 20 hours for 20 hour per week part-time employees.

K. Special Event Vacation Accrual

Exempt personnel, except for Assistant Directors and above, who are authorized to work at one of the major three Special Events sponsored through the Hotel Fund, may be eligible for Special Event vacation accrual.

This vacation accrual:

- is accrued at straight time,
- not eligible for buyback during the buyback program,
- must be used within the calendar year and will not rollover, and
- cannot be paid out on the employee's final paycheck.

SECTION 6.05
SICK LEAVE

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their department.

A. Accrual Rate and Eligibility

All regular full-time employees accrue 12 days of sick leave each year. The definition of a workday is determined by the number of hours worked for employees working 40 hours per week, a day equals 8 hours; and for fire personnel working 24-hour shifts, a day equals 12 hours.

Regular part-time employees accrue sick leave based on the number of hours in the employee's normal work week. Non-benefited part-time, seasonal, and temporary employees do not accrue sick leave.

The accrual increments for both full-time and part-time employees is distributed equally over the 26 bi-weekly pay periods in the year.

Sick leave shall begin accruing at the time of hire but may be used during the initial introductory period only if approved by the supervisor and Department Director. Sick leave shall not accrue for any bi-weekly pay period during which the employee is away from work for the entire pay period due to illness, injury or any approved leave without pay. An employee who is released for and offered light duty by the Town, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

B. Maximum Accrual

Maximum cumulative sick leave is 120 days for all employees. The hourly maximum allowed for each category of employees is: 960 hours for all 40-hour-per-week employees; and 1440 hours for fire personnel working 24-hour shifts.

C. Authorized Use of Sick Leave

For the Employee

Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents the employee from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for the birth of a child falls under the section below.) Sick leave may also be used by an employee for the employee's own scheduled doctor and dentist appointments.

For the Employee's Immediate Family

Sick leave may also be used for absences when the employee is needed to care for a member of the employee's immediate family who is ill or injured and requires the employee's personal care or presence. For the purpose of authorizing sick leave, immediate family shall be defined as spouse, children/stepchildren residing in the employee's home, or other relatives who reside in the employee's home. An employee can use up to three days (see **Accrual Rate and Eligibility** above for definition of workday) for each such dependent illness or injury.

In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the Department Director (or in the case of Department Directors, the City Manager) may allow the employee to use up to three days of accrued sick leave in a twelve-month period.

The employee must note on the employee's timesheet all hours of sick leave which were taken to care for a family member and include the relationship of the family member.

D. Minimum Increments

Sick leave must be taken in minimum increments of one hour.

E. Failure to Report Absence/Abuse of Sick Leave

Supervisors shall closely monitor the use of sick leave. It is anticipated that employees using paid Town sick time for the employee's own illness/injury or that of a family member will use the employee's sick leave time to recuperate or care for the employee's family member. Trips to the doctor or hospital stays which take the employee away from the home are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for the employee's absence.

F. Other Employment During Sick Leave

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director that generally authorizes the employee to work a second job. Exceptions to this policy may be obtained in writing from the Department Director and the Director of Human Resources. See Outside and Self-Employment Policy.

G. Use of Other Leave

If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed the employee's initial introductory period and who have no accrued sick leave time, may use accrued unused vacation leave, accrued unused holiday leave, other accrued paid leave, or leave of absence without pay. Official holidays observed by the Town while an employee is on

approved paid sick leave will be treated as a paid holiday rather than a day of sick leave if the employee is eligible for the paid holiday.

Under certain circumstances and with the approval of the Department Director, the employee may flex the employee's work schedule, within the pay period, to attend medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the pay period in which this provision was approved.

H. Documentation

Employees requesting paid sick leave must request approval from the employee's supervisor. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever the employee uses sick leave of three or more consecutive workdays, or at any other time if requested by the Town.

An employee may also be required to present satisfactory proof of a family relationship and/or satisfactory proof of a family member's illness or injury if the employee wishes to use accrued sick leave to care for the family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed, and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

I. Family and Medical Leave Act

Any absence that qualifies for both sick leave and leave under the Family and Medical Leave Act (FMLA) will typically run concurrently, as both FMLA leave and sick leave.

J. Sick Leave Buyback

Regular full-time and part-time employees have an annual option to sell back to the Town 25% of the unused sick leave accrued during the fiscal year (October 1 – September 30). To be eligible, employees must be actively employed at the beginning of the fiscal year and remain actively employed through the time payment; the benefit is authorized in November. Sick leave hours sold back to the Town are removed from the employee's accrued sick leave account and paid at the employee's hourly rate as of September 30.

It is recommended that employees maintain at least thirty days' sick leave for unforeseeable emergencies. The Town's short-term disability indemnity plan does not cover loss of work time for the first 30 days of illness.

SECTION 6.06
FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE

The Town provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA).

A. Definitions

More detailed definitions of some of the terms used in this policy are set out in the FMLA and DOL regulations.

- **Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of their job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least 2 visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may also meet the definition of continuing treatment.

- **26 Weeks of Leave to Care for Family/Service Members**. The 12-month period for calculating the 26 weeks of leave to care for a covered family/service member is the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered family/service member begins.

- **Health Care Provider.** A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services.

B. Employee Eligibility

To be eligible for FMLA leave, an employee must have worked for the Town:

- for at least 12 months, and

- for at least 1,250 hours during the previous 12 months preceding the start of the leave, and work within 75 miles of a Town worksite employing at least 50 employees.

C. Basic Leave Entitlement

Eligible employees may take up to 12 weeks of job-protected FMLA leave (in a rolling 12-month period measured backward from the date the employee uses any FMLA) for the

following reasons:

- for the birth or placement of a child for adoption or foster care.
- to care for a spouse, child, or parent with a serious health condition
- incapacity due to pregnancy, prenatal medical care, or childbirth; or
- when the employee is unable to perform the functions of the employee's position because of the employee's own serious health condition.

To determine eligibility for leave, the Town uses a rolling 12-month period measured backward from the date of any FMLA leave. Leave for birth/placement must conclude within 12 months of the birth/placement. If an employee and the employee's spouse are both employed by the Town, both are jointly entitled to a combined total of 12 weeks of leave for birth/placement or to care for the child after birth/placement, or to care for a parent (but not a parent-in-law) with a serious health condition.

D. FMLA Designation

In accordance with Town policy, designation of an absence as FMLA is mandatory if the employee's absence is FMLA-qualifying. This means, for example, employees may not "opt out" of job-protected FMLA if the employee or a family member have a serious health condition or other qualifying absence. Designation of a qualifying absence is at the Town's discretion, not the employee's.

E. Employee's Notice Requirements

In order for the Town to accommodate an employee's workload during the employee's absence, an employee seeking to take FMLA leave must provide both the employee's Department Director and the Director of Human Resources with at least 30 days' advance notice, when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both the employee's Department Director and the Director of Human Resources with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the Town's operations.

All supervisors must immediately notify both their Department Director and the Director of Human Resources if they have reason to believe an employee's absence is due to an FMLA-covered reason. (**Note:** Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)

F. Medical Certification and Other Required Documentation

An employee must provide the Town with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. The certification must set forth the beginning and expected ending

dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Forms are available from the Human Resources Department.

An employee must also provide periodic reports during FMLA leave as to the employee's status and intent to return to work and may be required to submit a "fitness-for-duty" certification before the employee can return to work. In some cases, the Town may require a second or third medical opinion (at the Town's expense) and periodic recertification of the serious health condition, and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. If an employee fails to provide any required certification within 15 days, the Town may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

G. Intermittent Leave

Employees do not need to use their leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary, because of a qualifying exigency, or as otherwise approved by the employee's Director and Human Resources. Employees must give notice at the time of intermittent leave in accordance to their department's absence procedure. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Town operations. Use of intermittent leave is permitted in increments of no greater than 1 hour or less. The Town may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) to better accommodate an employee's intermittent or reduced leave schedule.

H. Substitution of Paid Leave for Unpaid Leave

Employees must use available paid leave until it is exhausted when taking FMLA leave. Sick, vacation leave, and other paid time off cannot be used instead of FMLA since paid leave normally runs concurrently with unpaid FMLA leave. While on an FMLA-qualifying absence, employees must comply with their department's call-in procedures.

I. FMLA Leave Runs Concurrently With Other Types of Leave

FMLA leave is unpaid leave (although employees may be eligible for disability payments and/or workers' compensation benefits under those insurance plans). The mandatory substitution of paid leave time runs concurrently with the unpaid FMLA leave. If an employee has accumulated sick, vacation, or other paid leave, they must take paid leave first until paid leave is exhausted. Following the exhaustion of all accrued leave, the employee will be on unpaid FMLA leave.

Further, in no case can the substitution of paid leave time for unpaid leave time result in an employee's receipt of more than 100 percent of the employee's salary. FMLA leave runs concurrently with any time off work covered by workers' compensation and with other types of leave, i.e., vacation leave.

J. Benefits During FMLA Leave

During any period of FMLA leave, the Town will continue to pay its portion, if any, of group health insurance premiums for the employee on the same terms as if the employee had continued to work. The employee must timely pay or repay the employee's share of health insurance premiums while on FMLA leave. Upon return from FMLA leave, most employees will be restored to the employee's original or to an equivalent position with equivalent pay, benefits, and other employment terms. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of leave. However, benefit accruals such as vacation and sick leave, will be suspended during any unpaid leave.

K. Exhaustion of FMLA

Employees who are unable to return to work at the end of their FMLA leave may be eligible for other benefits and should work with the Human Resources Department.

L. Employee Responsibilities

- **Timely Notice.** Employees must provide 30 days' advance notice of the employee's need to take FMLA leave when need is foreseeable. If 30 days' notice is not possible, employees must provide this notice as soon as practicable and must also comply with normal Town and departmental notification procedures. Employees must provide the required notice to both the employee's supervisor **and** to Human Resources. Employee's must notify Human Resources (by email if possible) if an absence or illness results in more than 3 days of missed work time. Contact Human Resources for The Town's Family and Medical Leave Request forms.

- **Certifications.** Employees must provide a certification and periodic recertification(s) supporting the need for leave within 15 days after it is requested. If the certification is not timely turned into Human Resources, absence(s) will normally not be FMLA-qualifying and will thus be unexcused and paid sick time and other paid time off benefits may not be approved. Certification forms are available from Human Resources and are also on the Town's share drive under "Forms."

- **Health Care Provider's Return to Work Certification.** Employees must submit a completed Return to Work Release form to Human Resources **before** returning to work if FMLA leave was taken because of the employee's own serious health condition. If an employee's work schedule is such that Human Resources will likely be unavailable at the time the employee is scheduled to return to work, *e.g*., during evening and/or weekend shifts, then the employee must communicate with Human Resources prior to that time to coordinate required paperwork and the employee's return to duty.

- **Periodic Check-In.** Employees on an approved, extended FMLA leave must check in at least weekly with the employee's supervisor and/or Human Resources (preferably by email) about the employee's status and intent to return to work unless this requirement has been expressly waived.

M. TMRS

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the Town while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the Town's Director of Human Resources and completing the necessary paperwork.

N. Town's Responsibilities

- **Human Resources.** Human Resources will inform employees (and their supervisors) if the employee and/or the employee's absence are FMLA eligible. This designation can be made even if the employee does not expressly request, or desire to use, FMLA leave. If the employee is eligible for FMLA, the Town's notice will specify any additional information required as well as the employee's rights and responsibilities. If ineligible, the employee will be told why. Human Resources will notify employees if the employee's absence will be designated as FMLA-protected and the amount of leave to be counted against their FMLA entitlement. If the absence is not FMLA-protected, Human Resources will notify the employee. Human Resources will determine the completeness and authenticity of certification forms and fitness-for-duty/return to work certifications, and for review and coordination of all other FMLA documentation required by this policy. Human Resources will keep the employee's supervisor apprised of the employee's FMLA status.

- **Supervisors.** Supervisors must immediately notify Human Resources if an employee's absence may be FMLA-qualifying, including any time an employee misses more than 3 days/shifts because of the employee's own illness or injury or that of a spouse, child or parent. Supervisors must make this report even if the employee is using paid time off to cover the absence, *e.g.*, sick leave, comp time, vacation, holiday, workers' comp, short- or long-term disability, or a trade with another employee.

O. Fraud & Abuse

If the Town doubts the validity of a medical certification provided by an employee's health care provider, the employee may be required to obtain a second or third medical opinion from a health care provider chosen by the Town at the Town's expense.

Employees who fraudulently obtain or use FMLA leave are not protected by the FMLA's job restoration or maintenance of health benefits provisions. Further, employees who commit fraud or who abuse this policy will be subject to disciplinary action, up to and including termination of employment.

P. Job Restoration After FMLA Leave

Upon timely return from FMLA leave, an employee will be restored to the employee's original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

Q. Leave Due to Birth/Adoption

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the Town, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care.

R. FLSA Considerations

Salaried executive, administrative, professional, and other employees of the Town who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose the employee's FLSA-exempt status by using any unpaid FMLA leave.

S. Other Employment

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment, as defined in the Outside and Self-Employment Policy, unless expressly authorized in writing in advance by the Department Director and City Manager.

T. Military Family Leave

The Town provides leave to eligible employees in accordance with FMLA regulations as related to employees who have family members in military service. Please see the Military Family Leave policy.

U. Job Protection

The Town of Addison will not interfere with an individual's FMLA rights or retaliate against an employee exercising FMLA rights.

V. Other Provisions

The FMLA does not affect any federal or state law prohibiting discrimination. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Director of Human Resources. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to the employee's rights and responsibilities under the FMLA.

SECTION 6.07
MILITARY LEAVE AND DIFFERENTIAL MILITARY PAY

The Town of Addison shall comply with all regulations and requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), as well as any other state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training and full-time National Guard duty. The Town shall notify employees of their rights under USERRA by displaying the notice entitled "Your Rights Under USERRA."

Non-benefited and temporary employees are generally ineligible for paid military leave in excess of 20 days or any other military leave benefits under this policy, except as regulated by USERRA or other applicable law. Nothing in this paragraph limits any reemployment rights required by applicable law.

A. Paid Leave for Short-Term Training and Duty

Notice to Town of Need for Military Leave

Employees must provide as much advance written or verbal notice to the Town as soon as possible for all military duty, unless giving notice is impossible, unreasonable, or precluded by military necessity. Absent unusual circumstances, such notice must be given to the Town no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must submit a letter of request along with the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be submitted to the Department Director and the Director of Human Resources as far in advance of the leave as possible.

Short-Term Military Leave Pay for up to 20 Days

Employees will be paid for military absences of up to a maximum of 20 workdays per fiscal year. For purposes of this policy, a firefighter's workday shall be defined as a 24-hour shift or 48-hour work shift. All other shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee, who is a member of the Texas military forces, a reserve component of the U.S. Armed Forces, or a state or federally authorized search and rescue team, is engaged in authorized training or duty ordered or authorized by proper authority. In addition to the leave provided above, an eligible employee called to state active duty by the Governor or another appropriate authority in response to a disaster is entitled to paid leave for each day the employee is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. The paid leave days may be consecutive or spread throughout the year. Employees may rollover any unused portion of military paid, total accrued balance may not exceed 45 workdays.

Other Paid Leave
Employees who have exhausted all available paid military leave may, at the employee's option, use any other available vacation or accrued holiday leave, to cover the employee's absence from work. Under these circumstances, the normal deduction for TMRS will be made and the Town will contribute at its regular rate.

Benefits
The Town of Addison will continue to provide employees on paid military leave or other paid leave with Town benefits as provided to any other employee on paid leave. While on paid military leave, vacation or accrued holiday leave, employees continue to accrue vacation and sick leave. Please contact Human Resources for more information.

Medical and Dental
While an employee is on paid military leave, or any military leave of less than 31 days, the Town will continue to pay its portion of the monthly premium for group health benefits and deduct the employee's portion of the premium from payroll. When military leave lasts 31 days or more and is unpaid, the employee may elect to continue group health coverage for the period required by USERRA by paying 100% of the premium.

B. Absence for Military Duty Beyond Any Available Paid Leave

After an employee has exhausted all available paid military leave, including any other authorized paid leave time that the employee chooses to use to cover a military absence, the employee may be placed on inactive status and the Town will follow all the regulations provided by USERRA regarding employment status and benefits.

C. Differential Military Pay for Extended Tours of Duty

In addition to all the provisions of USERRA, the Town has also adopted a policy of Differential Military Pay for employees on extended military duty who meet the following criteria:

- A full-time employee who has successfully completed the introductory employment period at the time of activation,
- is a member of the United States uniformed services, and
- involuntarily leaves employment with the Town as a result of being activated for military service, and
- provides the Town with written documentation of the service activation as soon as possible after the employee receives notice, and
- has had 5 years or less of cumulative military service while an Addison employee.

The eligible employee will, for a period up to one year (12 consecutive months), receive Differential Military Leave Pay in the amount of any difference between the employee's base military pay and the employee's Town's base salary at the time of the military activation. Verification of military pay will be determined from monthly pay receipts provided by the employee and will be necessary to initiate and continue receiving pay from the Town. Extended Military Leave Pay will begin after any paid military leave is exhausted. The employee is required to notify Human Resources of any changes in the military pay. Human Resources may request pay receipts at any time and may make adjustments in the Differential Military Pay as needed.

The Town reserves the right to withdraw the provision of Differential Military Leave Pay at any time.

Extended Military Pay Without Pay

If the employee's active duty extends beyond 12 consecutive months, or the employee does not meet the requirements for Differential Military Leave Pay as defined above, the employee's pay status will be classified as inactive, and the Town will follow all the regulations provided by USERRA regarding employment status and benefits.

Other Benefits

Please contact the Human Resources Department for information concerning eligibility for other benefits while on Extended Military Leave.

D. Returning from Military Leave

The Town of Addison will comply with all regulations and requirements of USERRA regarding the employee's return to work.

Reemployment Rights

The Town provides the employee the right to return to the reemployment position required by USERRA, with the same pay, benefits, seniority and status the employee would have attained had employment not been interrupted by military service, provided the individual meets the criteria outlined in USERRA for timely returning to employment.

The deadlines may be extended for two years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

An employee who returns to work after having served in active military duty will be treated as having been continually employed for purposes of seniority and rate of accrual for vacation and sick leave benefits. The employee will also be eligible for any pay increase the employee might have received had the employee been

performing their regular job duties.

Health Insurance
Upon an employee's return to employment following military service, the Town will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

TMRS
Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. The reinstated employee will be responsible for completing the USERRA Military Service Credit Application and providing a copy of the employee's DD214 or other official military documentation acceptable to TMRS.

Service time is credited when an employee returns to work. To qualify for service credit, an employee must

- Return to work for the Town within 90 days after discharge.
- Receive an honorable discharge; and
- Timely complete the necessary application.

The reinstated employee has the option to repay the employee contributions that would have been paid had the employee been actively employed. If the employee chooses to repay contributions, the Town will also fund the contribution it would have paid for the same time period.

In order to receive monetary credit, an employee has the lesser of five years or three times the length of the military service to make up any TMRS contributions that were missed while on military leave.

Fitness for Duty
The employee returning from military leave must meet the minimum requirements for the position. The Town will make reasonable efforts to help the employee become qualified, as required by USERRA. If the employee cannot qualify after those efforts, the Town will place the employee in the position required by USERRA.

Required Documentation
If an employee's period of uniformed service exceeds 30 days, the Town may request documentation establishing that the employee's application for reemployment was timely, the applicable service-duration limit was not exceeded, and the employee's separation from service was not disqualifying. The Town will not delay or deny reemployment because the documentation does not exist or is

not readily available.

If the employee is reemployed after an absence from employment exceeding 90 days, the Town may require documentation establishing the employee's entitlement to reemployment before treating the employee as having no break in service for pension purposes. If documentation received after reemployment establishes that the employee was not entitled to reemployment, the Town may terminate the employee's employment and any rights or benefits granted based on the reemployment, as permitted by USERRA.

E. Military Family Leave

The Town provides leave to eligible employees in accordance with FMLA regulations as related to employees who have family members in military service. Please reference the policy on Military Family Leave.

SECTION 6.08
MILITARY FAMILY LEAVE

The Town provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA) as it relates to employees who have family members in military service.

Employee Eligibility

To be eligible for Military Family Leave, an employee must fall into one of the protected categories, as identified below:

- **Qualifying Exigency Leave**
  Eligible employees who have a spouse, parent, child or next of kin that is on or has been called to active duty or who has been notified of an impending call to active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

- **Military Caregiver Leave**
  FMLA also includes a special leave entitlement that permits eligible employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness on active duty in the Armed Forces may take up to 26 weeks of leave to care for the injured service member in one 12-month period, in combination with regular FMLA leave. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render them medically unfit to perform their duties for which they are undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Note: The definition of "serious injury or illness" for current service members and veterans differs from the FMLA's definition of "serious health condition."

For more information about Military Family Leave, please contact the Human Resources Department.

SECTION 6.09
JURY DUTY

The Town of Addison provides paid leave to regular full-time and regular part-time employees who are required to serve on jury duty or are requested by the Town to testify as a witness in a Town-related civil, criminal, legislative or administrative proceeding. Jury duty leave is paid at the employee's base rate at the time of the leave and does not include overtime or any other forms of compensation.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the employee's leave request. Such requests must be submitted to the supervisor with as much notice as possible so arrangements can be made to accommodate the absence.

Employees on jury duty should keep up with their job responsibilities, if possible. An employee who is on jury duty typically must report for their regular Town duties for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Court appearances for testimony, investigation, and court preparation as a result of official duties as a Town employee are compensated as actual hours worked and are not classified as paid leave.

In all other cases, involving court appearances for testimony, investigations, court preparation and any other non-employment related reason, employees are required to use accrued vacation or holiday leave. If a non-exempt employee has no accrued vacation or holiday leave, the employee's time off for these non-employment related reasons will be considered as leave without pay and exempt employees may be required to make up the work time lost. If an exempt employee performs any work during a workweek in which jury service occurs, the employee will receive their full weekly salary.

SECTION 6.10
BEREAVEMENT LEAVE

The Town provides introductory and regular full-time and part-time employees paid time off, for a period not to exceed three workdays in the event of a death(s) in the family, for the purpose of attending the funeral. Please see the policy on Attendance and Work Hours for further definition of a workday.

For the purpose of authorizing bereavement leave "family" is defined as current spouse; child or stepchild; parent, step-parent or spouse's parent; brother or step-brother; sister or step-sister; grandparent or spouse's grandparent; or any other relative living in the employee's household.

To qualify for bereavement leave, an employee must immediately notify the employee's supervisor of the name and relationship of the deceased. This information must also be included on the employee's timesheet for the appropriate work period. An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is counted as hours worked for purposes of determining overtime.

Employees may take additional time off as vacation or accrued holiday leave. If no accrued vacation or holiday leave is available, additional time off may be taken as authorized leave without pay upon approval of the Department Director.

Employees who wish to attend funerals for other than the immediate family members identified above must use vacation or accrued holiday leave.

SECTION 6.11
ADMINISTRATIVE LEAVE

The Town may grant Administrative Leave with pay to an employee, as a matter of discretion by the City Manager (or designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. This discretion includes granting Administrative Leave with pay when a disciplinary decision is pending. The City Manager may also authorize Administrative Leave without pay.

The authorization of Administrative Leave to an employee will be put in writing and forwarded to the Director of Human Resources for proper payroll processing and placement in the employee's personnel file.

SECTION 6.12
UNPAID LEAVE OF ABSENCE

A. Requests for Unpaid Leave of Absence

In extraordinary circumstances, the Town may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted in writing and must fully explain the reasons for the request. Whenever possible, an employee must request leaves of absence at least thirty days in advance of the beginning date of LOA.

A LOA of up to 30 days may be authorized by the Department Director. Any LOA beyond 30 days must be authorized by the City Manager. LOA is authorized in 30-day increments and may be extended at the request of the employee and with approval by the Department Director and the City Manager for a period not to exceed 180 total days away from work.

This policy will be administered consistently with the Town's obligations under the Americans with Disabilities Act (ADA). A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the Town at the end of the approved leave period and the LOA will not create an undue hardship on the Town.

B. Use of All Other Available leave

All of the employee's accrued vacation and holiday leave and/or leave authorized under FMLA must be used prior to authorizing a LOA. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

C. Criteria

Factors considered by the Town in granting a LOA include the reason for the leave, departmental work requirements, the employee's length of service with the Town, work performance and disciplinary history.

D. Reasons for LOA

A LOA may be considered in the following circumstances:

- Recovery from extended illness, injury, or temporary disability
- Extended care for immediate family members
- Educational purposes when successful completion will contribute to the best interests of the Town
- Public service assignment
- Personnel exchange programs which emphasize intergovernmental relations

E. Documentation

The need for a medical LOA must be supported by documentation acceptable to the Town, including but not limited to a doctor's explanation of why the employee cannot perform the employee's duties, when the employee is expected to return to work and periodic updates regarding the employee's ability or inability to return to work.

The employee on leave will contact a designated supervisor at least weekly to report on the employee's condition or status. Before returning to work from a medical LOA, the employee will be required to submit documentation from the employee's doctor stating that the employee is able to resume the employee's normal job duties. Police and Fire Department personnel may have additional return to work requirements, as set out in their departmental policies.

F. Other Employment During Leave

Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the Director of Human Resources.

G. Reinstatement

Employees returning from an authorized LOA will be reinstated to their same position or one of similar pay and status, provided the Town's circumstances have not changed to the extent that it would be unreasonable to provide reinstatement or causes an undue hardship. If the same job or one of similar pay and status is not available, reinstatement may, at the Town's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned from the employee's employment with the Town.

H. Benefits/Premium Payments

All LOA's are unpaid. Vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Director of Human Resources and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the Town will not be paid by the Town beginning the first day of the month following the starting date of a LOA. Employees who have group health or any other kind of insurance through the Town continue to be responsible for paying the employee's portion of the premiums while on a LOA. An employee's failure to pay the employee's or the Town's portion of insurance premiums during a LOA may result in termination of coverage.

I. Revocation

The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements or to contact the Town per the regular schedule will likely result in revocation of the LOA and/or disciplinary action up to and including termination.

SECTION 6.13
INCLEMENT WEATHER/EMERGENCY CLOSING

Except for extraordinary circumstances, Town offices will remain open during regular operating hours**.** All Town employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the employee's immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather may be flexed, charged to vacation. or charged to accrued holiday leave, if applicable. Any flexing under this section must occur within the employee's applicable workweek or work cycle and be accurately reflected on the employee's time record. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no accrued vacation or holiday leave available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that Town services are staffed while Town offices are open for business during inclement weather or emergency conditions. Any Town service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain Town offices/departments officially closed, all affected personnel**,** i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave with pay" for the time the office/department is closed. If the administrative offices are closed, but an employee is able to work from home and does so, the employee will not be granted administrative leave.

Essential personnel must report to work even when other Town departments are officially closed due to weather or other type of extraordinary circumstances and, except for Assistant Directors and above, will accrue the number of hours that Town offices are closed. The hours accrued under this paragraph are administrative leave provided in addition to, and not in lieu of, any overtime compensation. Hours accrued will be available for use, with supervisor approval, through the end of the fiscal year in which they were accrued. However, those hours will not be available for use in the next fiscal year and not be paid out at termination. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work without authorization or a reason protected by applicable law or Town policy may be subject to disciplinary action up to and including termination of employment.

SECTION 6.14
LEAVE DONATION

The leave donation policy is intended to facilitate employees in supporting their coworkers during times of unusual need. The program may be used when an employee is unable to be at work for an extended period due to unplanned and involuntary circumstances. In such instances, employees may choose to donate a portion of their paid leave to an employer-managed leave bank.

A. Donation Communication

If an employee in need of leave doesn't initiate the request and a supervisor observes that leave donation may be a suitable request for the circumstance, the supervisor must ask the permission of the employee in need to initiate a department-wide leave donation request. A leave donation log can be kept by the supervisor and communicated to the Human Resources department and payroll for tracking and processing purposes.

B. Donation Expectations

Donation of leave is strictly voluntary. Employees must understand that the donation is their sole discretion and cannot be reversed or brought up later as any sort of complaint of having insufficient time to cover their own absence(s). Employees may donate their vacation and holiday banks only (no sick leave may be donated), and no more than 20 hours per employee may be donated at once. Donation of leave may only be made in whole-hour increments. Details regarding who has donated leave and how much will not be made public. Yet, supervisors are encouraged to keep a running log of leave donation for record keeping purposes.

C. Donation Usage

Employees using donated leave are subject to the Town's standard policies for leave usage. Donated leave may only be used for the duration of the employee's unusual need, as approved by the Department Director and Director of Human Resources. Unused time will not be returned to those who donated.

Employees using donated leave must adhere to the following conditions:

- Employees cannot use donated leave during buyback program
- Employees must use donated leave within a specific amount of time, coordinating with Payroll
- Payroll cannot roll these donated hours to next fiscal year, and donated leave cannot be paid out to employees when they end employment with the town
- Once the employee in need receives enough time to cover their FMLA/absence period, the town will cease adding any more donated hours, otherwise capped at the time needed

SECTION 6.15
VOLUNTEERISM

The Town of Addison encourages employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

The following guidelines are for Town of Addison's employees who either currently serve or wish to serve as volunteers in 501(c)(3) non-profit, educational, civic or community programs that are either of personal interest or are organization-sponsored initiatives when requesting Volunteer Time Off (VTO) under this policy. Because employees will be using Town leave under the scope of this policy, the proposed organization or program must be reviewed and pre-approved by Human Resources before VTO may be used. Approval of VTO does not authorize an employee to act or speak on behalf of the Town.

If there is a cause or organization that is meaningful to an employee and might provide a service opportunity for other Town of Addison employees, please feel free to talk to the Human Resources Department.

A. Volunteer Time

Employees can take up to eight (8) hours of paid VTO each fiscal year to participate in their specific volunteer program. These hours will be accrued on October 1, do not roll over into the following fiscal year and will not be paid out when employees exit the organization. VTO is paid leave and is not included in hours worked for purposes of calculating overtime under the FLSA. Participation in a volunteer activity under this policy must be voluntary. An activity that the Town requires or directs as part of an employee's job duties, or that otherwise constitutes compensable work for the Town, is not eligible for VTO and must be recorded as time worked. VTO must be used in 1-hour increments, up to a total of 8 hours.

Volunteer time must be requested in advance and when possible, should be scheduled to help with the coordination of other work-related responsibilities.

Volunteer time should not conflict with the peak work schedule and other work-related responsibilities, create the need for overtime in any capacity, or cause conflicts with other employees' schedules.

B. Eligibility

All full-time employees, who must be meeting or exceeding performance standards, are eligible and will be required to fill out a form for the approval process.

Once the form is filled out, interested employees should meet with their managers to discuss their schedule to receive pre-approval. Requests for time off under this policy should be submitted to your manager with as much advance notice as possible and are subject to approval from their Department Director and Human Resources. The Town reserves the right to evaluate the proposed organization or cause to ensure that the

proposed volunteer service is lawful, consistent with the purpose of this policy, does not create a conflict of interest, and does not otherwise violate Town policy. Approval decisions will be made using objective, viewpoint-neutral, and nondiscriminatory criteria.

Chapter VII: Standards of Conduct

Section 7.01 Employee Conduct and Work Rules/Disciplinary Action

Section 7.02 Grievance/Appeal

Section 7.03 Prohibited Harassment & Complaint Procedure

Section 7.04 Weapons Ban and Violence Prevention Policy

Section 7.05 Searches

Section 7.06 Drug and Alcohol Use Policy

Section 7.07 Drug and Alcohol Testing

Section 7.08 Drug and Alcohol Testing for Employees Subject to Department of Transportation (DOT) Regulations

SECTION 7.01
EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

Every employee is expected to satisfactorily perform the job duties assigned to their position, to maintain a high level of personal conduct on the job, to render courteous and efficient service to the public and to other employees, to be mindful of safety practices, and to exercise care in the use of Town property.

To ensure orderly and productive operations and provide the best possible work environment, the Town requires employees to follow rules of conduct that will protect the interests and safety of the Town, its citizens and employees.

Disciplinary action will be imposed for violation of Town or departmental policies and procedures, codes of conduct, and rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, or rules and regulations, yet may adversely affect the Town or put the health and/or safety of fellow employees, citizens or other third parties at risk, may also result in disciplinary action.

Fire and Police employees should consult their Standard Operating Procedures for information on the Disciplinary Process for their respective departments.

Nothing in this policy is intended to limit your rights under the National Labor Relations Act, or to modify the at-will employment status where at-will is not prohibited by state law.

A. Supervisory Responsibility

All employees with the responsibility and authority to supervise and direct employees under their control shall attempt to resolve issues at the lowest possible supervisory level by administering policies and procedures within their scope of authority; documenting their subordinates' job performance, conduct and behavior as appropriate; properly conducting evaluations of subordinates in a timely manner; disciplining their subordinates as required under their departmental and/or Town policies and procedures; and addressing appeals submitted to them, as provided by policy.

B. Prohibited Activities

It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Violation of local, state or federal law
- Participation in a crime that violates the laws of the State of Texas or the United States of America, either felony or misdemeanor (Class A or B) that results in a conviction of the crime, a plea of nolo contendere or deferred adjudication.

- Violation of Town or departmental policies, codes of conduct, rules and procedures
- Failure or refusal to follow lawful orders
- Violation of any provision of the Town Charter
- Unsatisfactory performance or conduct
- Inefficiency, incompetence or neglect of duty
- Insubordination or other disrespectful or unprofessional conduct
- Dishonesty, including misrepresentation during the hiring process
- Theft or inappropriate removal or use of Town property or other property not belonging to the employee
- Possession of weapons during Town work time, on Town premises, or while on Town business (except for licensed peace officers required to carry a weapon as part of their job duties).
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace while on duty or while operating Town owned equipment
- Misuse of Town telephones, computers, mail systems or other communication systems
- Disruptive activity in the workplace
- Fighting, provoking or instigating a fight, or threatening violence
- Interfering with work schedules or another employee's ability to work
- Engaging in a work stoppage
- Falsification of timekeeping or other records, including the employment application
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, or absence without notice and/or approval
- Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department rules and regulations)

- Breaks in excess of the allotted time allowed
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Violation of the Town's policy regarding sexual or other unlawful harassment
- Profanity, abusive language or racial slurs
- Unauthorized disclosure of confidential information
- Making or publishing false, vicious or malicious statements about the Town, a Town employee, citizens, or others
- Discourteous treatment of the public
- Coercion, intimidation or threats against citizens, supervisors, co-workers, Town officials or others
- Outside employment that conflicts with, or potentially conflicts with, Town interests
- Acceptance of payment of any kind for activities related to Town employment
- Conduct which results in waste or damage of a co-worker's, Town, or citizen owned property
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Violation of smoking policy
- Unauthorized installation or use of non-approved AI applications
- An accumulation of minor infractions

C. Recordings

It is the intent of the Town of Addison to foster a workplace that protects individual privacy and confidential information to the extent allowed by law and encourages open communication.

Recordings – any form of audio, video, or photographic capturing of individuals, activities, meetings, or conversations in the workplace using devices such as smartphones, cameras, or other recording devices.

Workplace – any location where Town of Addison employees conduct their work including, but not limited to, office spaces, meeting rooms, common areas, vehicles, job sites, and remote work locations.

Any recording of conversations or images in the workplace by employees of other employees or contractors occurring in person, by phone or any communications platform, such as Zoom or Teams, is strictly prohibited, unless such recording is within the normal course and scope of the employee's job, or knowledge and consent are provided by persons present in such meeting. A violation of this policy may result in disciplinary action, up to and including termination of employment.

The employee wishing to make the recording must first notify the other person(s) of their intent and must obtain the other person(s)' verbal authorization to make the recording. Any individual who has initially given consent to be recorded has the right to revoke their consent at any time during the recording process. In such cases, the recording must be stopped immediately.

When doing an audio recording, a statement of all persons present must be made at the beginning of the recording and the recording device must be openly displayed during the recording.

Recordings where the person recording is not present and the other parties being recorded are unaware they are being recorded or haven't given consent is strictly prohibited and may include disciplinary action up to and including termination. Texas is a one-party consent state, meaning it is a criminal offense to use any device to record or share communications without the consent of at least one person taking part in the communication.

This policy does not apply to the following:

- Recordings required to be made in the course and scope of an employee's duties or as required by statute or the Town of Addison Code of Ordinances.
- Recordings during an investigation lead by the Human Resources department and/or outside counsel.
- The use of recording devices at public meetings in accordance with Texas Government Code Section 551.023.
- Recording equipment installed and used in conjunction with Town facilities/buildings and premises security operations.
- Public safety personnel while in the course of their normal duties.

D. Outside Employment

Employees must immediately notify Human Resources if they have or gain outside employment. Employees must schedule their secondary employment around the operational needs of their primary Addison employment.

E. Felonies and Misdemeanors

Employees must immediately notify their supervisor and Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the Town are not required to report minor traffic violations.

In most cases, the Town will conduct its own investigation and take appropriate action. An employee arrested, charged or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources.

An employee on administrative leave may, in the Town's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

F. Progressive Discipline

In certain instances, the Town will use a progressive disciplinary system. The Town is not obligated to use all of the progressive disciplinary steps available and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's prior work performance and disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- written warning
- delay of merit increase
- written reprimand
- introductory period
- suspension without pay
- demotion
- discharge

As part of the Town's progressive discipline process, the Town may delay or withhold eligibility for merit-based or STEP pay increases for employees who are subject to formal disciplinary action. Any such delay or withholding shall be subject to the same documentation and appeal rights set forth in this Chapter and in Section 7.02 of this Handbook.

The imposition of any STEP or merit pay delay shall be considered a corrective, non-punitive wage progression adjustment when based on sustained misconduct, documented performance deficiencies, or a failure to achieve a "meets expectations" evaluation rating.

G. Introductory Period in Conjunction with Disciplinary Action

In conjunction with an employee receiving serious disciplinary action, the Department Director and the Director of Human Resources may impose an introductory period, not to exceed six months. The reasons for the introductory period, as well as the length and desired outcomes, will be included in the written disciplinary action.

H. Administrative Leave

During an investigation into alleged offenses or violations of Town policies, the Town may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay.

I. Documentation

All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event the employee is to be discharged, the Department Director shall consult with the Director of Human Resources in preparation of the dismissal.

J. Review by Director of Human Resources

Any proposed disciplinary action in excess of a written warning must be reviewed by the Director of Human Resources prior to being given to the employee. This applies to both introductory and non-introductory employees.

K. Appeal Rights

Where a disciplinary action involves a suspension of one day (or one shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. Please see Grievance/Appeal Policy.

Positions classified as Department Director and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination. Introductory employees likewise have no right of appeal for disciplinary action taken against them.

SECTION 7.02
GRIEVANCE/APPEAL

A. Definition of Grievance

Job-related complaints involving matters such as wages, promotions, transfers, unequal and/or unlawful treatment, interpretation and/or application of Town or departmental policies, procedures, or practices. For purposes of this section, disciplinary action includes any imposed delay or withholding of a merit-based or STEP pay increase. A grievance does not include complaints alleging unlawful discrimination, harassment, or retaliation, which are governed by Section 7.03 (Prohibited Harassment & Complaint Procedure), nor does it include matters excluded by law or Town policy. Employees are strongly encouraged to report grievances in a timely manner.

B. Level One – Supervisor Review

An employee grievance must be submitted in writing, clearly stating the nature of the complaint, within five working days of the action taken. The grievance shall first be presented to the employee's immediate supervisor or the supervisor responsible for the action that generated the grievance. The supervisor shall review the facts in a fair and objective manner and render a written decision within five working days. The written grievance shall include a concise statement of the issue, the specific policy, practice, or action being challenged, and the remedy sought. If the matter is not resolved to the employee's satisfaction, or the grievance involves the supervisor, the employee may submit the grievance to the employee's Department Director.

C. Level Two – Department Director Review

Police and Fire personnel must present their grievance through the chain of command, as directed in each respective department's policies. Each level of management up to and including the Department Director shall review the facts in a fair and objective manner and render a written decision within five working days.

If the grievance concerns the Department Director, the employee shall submit the Level Two grievance directly to the Director of Human Resources, who will route the grievance to the City Manager or the City Manager's designee for review. The employee shall not be required to submit the grievance to the Department Director.

The Department Director's response shall summarize the issue, the review conducted, and the basis for the decision. If the Level Two review is conducted by the City Manager or designee, the written response shall include the same information.

The response from the Department Director shall include a statement that, if the employee is still dissatisfied with the decision, they may, within five working days, continue the grievance process by submitting a written appeal to the Director of Human Resources.

D . Level Three – Human Resources Review

Within five working days, the Director of Human Resources will review the facts and notify the employee in writing of a decision. The Director of Human Resources may, in

their discretion, meet with the employee, the supervisor, or Department Director, or the City Manager's designee, as applicable; request additional information; or attempt informal resolution prior to issuing a written decision. Such decisions will be reviewed by the City Manager and will be considered final.

E. Disciplinary Appeal Involving Suspension, Demotion, or Termination

If an employee who has completed their trial period is suspended without pay, demoted or terminated, they may within five working days of the decision, submit a written request to the Director of Human Resources for a hearing before the City Manager, or their designee. The City Manager, or their designee, shall hear the appeal within five working days of receipt of the employee's request unless the date is extended by mutual agreement.

Those attending the hearing, in addition to the employee and the City Manager or their designated hearing officer, shall include the employee's Department Director, the Director of Human Resources, the City Attorney and any witnesses requested by either party. Representation by the employee's attorney shall be permitted.

Scheduling and Notice

The hearing shall be scheduled within five working days of receipt of the employee's written request unless extended by mutual agreement. Reasonable efforts will be made to schedule the hearing at a mutually agreeable time.

Written notice of the hearing shall be provided to the employee and shall include the date, time, location and general procedures outlined in Section 7.02.

Failure of the employee or the employee's representative to appear at the scheduled hearing may result in the hearing proceeding in the employee's absence and a decision being rendered based on the information available.

Role of Hearing Officer

The City Manager may designate a hearing officer to conduct the hearing. The hearing officer may be the City Manager, an Assistant or Deputy City Manager, or another executive level employee designated by the City Manager.

The hearing officer acts in an administrative capacity and is not acting as legal counsel, an advocate for either party, or a judicial officer. The role of the hearing officer is to:

- Conduct the hearing in a fair, orderly, and respectful manner;
- Ensure the employee is provided a reasonable opportunity to be heard;
- Review and consider relevant information presented during the hearing; and
- Render a decision based on the merits of the matter and applicable Town policies.

The hearing is administrative in nature and is not intended to be adversarial or evidentiary. The hearing officer is not required to apply technical rules of

evidence, rule on legal objections, or conduct formal cross-examination.

The hearing officer may consult with the Director of Human Resources and the City Attorney before or after the hearing regarding policy, procedure, or legal considerations; however, the decision remains within the hearing officer's sole discretion.

Standard Hearing Process

To promote consistency across hearings, the hearing officer shall generally follow the process outlined below. The hearing officer may adjust the process as reasonably necessary based on the circumstances of a particular matter, provided the hearing remains administrative in nature.

Opening Statement by the Hearing Officer

The hearing officer shall identify the matter under review, confirm the participants present, explain the purpose and administrative nature of the hearing, and outline the hearing format.

City Management Presentation

The Town's position shall be presented by the Director of Human Resources or the Director's designee. The presentation shall summarize the basis for the action under review, the applicable policies, and the process followed.

Employee Presentation

The employee shall be provided a reasonable opportunity to present information in support of the appeal.

Witnesses

The hearing officer may permit witnesses to participate in the hearing at the hearing officer's discretion. Witness participation is intended to assist the hearing officer in understanding relevant facts or context and is not intended to create an adversarial or evidentiary proceeding. The employee's direct supervisor, Department Director, or other management personnel involved in the matter under review shall be considered witnesses for purposes of this section.

In their role as witnesses, supervisors and other management personnel may provide factual information, explain operational context, or respond to questions from the hearing officer or the Town's management representative, but shall not act as advocates, present the Town's position, or engage in adversarial questioning.

The hearing officer may:

- Limit the number of witnesses;
- Determine the order in which witnesses are heard;
- Limit the scope of witness statements to matters relevant to the appeal; and

- Exclude witness testimony that is repetitive, irrelevant, or outside the scope of the hearing officer's authority.

The hearing officer may ask questions of witnesses as necessary to clarify information. The hearing officer may require witnesses to attend only for the portion of the hearing during which their information is needed and may excuse witnesses following their participation.

Clarification and Questions
The hearing officer may ask questions of any participant at any time to clarify issues, obtain relevant information, or better understand the matter under review.

Scope and Conduct
The hearing officer may limit, redirect, or exclude information that is repetitive, irrelevant, or outside the scope of the appeal and may establish reasonable time limits to ensure an orderly process.

Conclusion of Hearing
At the conclusion of the hearing, the hearing officer may ask any final clarifying questions and shall inform the participants that the hearing is closed.

Representation and Participation
The employee may be represented by legal counsel or another representative of their choosing, provided that the representative does not claim the right to strike and does not disrupt the proceedings. If the employee designates a representative with fewer than three working days' notice prior to the hearing, the Town may, at its discretion, reschedule the hearing to allow for appropriate participation by Town representatives or legal counsel at any hearing.

Conflicts of Interest
A hearing officer who has a conflict of interest or prior direct involvement in the employment matter being appealed shall recuse themselves. In such case, the City Manager shall designate an alternate hearing officer. A conflict of interest could include participating in the decision-making process related to the matter being appeal or serving as the employee's former supervisor.

Decision
The City Manager, or their designated hearing officer, shall have the absolute right to determine the case based solely on its merits. The hearing officer shall render a written decision summarizing the issues, the review conducted, and the determination reached. The decision shall be provided to the employee and the employee's Department Director within five working days of the conclusion of the hearing. The decision of the City Manager is final.

SECTION 7.03
PROHIBITED HARASSMENT & COMPLAINT PROCEDURE

The Town of Addison is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, genetic information, citizenship, or any other characteristic protected by law, is prohibited. All Town employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. Town employees are also prohibited from harassing citizens, vendors and all other third parties. This policy prohibits all types of unlawful harassment, discrimination, and retaliation by or against Town employees and sets out the process for employees to follow when filing a complaint.

A. Sexual Harassment

All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

B. Examples of Prohibited Sexual Conduct

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different sex. Examples of conduct prohibited by this policy include but is not limited to: sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body; sexual prowess, sexual preference or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature and other inappropriate physical, verbal or visual conduct of a sexual nature including emails, texts, tweets, IM, YouTube and other videos, Facebook, Instagram, Snapchat and other social networking sties and by other electronic means.

C. Other Prohibited Harassment

In addition to the Town's prohibition against sexual harassment, harassment on the basis of any other protected characteristic is also prohibited. This means that verbal or physical conduct that singles out, denigrates or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to: epithets, slurs and negative stereotyping; threatening, intimidating or hostile conduct; denigrating jokes and comments; and writings or pictures that single out, denigrate or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments or innuendos that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including, but not limited to via facsimile, e-mail, and other inappropriate physical, verbal or visual conduct of a sexual nature including emails, texts, tweets, IM, YouTube and other videos, Facebook, Instagram, Snapchat and other social networking sties and by other electronic means. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to Town employees, citizens, vendors and other visitors to the workplace.

D. Mandatory Reporting

While not all incidents violate the law, the Town's policy is to prevent and correct harassment and other inappropriate conduct long before it gets to that point. This can only happen if employees timely report inappropriate conduct. So, **you must immediately report** any conduct that violates this policy, even if you were not the target, and regardless of whether the harasser is a supervisor/manager, a member of the Town's senior management, a City Council member, a co-worker, a citizen, a vendor, or some other third party.

Harassment and other violations of this policy **must be reported immediately** to one of the following individuals:

- Your Department Director
- The Director of Human Resources
- A Deputy City Manager

See the Town's Employee Directory on the Town's share drive and/or website for contact information, including phone numbers, for each of these positions. Voice messages or e-mails may be left at any time. Under this policy, employees may but are not required to follow their Department's normal reporting or chain of command and doing so does not excuse the employee from reporting violations of this policy to one of the Town officials listed above. Employees who make a verbal report to one of the Town officials listed above and who feel their report was not adequately or timely addressed, must then put their report in writing and give it to one of the Town officials listed above. Supervisors, including Directors, must immediately report all potential policy violations and reports of policy violations to the Director of Human Resources.

The Town encourages employees who feel comfortable doing so to tell the offender that their conduct is unwelcome and request that it stop. Often this will resolve the problem. If, however, the conduct continues and/or is a clear violation of this policy, employees are still required to report the conduct to one of the Town officials listed above.

E. Investigation

All reports of prohibited conduct will be investigated promptly in as confidential a manner as possible. The investigation will be coordinated by Human Resources unless the City Manager's Office directs otherwise. All employees are required to cooperate with the investigation.

F. Retaliation Prohibited

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

G. Responsive Action

The Town takes violations of this policy very seriously and will act promptly to stop prohibited conduct. Employees who violate the policy will be disciplined, up to and including discharge. Employees who intentionally make false or exaggerated claims or who are uncooperative in an investigation are also subject to discipline.

H. Certain Town Positions

Duties of some Town jobs require exposure to information and/or conduct that, in other cases, might be a violation of this policy. When exposure to or working with such information and/or conduct is reasonably necessary to carry out job duties then an exception exists to this policy. Examples may include fire fighters and police officers responding to an emergency call, a police officer assigned to a criminal investigation, and a Human Resources employee investigating an allegation of sexual or other unlawful harassment.

I. Employee Dating

Supervisors and other members of Town management are prohibited from dating subordinate employees. Other dating relationships are also prohibited if the relationship (or dissolution of the relationship) might reasonably create a disruption to the work environment, create a conflict of interest or the appearance of a conflict of interest, or lead to charges of favoritism, discrimination, or sexual harassment. If a dating relationship is permitted under this policy, repeatedly asking out someone who is not interested is still a violation of this policy. For purposes of this policy, "dating" includes both serious and casual dating and other conduct associated with romantic or sexual relationships. Anyone with questions as to whether an existing or contemplated relationship is one that may be prohibited by this policy is directed to discuss it with their Department Director and Human Resources.

SECTION 7.04
WEAPONS BAN AND VIOLENCE PREVENTION POLICY

The Town of Addison strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

A. Zero Tolerance/Prohibited Conduct

Harassment, intimidation, threats, threatening or violent behavior, or acts of violence against or by an employee that is in any way connected to the employee's employment with the Town, whether the conduct occurs on duty or off duty, is prohibited.

B. All Weapons Banned

Except for in the limited exceptions set out below, the Town prohibits employees from carrying or using any weapons, concealed or otherwise, on Town property, while on duty, or at any time while engaging in Town-related business. Prohibited weapons include firearms, clubs, explosive devices, knives (if capable of inflicting serious bodily injury or death), and all other weapons listed in Texas Penal Code §46.01. This prohibition against the possession and carrying of firearms applies even if the employee is licensed to carry a concealed handgun or to openly carry a handgun by the State of Texas. The only exceptions to this policy are:

- **If Necessary for Job Duties.** Employees required and specifically authorized to possess, transport, or store a firearm or other weapon in the official discharge of their duties. This exception covers peace officers licensed by the Town;
- **Locked Personal Vehicle**. Employees are permitted to transport and store in a safe and discreet manner a legal firearm and ammunition in their locked, personal motor vehicle while the vehicle is in a Town parking lot or garage. This policy is intended to comply with applicable Texas law governing employee rights to possess and carry firearms and will be interpreted and enforced accordingly.
- **Exceptions**. Employees who have sought and received an exception from this policy from the City Manager's Office.

C. Mandatory Reporting

Employees must immediately report conduct prohibited by this policy regardless of how they learned of it. Even without an actual threat, employees must report any potentially threatening or violent behavior that might reasonably involve a Town employee, is job or Town-related, or that might be carried out on Town property. Employees must make this report to their supervisor, Department Director, and/or Human Resources, and if appropriate, to the Police Department. Supervisors made aware of threats or other prohibited conduct must immediately notify their Department Director and the Director of Human Resources.

D. Protective Orders

Employees who apply for or obtain a protective or restraining order that lists a Town location as a protected area must immediately provide, to both the Director of Human Resources and the Town's Police Department, a copy of the petition and declarations used to seek the order and any resulting temporary or permanent protective or restraining order. Employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

E. Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the Town will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be shared only with appropriate law enforcement personnel, Town management and others on a need-to-know basis and as may otherwise be required by law.

F. Town Property

For purposes of this policy, Town property includes, but is not limited to, owned or leased vehicles, buildings and facilities, conference center, theater, athletic club, swimming pools, entrances, exits, break areas, parks, parking lots and surrounding areas.

G. Documentation

All reports of threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and the Police Department.

H. Policy Violations

Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

SECTION 7.05
SEARCHES

To safeguard the property of our employees, our citizens, and the Town and to help prevent the possession, sale, and use of illegal drugs on Town premises, in keeping with the Town's drug-free workplace policy, the Town reserves the right to question employees and all other persons entering and leaving the work site, and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from the work site. The Town may also at any time conduct unannounced searches or inspections of the work site including, but not limited to Town property used by employees, such as lockers, file cabinets, computer and electronic files, desks, offices, whether secured, unsecured or secured by a lock provided by the employee. In this connection, it should be noted that all offices, desks, files, lockers and so forth, are the property of the Town and are issued for the use of employees only during their employment with the Town.

If reasonable suspicion exists, the Town may also conduct unannounced searches or inspections of the employee's personal property located on the Town's premises, including vehicles parked in Town parking lots.

NOTE: The Town's authority to conduct unannounced searches is not limited to situations involving reasonable suspicion of possession and/or use of drugs or alcohol.

All searches must be authorized and conducted under the direction of the Director of Human Resources. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination of employment.

The Town assumes no responsibility for loss of employees' personal belongs stored on Town property.

SECTION 7.06
DRUG AND ALCOHOL USE POLICY

It is the Town's goal to provide a drug free, healthful and safe work place. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

A. Prohibition Against Alcohol and Illegal and Unauthorized Drugs

While on duty on the premises of the Town of Addison, while conducting Town related business or other activities off premises, while wearing clothing with the Town's name or logo, while driving a Town owned or leased vehicle, or while operating or using other Town owned or leased property or equipment, an employee may not use, possess, distribute, sell or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over the counter drugs which are not being used as prescribed or as intended by the manufacturer.

B. Prohibition Against Illegal and Unauthorized Drug Related Paraphernalia

This policy also prohibits the use, possession, distribution and sale of drug related paraphernalia while on the premises of the Town of Addison, while on duty, while conducting Town related business or other activities off premises, while driving a Town owned or leased vehicle or while operating or using other Town owned or leased property or equipment. Drug related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

C. Permissive Use of Prescribed and Over the Counter Drugs

The legal use of prescribed and over the counter drugs is permitted while on the premises of the Town of Addison, while on duty, while conducting Town related business or other activities off premises, while driving a Town owned or leased vehicle, or while operating or using other Town owned or leased property or equipment ***only if*** it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion or feeling unsteady.

D. Use of Alcohol

The use of alcohol by a Town employee while on duty is prohibited. At no time may an employee under the influence of alcohol drive a Town owned or leased vehicle or operate or use other Town owned or leased property or equipment. Further, an employee on duty or conducting Town business, including Town related business entertainment, may not drive their own personal vehicle while under the influence of alcohol. No employee in their work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, Town employees may not bring

alcoholic beverages on Town premises, including parking lots adjacent to Town work areas, and may not store or transport alcohol in a Town owned or leased vehicle.

E. Police and Fire Department Exemptions

Certain Town of Addison Police and Fire Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines are established in Police and Fire Department operating procedures.

F. Mandatory Disclosure by Employees

Employees taking prescription medication and/or over the counter medication must report such use to either their Department Director or to the Director or Human Resources if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of their job (or operate a vehicle or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion or feeling unsteady.

G. On Call Employees

Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and who is called out, is governed by this policy. At times an employee who is not scheduled to be on call may, nevertheless, be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work under such circumstances.

H. Off Duty Conduct

The Town of Addison may take disciplinary action, up to and including termination of employment, if an employee's off duty use or involvement with drugs or alcohol is damaging to the Town's reputation or business, is inconsistent with the employee's job duties or when such off duty use or involvement adversely affects the employee's job performance.

I. Mandatory Reporting of Convictions

Employees must notify their Department Director and the Director of Human Resources, in writing of any criminal drug conviction, a plea of nolo contendere or deferred adjudication, for a violation occurring off duty and/or in the workplace. Such notification must be provided no later than five calendar days after the conviction or plea.

J. Rehabilitation/Treatment

It is the Town's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For Town support and assistance, however, an employee must acknowledge their problem and seek and accept counseling and/or rehabilitation before it impairs their job performance and/or jeopardizes their employment.

An employee, who has successfully completed the introductory period, who has a drug or alcohol problem that has not resulted in, and is not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.

A leave of absence to participate in a rehabilitation or treatment program may be granted in the Town's sole discretion. Factors considered by the Town in deciding whether to grant leave include: the length of the employee's employment with the Town; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with Town policies, rules and prohibitions relating to conduct in the workplace; and the degree of resulting hardship on the Town due to the employee's absence. Unless otherwise required by law, it is the Town's policy to grant such a leave of absence only once during the course of an individual's employment with the Town.

Note: Under certain circumstances, treatment for substance abuse may be covered under the Town's Family Medical Leave Act Policy.

The cost of any rehabilitation or treatment may be covered under the Town's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a Town approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, accrued holiday or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the Town's Family and Medical Leave Act policy.

If the employee successfully completes their prescribed rehabilitation or treatment, the Town will make reasonable efforts to return the employee to their prior position or one of similar pay and status. However, employment with the Town following a Town approved leave for rehabilitation or treatment is conditioned on the following:

- Initial negative test for drugs and/or alcohol before returning to work;
- A written release to return to work from the Town approved rehabilitation or treatment facility/program;
- Periodic and timely confirmation of the employee's continuing cooperation and successful participation in any follow-up or on-going counseling, testing or other

treatment required in connection with the Town approved rehabilitation or treatment program, if applicable;

- In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the Town at any time following the employee's return to work following treatment;

- The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director or Human Resources. The employee must meet with the Director of Human Resources to discus the terms of their continued employment and sign the formal agreement before returning to work.

K. Policy Violations

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Police and Fire Department employees should also consult their department's policies for additional disciplinary rules regarding violations of the Drug and Alcohol Use Policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their immediate supervisor, their Department Director or the Director of Human Resources to receive assistance or referrals to the Employee Assistance Program or other appropriate resources in the community.

SECTION 7.07
DRUG AND ALCOHOL TESTING

A. Testing of Applicants

All applicants, to whom a conditional offer of employment has been made, will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the Town.

B. Testing of Employees

Authorization for Testing

All drug and alcohol testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, in their sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, in their sole discretion, authorize the testing of an employee. Supervisors are responsible for ensuring that employees are transported to the testing facility.

Police and Fire Department employees are also subject to any applicable departmental rules and regulations regarding testing for illegal/unauthorized drugs and alcohol.

Reasonable Suspicion Testing

An employee shall not report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. There will be no tolerance for the use of illegal drugs or abuse of controlled substances.

For purposes of this policy, reasonable suspicion is a belief based on clearly articulated observations sufficient to lead a prudent supervisor to suspect that the employee is under the influence of drugs and/or alcohol and is impaired in their ability to perform the functions of the job or their ability to safely perform the job is reduced. All employees are subject to reasonable suspicion testing for drug and alcohol abuse based on objective facts and/or observable on-duty behavior. Examples of such objective facts or observable behavior include observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, evidence of possession of substances or objects which appear to be illegal, or unauthorized drugs or drug paraphernalia.

Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing, e.g., the who, what, when, and where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing.

Post-Accident/Injury Testing

All employees will undergo drug and alcohol testing in the following circumstances to rule out the possibility of drug or alcohol-related accidents or injuries:

- When the employee, acting in the course and scope of their employment, sustains personal injuries requiring medical attention from a medical treatment facility, or
- When the employee is involved in a moving vehicular accident with Town owned equipment or vehicles, or in a personal or rented vehicle while acting in the course and scope of their employment, where there is:
    - A fatality, or
    - An injury resulting from the accident in which either party requires medical attention from a medical treatment facility, or
    - Damage to either vehicle resulting in a damage rating of 4 or greater, as determined by the investigating officer at the scene of the accident.

Testing Procedures

Drug and alcohol testing will occur as soon as reasonably possible following an accident or injury or in concert with any medical treatment administered at the time of the accident or injury, or as soon as authorized for reasonable suspicion testing. All substance abuse testing will be performed by an approved laboratory or health care provider chosen by the Town. All positive test results will be subject to confirmation testing.

The employee will be provided with transportation to the testing facility, and a supervisor or other designated Town representative will be required to remain with the employee during the testing process. The Town will also make arrangements to have the employee transported home following the testing.

Types of Tests

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally accepted testing procedure.

Refusal/Lack of Cooperation with Testing

An employee who leaves the scene of an accident or injury before a required test is administered fails to remain readily available for testing, or attempts to alter or tamper with a sample or any other part of the testing process will be subject to disciplinary action, up to and including termination.

This policy is not intended to delay necessary medical attention for injured persons following an accident or injury or to prohibit a Town driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident.

Post-Testing

An employee who is required to undergo drug and/or alcohol testing will either be assigned to a non-safety sensitive function or be placed on administrative leave, with or without pay, while awaiting the test results.

If the employee's test is confirmed to be positive for drugs and/or alcohol, an investigation will be conducted by the employee's department. The outcome of the investigation may result in a recommendation for disciplinary action, up to and including termination of employment. Should the employee be permitted to return to work, they will be required to contact the Town's Employee Assistance Program (EAP) and will be subject to periodic random screening for period of time to be determined by the Department Director and the Human Resources Director.

C. Confidentiality of Records

Drug and alcohol test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medically related information will be confidential and accessible only by the Director of Human Resources; supervisors/managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the Town.

SECTION 7.08
DRUG AND ALCOHOL TESTING FOR EMPLOYEES SUBJECT TO DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS

A. Employees/Applicants Subject to Testing

Town employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor and Department Director will advise the employee if they are subject to DOT testing and the terms of this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the Town's Drug and Alcohol Use policy. This policy is in addition to, and not in lieu of, the provisions of the Town's general Drug and Alcohol Use policy. DOT testing will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the Town, a contractor engaged by the Town or an employee of such contractor. Those employees who are subject to the testing provisions of this policy may change as job responsibilities change or as new jobs are added to the Town's work force. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating Town equipment.

B. Prohibited Alcohol Use

On-Duty and Pre-Duty Use

Reporting for, or remaining on, duty requiring the performance of safety sensitive functions is prohibited under the following conditions:

- while having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- while using alcohol; or
- within four hours after using alcohol.

Use Following an Accident/Injury

An employee required to take a post-accident/injury alcohol test pursuant to this policy is prohibited from using alcohol for eight hours following the accident/injury, or until undergoing a post-accident/injury alcohol test, whichever occurs first.

C. Prohibited Drug Use

Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when they use any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect their ability to safely operate a commercial motor vehicle (CMV). An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

D. Required Alcohol and Drug Tests

DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return to duty, and follow-up testing. Before conducting any required DOT testing, the Town will notify the driver that the alcohol or drug test is required by DOT regulations.

Pre-Employment Testing

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

Post-Accident Testing

Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practical on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- when the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;

- when the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that they require and receive immediate medical treatment away from the scene of the accident; or

- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the Town to have refused to test. ***Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.***

In post-accident situations, the Town may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the Town's behest.

Post-Accident Alcohol Testing

If alcohol testing cannot be administered within two hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within eight hours after the occurrence, the Town will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

Post-Accident Drug Testing

A driver will be drug tested as soon as practical but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

Reasonable Suspicion Testing

Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of their suspicion. If the Department Director concurs, they may order the employee to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

Reasonable Suspicion Alcohol Testing

Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before they are to perform, or just after they stopped performing, safety sensitive functions. If alcohol testing cannot be administered within two hours after the reasonable suspicion observation, a written statement that explains

why the alcohol test was not promptly administered must be provided to the Director of Human Resources. If alcohol testing cannot be administered within eight hours after the observation, the Town will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- an alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

Reasonable Suspicion Drug Testing

A driver will be drug tested as soon as practical but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

Random Testing

Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made.

The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety sensitive function, other than driving a CMV, at the time of notification, the Town will instead ensure that the driver ceases to perform the safety sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions. Random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

E. Refusal to Test

An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired.

Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed as part of the verification process).

F. Additional Information about Alcohol Testing

Consequences of a Positive Alcohol Test

An employee who is tested and has an alcohol concentration of 0.04 or greater will be disciplined and may be terminated. An employee who is tested and has an alcohol concentration of 0.02 to 0.039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, they will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination.

The employee will be placed on administrative leave without pay during the treatment period. In certain circumstances, and with the approval of the Department Director and the Director of Human Resources, the employee may be allowed to use sick leave during the treatment period.

Alcohol Testing Procedures

A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a "negative" test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

G. Additional Information about Drug Testing

Drug Testing Procedures

Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a

specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing lab. "Split" urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, he/she has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the Town's Director or Human Resources. The second test will be at the driver's own expense.

Drugs Tested For

The Department of Transportation requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PC)

A screening test is performed first. If it is positive for one or more of these drugs, a confirmation test is performed. Whenever the terms "drug," "drugs," or "controlled substances" are used in this policy, they refer to the substances listed above. The Town will not test for any other substances under this policy. The Town may, however, test for other controlled stances pursuant to its general Drug and Alcohol Use Policy.

Review of Drug Test Results

All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the Town. If the lab reports a positive result to the MRO, the MRO will contact the driver, either in person or by telephone, and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the Town.

H. Return to Duty and Follow-Up Testing

Return to duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after a driver returns to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02.

The driver will pay all costs associated with return to duty testing. When applicable, the Town will follow all applicable DOT regulations with requiring return to duty and follow-up testing. The Town is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy. Thus, return to duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

I. Consequences of a Positive Drug Test

A driver will be removed from safety sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug test will result in termination of the employee.

J. Confidentiality

Test results may be released only to the driver, designated Town officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.)

All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. Town employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

K. Information from Prior Employers

For new hires, promotions and transferred employee drivers seeking to perform safety sensitive functions for the first time, the Town is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer.

Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The Town will obtain and review the information before allowing the person to perform safety sensitive functions. If the Town receives any such information about an applicant driver, the applicant will not be hired. If such information is received about an employee

seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment.

The Town will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of three years. The Town will also ask the person if he/she has tested positive or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past two years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the Town. If the driver refuses to provide the Town with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

L. Records Retention

The Town will maintain and retain records under this policy as mandated by DOT regulations.

M. Notification of Applicants/Employees of Positive Test Results

The Town will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The Town will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The Town will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The Town will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

N. Employee Admission of Drug/Alcohol Use

An employee who admits to alcohol misuse or drug use must do so in accordance with the Town's general Drug and Alcohol Use policy; provided the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the Town is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the Town's general Drug and Alcohol Use policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

O. Safety Sensitive Functions

For purposes of this policy, safety sensitive function or duty means all the time, from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a Town facility or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Town;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

P. Transportation to Testing Site

With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The Town will make arrangements to have the employee transported back to the Town or home, as appropriate, after the testing is complete.

Q. Questions Regarding This Policy

Any questions regarding this policy should be addressed to the Director of Human Resources.

Chapter VIII: Health and Safety

Section 8.01 Employee Safety

Section 8.02 Health/Medical Examinations/Fitness for Duty

Section 8.03 Preventive Immunizations

Section 8.04 Light Duty Assignments

Section 8.05 Safe Driving Record

Section 8.06 Valid Driver's License

SECTION 8.01
EMPLOYEE SAFETY

The Town is interested in each employee's safety and well-being. Accordingly, the Town has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. On occasion employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can do much to prevent accidents and injuries by obeying the safety rules of the job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that they believe is an unsafe act or an unsafe condition, they are responsible for reporting it to a supervisor or to management as soon as possible.

The following safety rules apply at all times. Some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

A. Safety Rules

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.

- Smoke only during designated times in authorized outside areas.

- Walk; do not run unless necessary. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles. For the employee's comfort and safety, he/she should wear shoes with non-slip soles, in good condition and with enclosed toes. Appropriate footwear must be worn on any job site where there is a risk of injury to the feet.

- To avoid back injuries, use correct lifting methods. Get someone to help with heavy or difficult to handle items.

- Be aware of sharp tools. Use safety devices where provided and do not alter or remove them in any way. Report hazards to management immediately.

- Employees who might encounter chemicals and other toxic agents in their work shall be provided information about such substances. Such educational materials will explain possible reactions to exposure and steps to take if exposure occurs. Employees shall review this information periodically.

- Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Attempt to verify the location and call 9-1-1. Use proper portable extinguishers for small fires.

- Do not block access to fire extinguishers.
- Do not put fingers, hands, feet or clothing into moving machinery.
- Do not carry items in a manner that obscures clear vision.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Do not leave nails or spikes protruding from planks or boards.
- Do not use compressed air for cleaning clothing or floors.
- Perform routine maintenance at all scheduled intervals.

B. Accident Reporting

All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so the Town can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subjected to immediate disciplinary action, up to and including termination of employment.

C. Drug and Alcohol Testing

All employees are required to undergo drug and alcohol testing in certain circumstances following an accident or injury to rule out the possibility of drug or alcohol involvement. See the Town's Drug and Alcohol Testing Policy and the Town's Drug and Alcohol Policy for Employees Subject to Department of Transportation (DOT) Regulations.

D. Accidents Involving Town Equipment or Vehicles

Any employee involved in an accident while operating Town equipment or vehicles shall report the accident immediately to their supervisor and to the proper law enforcement

agency. The employee must immediately complete an accident report, no matter how minor the damage, and submit the report to their supervisor.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a Town vehicle. Wearing seat belts is mandatory.

An employee who receives a traffic ticket for a violation committed with operating a Town owned vehicle, or while conducting Town business while driving their own vehicle, must immediately report the violation to their supervisor. Any traffic fines imposed upon a Town employee while operating a Town vehicle will be the personal responsibility of the employee and not the Town. Repeated traffic violations or misuse of Town vehicles or equipment may result in disciplinary action, up to and including termination.

An employee involved in any type of accident involving Town equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

SECTION 8.02
HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY

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

A. Serious Health Condition/Disabilities

The Town recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. Employees who are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on the Town, and for whom medical evidence indicates that their condition is not a direct threat to themselves or others, will be reasonably accommodated by the Town.

B. Medical Exams for Current Employees

The Director of Human Resources, or an employee's Department Director (with the prior written approval of the Director of Human Resources), may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment under the following conditions:

- as may be necessary in order for the Town to provide a reasonable accommodation;
- following an injury or accident; and
- as otherwise permitted in accordance with the Americans with Disabilities Act.

C. Time Off From Work

Time away from work under this policy may be coded as sick leave, Worker's Compensation or other leave, as circumstances warrant.

D. Return to Work

Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate their return through the Director of Human Resources and provide all necessary and required paperwork, including a medical release to return to work, identifying any limitations or conditions of their return.

Certified Police Officers and Firefighter/Paramedics may also be required to pass a fitness for duty test prior to returning to work, as defined in Police and Fire Departmental policies.

SECTION 8.03
PREVENTIVE IMMUNIZATIONS

An employee of the Town of Addison who is exposed, or is subject to exposure, to certain contagious diseases shall be entitled to remuneration for reasonable medical expenses incurred for the prevention and/or treatment of the disease, under the following conditions:

- The disease is not an ordinary disease of life as defined by the Texas Department of Insurance, Workers' Compensation Division.

- The exposure or possible exposure to the disease occurs or may occur during the performance of official duties or assigned job tasks.

A certified Firefighter/Paramedic, Police Officer or other employee who responds to emergency medical calls is also entitled to preventive immunizations or vaccinations for those members of the employee's immediate family who are residing in the employee's household at the time of the employee's exposure to the disease.

The employee must contact the Human Resources Department for authorization prior to scheduling the immunization. The amount of remuneration for preventive immunizations or vaccinations shall exclude the amount covered by the employee's health insurance.

SECTION 8.04
LIGHT DUTY ASSIGNMENTS

The Town may make light duty assignments available to ill or injured employees who are unable to perform their regular job duties. The Town will not create a light duty position. In making such assignments, the Town will give priority to employees whose injury or illness is work related. The decision to offer an employee a light duty assignment is made at the Town's sole discretion and may be in the employee's own or another department in the Town.

Factors considered by the Town in making its decision include, but are not limited to:

- the nature of the employee's illness or injury;
- whether the illness or injury occurred on or off duty;
- the content of the medical release provided by the employee;
- the risk that a light duty assignment may result in aggravation of the employee's injury or illness;
- the availability of light duty work;
- type of light duty work available;
- the employee's ability to perform the essential functions of the available light duty position;
- the length of the employee's employment with the Town; and
- the employee's performance and disciplinary history.

Light duty will not be granted without an evaluation by the employee's treating physician, including clear instructions regarding the employee's restrictions and limitations. The assignment must also have the recommendation of the Department Director and Director of Human Resources. Employees who are released for and given a light duty assignment must have at least monthly evaluations by their treating physician and may not perform work duties in violation of their medical release. An employee who violates the terms of their medical release while on a light duty assignment may lose the light duty assignment and, in addition, may be disciplined up to and including termination of employment.

Generally light duty will be extended beyond sixty (60) calendar days only with a re-qualification from the employee's treating physician and the approval of the City Manager or their designee. Employees still unable to return to regular duty within sixty (60) calendar days may revert to workers' compensation indemnity payment, accumulated sick leave, Family and Medical Leave Act (FMLA), or vacation benefits, if available.

An employee who is released for and offered light duty by the Town, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the

Town's Sick leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the Town's FMLA policy.

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their light duty assignment. An employee's salary during any light duty assignment shall be at the same rate as the salary received prior to the injury.

All light duty assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making the decision concerning whether light duty work will be offered. Before returning to regular job duties following a light duty assignment, the employee must coordinate their return through the Director of Human Resources.

SECTION 8.05
SAFE DRIVING RECORD

Employees' driving records will be checked periodically to ensure that no persons with unsafe driving records are operating Town owned or leased vehicles or are driving a privately owned vehicle while conducting Town business.

A safe driving record will be defined as:

- No more than three moving violations in a 36 month period;

- No conviction, plea of nolo contendere, or deferred adjudication for driving while under the influence of drugs or alcohol, involuntary manslaughter or criminally negligent homicide involving a motor vehicle, failure to stop and render aid, or failure to leave identification at the scene of an accident.

More than three moving traffic violations in a 36 month period is considered excessive and will generally result in failure to hire in the case of prospective employees and will likely result in disciplinary action, up to and including termination, of an active employee. In certain circumstances, three or fewer moving traffic violations in a 36 month period may also be considered excessive.

A conviction, plea of nolo contendere or deferred adjudication within the past ten years of driving while under the influence of drugs or alcohol, involuntary manslaughter or criminally negligent homicide involving a motor vehicle, failure to stop and render aid or failure to leave identification at the scene of an accident will generally result in failure to hire in the case of prospective employees and will likely result in disciplinary action, up to and including termination, of an active employee.

Police and Fire Department policies may have stricter standards imposed.

SECTION 8.06
VALID DRIVER'S LICENSE

The Town of Addison requires that every employee who operates a Town owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the Town. When a special classification of driver's license is required to operate Town equipment, it is the employee's responsibility to maintain the required license.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the Town with any authorization necessary for the Town to perform such a check.

Chapter IX: Glossary of Terms

Section 9.01 Glossary of Terms

SECTION 9.01
GLOSSARY OF TERMS

Essential employees – includes employees that are required to be at work in emergency situations and generally include Police and Fire employees. Department Directors will designate and notify those employees that are considered essential employees.

Exempt employee – an exempt employee is not required by federal law to receive compensation for hours worked in excess of 40 hours in a work week.

Introductory period – all employees will serve six months on introductory period status in their new position which includes newly hired, transferred and promoted employees.

Non-essential employees – includes employees that may not be required to at work in emergency situations. Department Directors will designate and notify those employees that are considered non-essential employees.

Non-exempt employee – a non exempt employee is required by federal law to receive compensation for hours worked in excess of 40 hours in a work week.

Overtime compensation – is paid to all non-exempt employees in accordance with federal and state wage and hour requirements at one and a half times the employee's hourly rate when the employee has worked in excess of 40 hours in a work week. Overtime pay will begin the eighth minute over the regular work period and will be paid in even 15 minute intervals.

Town Office Hours – beginning at 8:00 a.m. and ending at 5:00 p.m. Monday through Friday.

Unpaid leave of absence (LOA) – in extraordinary circumstances, the Town may grant employees an unpaid leave of absence which must be submitted in writing and must fully explain the reasons for the request. Whenever possible, an employee must request the LOA at least thirty days in advance of the beginning date the LOA. A LOA of up to 30 days may be authorized by the Department Director but any LOA beyond that time must be approved by the City Manager not to exceed a total of 180 days away from work.


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