



CITY OF CANTON

Personnel Policy and Procedure Manual

For the City of Canton, Texas

Updated and Effective November 2023
Adopted by Resolution No. _____



NOTICE TO EMPLOYEES:

This Personnel Policy and Procedure Manual (“the Manual”) does not supersede any state or federal laws. **This Manual is not a contract** nor does it guarantee continued employment between the City of Canton (“the City”) and any of its employees. The policies contained within this manual are intended as guidelines only, and the City reserves the right to make changes to this manual and its policies at any time.

Employees of the City are employed on an “at-will” basis. These policies do not alter any employee’s employment-at-will status nor do these policies create a property interest in City employment. Nothing contained in this Manual shall be construed to limit the City’s right to terminate any employee for any reason or no reason and without cause.

Each City employee will receive a copy of this Manual and any additional departmental policies or standard operating procedures. City employees are required to read, sign and then return the manual’s signature page to the Personnel Department within three business days.



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CHAPTER 1 INTRODUCTION

The City of Canton, Texas is administered by six elected officials and an appointed City Manager, as well as City employees.

About This Manual

The City of Canton's Personnel Policy and Procedure Manual is a reference for supervisors and employees of the City. It is a series of policies and procedures designed to provide a foundation for consistent and equitable human resources administration throughout the City. The City expects a high level of commitment from its employees. In return, the City provides an environment in which employees can achieve both their personal and professional goals.

Scope of Manual

The City's policies and procedures contained within this Manual apply to all employees, except where superseded by the Fire Department and/or Police Department Policies and Procedures Manuals. Elected officials, the City Attorney, members of appointed boards and commissions, persons under contract to supply professional and technical services, volunteer firefighters, reserve police officers, and personnel appointed to serve without pay shall not be considered City employees for purposes of this Manual and these policies, except as provided under civil rights and open records laws.

It may be necessary for individual departments to establish rules and procedures to accomplish departmental responsibilities. All such departmental rules and policies may be more restrictive, but not less restrictive than the policies in this Manual, and must be approved by the City Manager or designee. An employee who violates a policy or procedure in this manual or an individual department's rule, policy or procedure is subject to disciplinary action, up to and including termination.

The term "supervisor," as used throughout this Manual, refers to any employee, regardless of his or her managerial level, who is directly responsible for the work of other employees, including department heads.

Modifications to Manual

No employee manual can anticipate every circumstance or question about policy. As the City continues to grow and as the need arises, the City may interpret, revise, supplement, or rescind and revoke, any or all of the policies, procedures and statements contained in this Manual from time to time as it deems appropriate and without prior notice, in its sole discretion. Any modification to these policies must be submitted in writing, approved by the City Manager or designee and approved by the City Council. For additional guidance



and clarification in dealing with employment issues, contact the Human Resources Department.

Dissemination

All City employees shall be informed of the existence of this Manual and these policies and all related administrative directives. Each department shall make at least one copy available for reference by its employees. A copy of this Manual and these policies also shall be provided to all City employees. Revisions and amendments will be distributed to each employee or posted on departmental bulletin boards.

Division of Responsibility

With the exception of matters reserved by the City Council, the general and final authority for personnel management rests with the City Manager or designee. The City Manager or designee shall advise management in all areas of personnel administration. Other management personnel are responsible for assuring adherence to the provisions of this manual, and for cooperating with the City Manager on related matters. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures.



CHAPTER 2 EMPLOYMENT LAW COMPLIANCE

Policy # 200 Employment At-Will

All employees who do not have a written employment contract with the City are employed at the will of the City. The employment relationship between the City and an individual is by mutual consent. Employment with the City is considered to be at-will so that either party may terminate the relationship at any time and for any lawful reason, or no reason.

Policy # 201 Equal Employment Opportunity

The City provides equal opportunity employment to all employees and applicants for employment. The City believes a strong commitment to diversity and equal employment opportunity is more than a legal and moral obligation - it is also sound business practice to realize the potential of every individual. Employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, military service, or any characteristic protected by law.

This policy governs all aspects of employment, including recruitment, selection, job assignment, promotion, compensation, counseling, discipline, termination, access to benefits and training and any other aspect of employment or personnel management involving political or religious opinions or affiliations. The City will provide reasonable accommodations for qualified individuals with known disabilities and/or religious beliefs unless doing so would result in an undue hardship on the City or would pose a substantial or imminent safety risk. Individuals requiring accommodation should notify the City's Human Resources Department. The City requests sufficient notice, when possible, to give time to arrange the accommodation, and requestors are expected to engage in communications with the City to assist in determining the best accommodations under the circumstances.

Employees with questions and concerns about discrimination in the workplace are strongly encouraged to bring these issues to the attention of their immediate supervisor, department head or the Human Resources Department without fear of reprisal. Retaliation, intimidation, coercion or harassment against any applicant or employee based on raising a concern or grievance under this policy and/or under related laws is prohibited.

Derogatory language, "hate speech" or conduct against or about any person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information or military status is prohibited. Anyone found to be engaging in any



type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Under the Genetic Information Nondiscrimination Act (“GINA”), requesting, requiring, or intentionally seeking out information about an employee’s or applicant’s family health history, results of genetic testing on the employee or his/her family or fetus or embryo, or other sources of genetic information is prohibited. An exception is when the City requests health information about a family member for verification of family leave to care for the individual. Requests for medical certifications or other relevant health information from an employee’s physician should be accompanied by the proper warning that the health care provider does not provide the City with any genetic information.

Policy # 202 New Hire Reporting

The City complies with the Personal Responsibility and Work Opportunity Reconciliation Act designed to benefit children and families by assisting the State in enforcing child support orders.

Policy # 203 Legal Postings

The City complies with all applicable local, state, and federal laws requiring the posting of information. All legally required posters, bulletins, or other material must be prominently displayed in locations accessible to applicants and employees.

Policy # 204 Open Government

The City complies with all laws related to open government. The principle of Open Government is inherent in the American form of representative democracy. Employees who work for governmental entities work with the consent of the governed, and that consent is meaningless without widespread access to government information and the decision-making process as required by law.

Policy # 205 Texas Public Information Act

The City responds to requests for public records according to Texas law. Public records include any information that is collected, assembled or maintained by, or for a governmental entity, with certain statutory exceptions. All requests for public information must be in writing, and shall be directed or forwarded immediately to the City Secretary’s office. The City Secretary’s office is responsible for the timely preparation of all responses in accordance with the Texas Public Information Act.



Policy # 206 Records Management and Retention

The business records of the City of Canton must be preserved and maintained in accordance with local, state, and federal regulations. The City has adopted by ordinance a Records Management Program and has designated the Police Chief as the Records Management Officer (RMO) for police records, excluding City files of a general nature, such as personnel records, and the City Secretary as the RMO for all other City records. The City's business records include essentially all records produced in an employee's or official's job duties, whether paper or electronic. A record may be as obvious as a memorandum, an email, or a contract, or something not as obvious, such as a computerized desk calendar, a text or photograph on a personal device, an appointment book, or an expense record.

The purpose of this policy is to ensure that necessary records and documents are preserved and to ensure that records that are no longer needed or of no value are discarded at the appropriate time. This policy is also to aid employees in understanding their legal obligations in retaining electronic documents. Questions about this policy should be referred to the RMO.

The RMO is in charge of the administration of this Policy, and maintains the listing and schedule for retention of each type of record. The RMO is also responsible for the destruction of records following the retention period. A destruction log must be maintained. Records must be destroyed by shredding or other means to ensure that all sensitive or confidential material can no longer be read or interpreted.

Email or other electronic documents that need to be saved must, whenever possible, be saved in their native format directly into the City's electronic records, so as to save the documents' metadata. If it is not possible to save directly, the email or other document shall be printed and/or scanned and kept in the appropriate paper or electronic file. The retention period for emails depends on the subject matter of the email, as covered in the Record Retention Schedule.

Texts containing City business communications, documents, or photographs must be "screenshotted" and emailed into the City's system, and then saved per email protocol. The metadata or time stamps on texts must be preserved whenever possible. Employees using personal or mobile communication devices for City business must remain aware such use could potentially expose their personal records to public scrutiny or legal subpoena. Texts that employees use for City business may be official records and must be saved according to record retention law, even when it is difficult to do so. **Deleting a public document that should have been kept, even a text on a personal device, may constitute a Class A Misdemeanor.**

The City will retain employee medical records in a secured file separate from other documents.



Suspension of Record Disposal in the Event of Potential Litigation or Claims

If an employee believes, or if the City informs the employee, that City records are relevant to litigation or potential litigation (i.e., a dispute that could result in litigation), then those records must be preserved until notification that those records are no longer needed. This policy applies to all records, including electronic messages.

Policy # 207 Whistleblower Protection

It is the City's policy that no City employee suffers an adverse employment action for a good faith reporting of a violation of a law. The Texas Whistleblower Act protects public employees who report violations of the law by their governmental employers or another public employee. For a City employee to be protected by the Whistleblower Act, the employee must (1) report a violation of law; (2) in good faith; (3) to an appropriate law enforcement authority. If, as a result, the employee is suspended, terminated or suffers other adverse employment action as a result of making the report, such retaliation violates Texas law. If a City employee believes that he/she has suffered an adverse employment action as a result of making a good faith report of a violation of a law, the employee should immediately notify his/her supervisor, department head or Human Resources Department to discuss his/her concerns.

Policy # 208 Immigration Law Compliance

The City is committed to employing only United States citizens and immigrants authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship and national origin. The law prohibits the City from hiring individuals who are not legally eligible to work in the United States. The City will verify, within three business days after hire, that every new employee is authorized to be employed in the United States.

Policy # 209 Disability Accommodations

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodation in completing the application process is available upon request. Pre-offer inquiries are made only regarding an applicant's ability to perform the duties of the position, and not whether the applicant is disabled. Reasonable accommodation that does not impose an undue hardship on the City and does not create a substantial, imminent or unreasonable safety risk for the employee or others is available to all qualified disabled employees. Disabled individuals requiring accommodations should notify the City's Human Resources Department.



CHAPTER 3 STANDARDS OF CONDUCT

Policy # 300 Code of Business Conduct and Ethics

The City of Canton has adopted the following Code of Business Conduct and Ethics governing both officials and employees. All employees are expected to comply with the provisions of the code.

All employees have an obligation to conduct business within guidelines that avoid actual or potential conflicts of interest, and to avoid situations that might make it appear that their judgment on behalf of the City would be compromised. Additionally, the City expects the same high standards from those with which it does business. This policy establishes only the framework within which City employees are expected to adhere to in their dealings with vendors, subcontractors, service providers, citizens, regulators, and each other.

Conflicts of Interest

An actual or potential conflict of interest, or the perception or appearance of a conflict of interest, occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee, a relative, or other person living in the same household as the employee, as a result of the City's business activities. A relative is defined as any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage, and any person who lives in the employee's household.

Day-to-day business activities should not result in unusual or unreasonable gains, financial or otherwise, for outside entities, vendors, contractors, or any employee. Such gains include product bonuses, special fringe benefits, unusual price discounts, and other inducements designed to benefit any party to the business activities. Personal gain, or the potential for gain, may result not only in cases where an employee or relative has significant ownership in a corporation, business association, partnership, firm and/or other business entity with which the City does business, but also when an employee or relative receives any compensation, substantial gift, favor, service, trip, tickets, loans or advances, or other special consideration as a result of any transactions or business activities involving the City.

A City employee shall not accept or receive any gifts valued over \$50.00, free travel or promises of future employment or enrichment from any source having a current or desired business relationship with the City. A City employee shall not accept or receive any reward, gift or other form of remuneration, apart from his or her regular City compensation, from any source for the performance of his or her City duties. A "gift" does



not include a reasonable meal accepted as a guest, a door prize, or a promotional item of nominal value of the sort typically given at conference vendor booths. If a City employee or facility receives a gift that cannot be easily returned, the gift should be reported immediately to the City Manager or the Human Resources Department for a determination on disposition. Food items that are from a safe source and flowers should be shared with other employees in common areas, such as during a holiday celebration.

Business with Others

The City will not do business with vendors who intentionally or continually violate laws such as environmental, safety, and/or anti-corruption laws; nor will the City use a third party to perform an act prohibited by law.

Purchasing decisions are to be based on product or service suitability, price, delivery, and quality. Purchasing, Consulting Services, and Service Agreements must be documented, and must clearly identify the services and/or products to be provided, the basis for earning payment and the applicable rate or fee which must be reasonable in relation to the work being done.

Confidentiality

The materials, products, designs, plans, ideas, documents, personnel information, and any data of the City are the property of the City and should never be given to an outside corporation, business association, firm and/or other business entity or an individual, except through normal channels, with appropriate prior authorization and as required by law. Any improper transfer of any type of material or disclosure of any form of information, even if it is not apparent that an employee has personally gained by such action, constitutes unacceptable and unethical conduct. Further, any use of inside information for personal gain or profit constitutes unacceptable and unethical conduct. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment, even if he or she does not actually benefit from the disclosed or misused information.

An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established office procedures and consistent with the Texas Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable department head. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary for the performance of his or her work. Further, an employee shall not use information gained from any City information system for anything other than official City business.



Policy # 301 Workplace Behavior and Standards of Conduct

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Each employee shall maintain high standards of cooperation, efficiency, and economy in his or her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives. Conduct that interferes with operations, discredits the City, or is in any way offensive to those we serve and/or coworkers, will not be tolerated and will be subject to disciplinary action, up to and including termination of employment.

Of course, no policy or manual can realistically list all possible behaviors that would be viewed as unacceptable, and City employees are required to use common sense in their conduct, behave at all times in an honorable, safety-conscious and business-like manner, and to treat their coworkers, supervisors, and those we serve with respect.

Some employee behavior or work performance will result in immediate termination. Other problems are more appropriately handled by warnings, counseling, additional training, written reprimands, suspensions, or demotions, which will lead to termination if improvement is not shown.

The following types of conduct are unacceptable and are examples of behavior that may lead to disciplinary action. **The City reserves the right to start at any point in the disciplinary process, depending on the severity or frequency of the concern.** The examples given below are typical, but not all-inclusive:

- A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:
 1. Unexcused absence or tardiness;
 2. Failure to give notice of an absence or tardiness to the supervisor or department head no later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy;
 3. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or
 4. Excessive or abusive leave, such that the employee's absence from the workplace renders him or her unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act, or shows a pattern of absences indicating dishonest use of leave, such as consistently taking sick leave on Mondays and Fridays.



- B. **Excessive sick leave** may constitute grounds for the assumption of the department head that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job.
- C. **Job Abandonment** occurs when an employee without authorization is absent from the job or refuses a legitimate order to report to work for two consecutive workdays. Any employee absent without approved leave shall be on unpaid leave during such time. If job abandonment is found, the employee's termination date will be the last day employee was at work or on authorized leave for purposes of benefits eligibility. The employee shall be considered to have resigned without notice and may not receive pay for any accumulated benefits, except as otherwise required by law.
- D. **Inability to come to work** occurs when an employee is absent due to an extended illness or injury after all eligible and legally required paid and unpaid leave has been exhausted, and, if the absence is due to the employee's own disability, continued leave is not a reasonable accommodation.
- E. **Inability or unwillingness to perform assigned work satisfactorily** includes:
 - 1. Failure to follow written or verbal instructions;
 - 2. Disrespectful or argumentative behavior over assignments or instructions;
or
 - 3. Other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient and competent manner.
- F. **Indifference toward work** includes:
 - 1. Inattention, inefficiency, loafing, sleeping or carelessness;
 - 2. Reading or viewing unauthorized material, playing games, accessing unauthorized Internet sites, unauthorized e-mail usage, social networking, blogging or otherwise engaging in entertainment while on the job and/or in view of the public;
 - 3. Failure to remain at workstation and on assigned tasks, leaving work without permission or taking excessive or overly long breaks/meals;
 - 4. Performance of personal business during work hours;
 - 5. Interference with the work of others; or



6. Discourteous or irresponsible treatment of the public or other employees.

G. Sabotage includes:

1. Deliberate damage to or defacement of City equipment or property;
2. Unauthorized alteration, removal, destruction or disclosure of City records;
3. Advocacy of or participation in unlawful trespass or seizure of City property;
4. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;
5. Encouraging City employees to disobey provisions of these rules and regulations, City ordinances, City Resolutions or other laws;
6. Interference with the public use of or access to City services, properties or buildings; or
7. Threats to commit any act of sabotage as defined in this subparagraph.

H. Safety violations include:

1. Failure to follow City or departmental safety rules and regulations;
2. Failure to use required safety apparel;
3. Removal or circumvention of a safety device;
4. Lifting in a manner that may cause injury;
5. Operation of a vehicle or other equipment in an unsafe, negligent or careless manner;
6. Smoking in a prohibited area;
7. Endangering one's own safety or that of others;
8. Failure to report an on-the-job injury, vehicle accident or unsafe working condition;
9. Failure of a supervisor and/or department head to remove from the workplace or to assist to a safe location, an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
10. Failure to maintain a driving record acceptable to the City, if driving is required by the job.



I. **Dishonesty** includes:

1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
2. Cheating, forging or willful falsification of official City reports, records, expense records, and/or time slips and time records;
3. False reporting of sick leave from work;
4. Any other falsifying action detrimental to the City, City employees or others; or
5. False swearing or testimony, lying during an investigation, or other dishonesty in the course of employment.

J. **Theft**, regardless of item value, includes:

1. Unauthorized taking of City property, City supplies or the property of others;
2. Unauthorized use of City or employee funds;
3. Using or authorizing the use of City equipment, supplies or employee services for other than official City business, including the unauthorized use of City computers, printers, internet fees, long distance or pay telephone services.

K. **Insubordination** includes:

1. Willful failure or refusal to follow the orders or instructions of a department head, supervisor or higher authority;
2. Engaging in disrespectful behavior toward supervisors;
3. Pursuit of a denied request to a higher authority without revealing the lower level disposition.
4. Refusal to work mandatory overtime.

If the employee believes an instruction or order is illegal, unethical or unsafe, he or she should request an interpretation by the next higher level of authority.

L. **Abuse of drugs or alcohol, or other violation of the City's Drug-Free/Alcohol-Free Workplace Policy.**

M. **Creating a disturbance**, includes:

1. Fighting or boisterous conduct;
2. Deliberate causing physical injury to another employee or citizen;
3. Harassment, bullying, or intimidation;



4. Violation of the City's Sexual and Other Unlawful Harassment Policy;
 5. Unnecessary disruption of the work area;
 6. Use of profane, abusive, threatening or loud and boisterous language;
 7. Spreading of hurtful rumors and/or false reports; or
 8. Other disruption of the harmonious relations among employees or between employees and the public.
- N. **Abuse of City property** includes:
1. Intentional, careless or negligent damage to City equipment or property;
 2. Waste of materials or negligent loss of tools or materials;
 3. Use of City property for personal reasons or reasons unrelated to the performance of job duties.
 4. Improper maintenance of equipment; or
 5. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
- O. **Commission of a crime**, during or outside of working hours, regardless of criminal charges or conviction, or being the subject of charges filed, an arrest, confinement or conviction.
- P. **Disregard of public trust** is any conduct, during or outside of working hours, which could impair the public's confidence or trust in the operation of City government.
- Q. **Failure to report a violation of** any known violation of these standards of conduct to the proper authority.
- R. **Failure to maintain sufficient competence to properly perform duties of position** with the highest standards of efficiency in carrying out the functions and objectives of the City.
- S. **Violation of the City's policies on discrimination.**
- T. **Failure to maintain high standards of moral conduct** in one's personal affairs and/or otherwise participate in any incident that tends to or does impair his or her ability to perform as a City employee or causes the City to be viewed in a negative light.
- U. **Participation in practical jokes, pranks, hazing, horseplay**, or engaging in forms of agitation that are harmful or hurt coworkers' or others'



feelings, or could be viewed as workplace harassment or create a hostile work environment.

- V. **Failure to immediately stop any behavior** when told it causes another harm, discomfort, or offense.
- W. **Unauthorized disclosure** of City information.
- X. **Seeking the influence or intervention** of anyone outside the City or department for purposes of personal career advancement at the City, advantage or transfer of position within the City.
- Y. **Failure to manage personal finances.** An employee shall remain current on Canton City taxes and utility bills.
- Z. **Cashing checks** or otherwise using City funds to exchange financial instruments with cash. If a check is presented to the City as payment for City services that is over the amount owed to the City, an employee shall not give cash back to any person or entity. An employee may either (1) apply the overpayment amount toward a future bill; or (2) mail a refund check to the person or entity after the transaction, at the customer's choice.
- AA. **Failure to notify** one's department head or supervisor of any criminal violations, (including Class C traffic offenses for employees with vehicle operation duties), or of any arrest, indictment or conviction within two calendar days of such violation, arrest, indictment or conviction.
- BB. **Unauthorized disclosure of information concerning the progress of an investigation,** a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it.
- CC. **Failure to cooperate** in an internal investigation.
- DD. **Allowing non-City employees to use or wear a City of Canton issued shirt, uniform, badge, other official insignia, or to otherwise allow such items to leave their possession without prior approval of the department head.**
- EE. No employee may record or film another employee without that employees' express consent.

Policy # 302 Customer Service

The City is committed to providing excellent customer service. All citizens and customers shall be treated in a fair, friendly, courteous and respectful manner at all times. Every effort shall be made to assist a citizen or customer in finding what he or she needs and in resolving a problem in a timely manner. Employees shall listen carefully to customers in order to respond appropriately and should strive to have resources readily available and to streamline procedures to respond quickly and efficiently. Employees shall make every



effort to follow through with the promised information or action and to follow up when appropriate. Employees shall immediately acknowledge the presence of a citizen or customer, even when otherwise engaged, and shall assist one another when necessary to serve someone in a timely manner. No personal business shall be conducted in view or earshot of a customer or citizen.

Policy # 303 Attendance & Punctuality

Employees must report for work punctually and work all scheduled hours and required overtime. Excessive tardiness and poor attendance disrupts workflow and customer service, and will result in disciplinary action, up to and including termination. Inability to maintain regular attendance may indicate the employee is not qualified to perform the duties of the job. Evidence of employees' using sick leave when not sick or other abuse of time-off benefits will constitute grounds for dismissal or other disciplinary action. However, nothing in this policy shall conflict with the requirements of the Family and Medical Leave Act.

Policy # 304 Personal Appearance of Employees

Each employee's dress, grooming, and personal hygiene shall be appropriate to the work situation. The City's public image is a product of its employees. A professional appearance is key to creating and maintaining a favorable image and first impression of the City. If an employee has a question about whether something is appropriate or inappropriate, he or she should check with their supervisor BEFORE wearing the questionable item.

Employees assigned uniforms must wear them correctly and keep them well maintained. Uniforms shall be neat and clean when the employee reports to work. When uniform items become unserviceable or unsightly, employees shall report such to their supervisor/department head to authorize replacement. Uniforms issued to employees by the City are to be worn for work only, including work-related training activities, and shall not be worn for personal use, other than to and from work.

Policy # 305 Security

At all times when interacting with the public outside a City office, employees below the Director level shall wear a City security badge or uniform identification. Employees are responsible for the security of their City uniforms, badges and keys. All serviceable uniform items, badges and keys shall be returned by employees upon separation from City employment.

Employees shall be conscious of building security and follow all established protocols. Any threat to building or employee security shall be promptly reported for appropriate or precautions.



Policy # 306 Weapons and Concealed Handguns

The City strictly prohibits City employees from the open carry of firearms on City premises, even if licensed to do so, unless the employee is a peace officer working in official capacity.

Unless specifically permitted under this policy and approved in writing by the City Manager, the City prohibits possessing or carrying of weapons while on City premises, (except when secured in the employee's personal vehicle). This policy does not apply to licensed peace officers.

An employee may carry a **concealed** handgun onto City property and in City vehicles if such employee is legally authorized to carry a handgun in the State of Texas, the written permission of the City Manager, **and** if the employee complies with the other requirements of this section.

Carrying a handgun in the course of duties is a privilege, not a right, and may be revoked at any time at the sole discretion of the City Manager. It is the responsibility of the licensee to ensure he or she is in compliance with Texas handgun laws at all times. Failure to comply with these laws can result in disciplinary action up to and including termination.

A properly authorized employee is allowed to carry a handgun while on duty only if the handgun is concealed on their person and within their control at all times. Nothing in this policy allows an employee to openly carry a handgun on City property, and open carry of handguns by employees on City property is strictly prohibited. An employee is not allowed to leave an unattended or unsecured handgun at his or her workstation, office, desk, cabinet, locker, meeting room, or any other City area, even if kept in a handbag or briefcase. If left unattended, the handgun must be in a locked drawer or cabinet.

A properly authorized employee may not leave an unattended handgun within a City-owned vehicle unless the vehicle is locked and the handgun out of view, or the weapon is safely secured in a lockable storage device designed for such purpose. Further, firearms must be removed from City vehicles at the end of the employee's current shift, and may never be left in vehicles overnight.

Prior to carrying a concealed handgun onto City property (other than secured in an employee's own vehicle in parking areas), the employee shall:

- submit a form entitled "Request to Carry Concealed Firearm at Work" to the City Manager, and copy Human Resources and the immediate supervisor on the request;
- obtain written permission by the Manager to carry the weapon.



No employee may carry a handgun in the following situations:

- onto City property for the duration of a personnel investigation, if the employee is the subject of the investigation;
- into a meeting or interview relating to a disciplinary action if the employee is the subject of the disciplinary action;
- onto City property during all exit interviews;
- onto City property when the employee has been referred to, or is undergoing treatment by, mental health professionals for symptoms of mental illness, or has otherwise displayed symptoms of mental illness;
- onto non-City property (other than when secured in vehicle in parking areas) while on duty, including but not limited to citizen homes, workplaces, facilities, or any other premises that City employees visit during the normal course of their duties, regardless of whether the owner of the property has posted or otherwise banned the carrying of handguns on the premises; or
- in any other situation where the City Manager or the investigator in a personnel investigation determines a handgun shall not be present, such as board meetings or council meetings.

If an interview in connection with a personnel investigation or an exit interview occurs unscheduled and the employee is carrying a concealed handgun, the employee shall inform the investigator or interviewer that the employee is carrying a concealed handgun, and it shall be in the discretion of the investigator or interviewer whether to continue with the interview without securing the handgun, continue with the interview after the handgun has been secured, or reschedule the interview.

Policy # 307 Violence in the Workplace

The safety and security of City employees and those interacting with them are of vital importance. Acts or threats of physical violence or emotional abuse, including intimidation, harassment and/or coercion, will not be tolerated from anyone. Even jokes about committing violence are prohibited and will be taken seriously. The prohibition against threats and acts of violence applies to all persons involved in the operation of the City, and anyone else on City property.

Any employee who is a victim of threats or other intimidating or violent behavior, either from a coworker, a customer, or others, should immediately report the conduct to his or her supervisor or any member of management. In addition, any employee who is aware that others are being intimidated or receiving threats of violence must report the conduct immediately.



Policy # 308 Sexual & Other Unlawful Harassment

The law prohibits harassment of employees on the basis of race, color, religion, sex or gender, sexual orientation, gender identity, national origin, disability, age, veteran status, genetic information or any other classification protected by law. Harassment must be severe and pervasive to be illegal under the law; however, the City prohibits all forms of harassment, even if the conduct would not qualify as unlawful, and will take active steps to eliminate any harassment the City becomes aware of.

The City is committed to providing a work environment that is free of discrimination and harassment. No harassment will be tolerated, including actions, words, jokes, or comments based on an individual's sex, sexual orientation, gender identity, race, ethnicity/national origin, age, religion, genetic information, disability, pregnancy, military status or any other legally protected status. Harassment is prohibited both during work hours and at any work-sponsored social function or other event. All employees, including supervisors and managers, will be subject to disciplinary action, up to and including termination, for any act of unlawful harassment they commit.

The City will take direct and immediate action to prevent such behavior and to investigate and remedy reported instances of workplace harassment. Supervisory personnel are required to take immediate and positive steps to eliminate any form of sexual or other workplace harassment when it comes to their attention.

Harassment is generally defined as unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys or insults another person, where such conduct has the purpose of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person's work performance. Examples of prohibited conduct under this policy include jokes, comments, threats, images, or other verbal, visual or physical conduct that ridicules, degrades, insults, or singles out based on protected classifications.

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (i.e., conditioning a raise or promotion on engaging in sexual activity); or
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting that individual (i.e., requiring a potential new hire to go out with a supervisor prior to extending an offer of employment); or



3. Such conduct has a purpose or effect of substantially interfering with an individual's professional performance or creating an intimidating, hostile or offensive employment environment (i.e., continuous, sexually explicit comments directed at another employee).

Examples of sexual harassment could include, but are not limited to: unwelcome sexual flirtation, touching, advances or propositioning; verbal abuse of a sexual nature; sexually explicit or vulgar jokes; unwelcome discussion of sexual activities; showing sexual or inappropriate images and messages, graphic or suggestive comments about an individual's dress or body; or sexually degrading words describing an individual.

Whenever possible, employees encountering harassment should tell the person that his or her actions are unwelcome and offensive. Any employee who believes that a supervisor's, other employee's or non-employee's actions or words constitute harassment also has a responsibility to report the situation as soon as possible to his or her supervisor or the Human Resources Department. A supervisor who receives a complaint, observes, or becomes aware of potential harassment must immediately notify Human Resources. This will ensure that steps may be taken as necessary to protect the employee from further harassment, and appropriate investigative and disciplinary measures are initiated. If it is not practical or is uncomfortable for the person being harassed to tell his or her supervisor, the employee should instead file a complaint directly with the Human Resources Department. The Human Resources Department will be responsible for the investigation of any complaint alleging harassment. All reports will be promptly investigated in as confidential a manner as possible, while still conducting a thorough investigation. Employees must participate in any investigation in which they are asked for information.

Employees may raise concerns and make reports of harassment without fear of reprisal. Anyone engaging in sexual or other harassment or retaliation will be subject to disciplinary action, up to and including termination of employment.

Policy # 309 Drug Free/Alcohol-Free Workplace / Drug Testing

It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner. While on City premises and while conducting business-related activities off City premises, no employee may use, possess, purchase, distribute, sell or be under the influence of alcohol or engage in the unlawful distribution, manufacture, dispensing, possession or use of illegal drugs, including having illegal drugs in one's system. Further, off-duty employees are prohibited from purchasing or from being served alcohol while wearing City-issued uniforms, or other attire displaying the City of Canton name, logo, or other such identifying marks associating them with the City of Canton.



As a limited exception to this policy, the reasonable and limited purchase and/or use of alcohol at City-approved functions (business dinners, employee gatherings, conference cocktail hours, etc.) is acceptable if the activity and the employee's involvement in the activity is pre-approved by the City Manager. However, no employee in a work-related capacity or who otherwise could be viewed as representing the City, may ever be impaired or under the influence because of use of alcohol.

The City will consider violations of this policy to constitute severe misconduct and will take appropriate disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. For applicants, a positive test will result in withdrawal of the job offer. Applicants or employees who refuse a test or engage in conduct that obstructs or delays a test or sample collection are subject to immediate termination of employment or the hiring process.

For purposes of this section, the term, "drug" includes alcohol, prescription or over-the-counter drugs when not taken as intended or as directed by the employee's doctor, illegal inhalants, and illegal drugs. The term "illegal drugs" means controlled substances as defined by federal and state law.

The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees must report impairment due to prescription drugs or over-the-counter medication or potential impairment to their immediate supervisor, department head, or to the Human Resources Department. The City reserves the right to limit, suspend, or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk.

The City encourages any employee who has an alcohol or drug problem to seek treatment before the problem manifests itself in a violation of this Policy. An employee's voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a "voluntary disclosure" upon being notified that he or she must submit to a drug or alcohol test. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their supervisor, department head or the Human Resources Department to receive assistance or referrals to appropriate resources. Such disclosures must occur PRIOR to the City discovering a violation of this policy.

An employee must notify the Human Resources Department of a criminal conviction for drug-related activity within two days of the conviction.



Employee Drug Testing: All employees of the City of Canton are subject to drug and/or alcohol testing. The following tests may be conducted:

1. Pre-employment, post-offer alcohol and drug tests may be conducted on job candidates for safety or security sensitive positions as a condition of employment, or on candidates for promotion to safety or security sensitive positions.
2. Upon recommendation of the Department Head to the City Manager, post injury or accident alcohol and drug tests may be conducted on employees as soon as practical following an injury or an accident, including motor vehicle or motorized equipment accidents.
3. Alcohol and drug testing also may be conducted when a supervisor or department head has reasonable suspicion, or observes behavior, speech, appearance or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing must occur as soon as practical following the supervisor's observation. The supervisor must document his/her observations and forward the document to the Human Resources Department.
4. Employees who are covered by the U.S. Department of Transportation's regulations on drug testing (operators of heavy equipment, CDL drivers of certain passenger vehicles, etc.) and certain employees in other safety-sensitive or security-sensitive positions may be selected at random for drug and/or alcohol testing at any interval determined by the City.

Employees with questions about this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, department head or the Human Resources Department, without fear of reprisal.

Policy # 310 Smoking / Smokeless Tobacco

Smoking, vaping, or using e-cigarettes is not allowed inside or within ten feet of an entrance to any City facility. This policy applies to all employees and to customers and visitors while on City premises or in City-owned vehicles or enclosed equipment. The use of smokeless tobacco shall be discreet and is prohibited in any public area of a City facility, unless it is a designated smoking area, or when interacting with the public. Tobacco breaks shall be scheduled so as not to disrupt City operations, and users of tobacco may not take more or longer breaks than other employees.



Policy # 311 Workplace Searches

The City has an overriding interest and responsibility in the prevention of any activities which may interfere with effective, efficient and safe operations in the City. For this purpose, workplaces and workspaces of all City employees are subject to random inspections and investigation searches at any time by the City and continued City employment shall operate as employees' consent for any searches or monitoring of City-owned or City-leased property or items. Further, no unauthorized locks or keys to locks for City-owned or City-leased property or items may be utilized by any City employee. Any unauthorized locks or keys shall be subject to removal by the City.

The terms workplace or workspace include any area where work is performed and any items related to work which are used by or are accessible to any employee, such as computer equipment, including hardware, networks and hard drives, communication devices, offices, desks, files, file cabinets, lockers, cabinets, storage areas, and City-owned or City-leased vehicles and equipment. In most cases, these terms do not include employee's personal items, such as personal vehicle, handbags or briefcases.

Employees have no expectation of privacy relating to City-owned or City-leased vehicles and equipment, offices, lockers, desks, files, file cabinets, storage areas, cabinets, or possessions stored in the same, computer equipment, including hardware, networks and hard drives, communication devices and/or other City property.

Policy # 312 Political Activity

Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. Employees speak as private citizens when their political speech is not part of their job, but rather, employees are speaking on their own behalf, and political speech is inherently a matter of public concern.

It is the policy of the City of Canton to provide the following restrictions regarding the political activity of all City employees:

- a. Employees shall refrain from publicly using their positions or influence for or against any candidate for public office in the City of Canton.
- b. Employees, either on duty, in uniform or other City-issued clothing, or while otherwise seeming to represent the City, shall not circulate petitions or campaign literature on behalf of candidates for a City of Canton elective office or be in any way involved with soliciting or receiving any subscription, contribution, or political service on behalf of such candidates, unless specifically authorized by law and the employee's supervisor to do so. Employees may not, by word, clothing, or implication, send a message that their local campaign activities are on behalf of the City or in any way associated with their City employment.



- c. Employees shall not use working hours or City property to be in any way involved with soliciting or receiving any subscription, contribution, or political service or to circulate petitions or campaign literature on behalf of candidates for public office in any jurisdiction.
- d. Employees shall not in any manner contribute City money, labor, time, or other City resources to any person for City of Canton election purposes, unless specifically authorized by law and the employee's supervisor to do so.
- e. Employees shall not coerce a co-worker or member of the public to participate in or otherwise support, or to refrain from participating in or supporting, any political campaign or other political activity.
- f. No City employee may hold an appointed or elective City of Canton office of public trust, nor hold a partisan office in any jurisdiction or any other office where service would constitute a direct conflict of interest with City of Canton employment, as determined by the City Manager, either with or without remuneration. A City employee who is elected to the City of Canton City Council or elected or appointed to another City of Canton office automatically resigns his/her position with the City. Employees elected to any other political office must report the election to their Department Director and the Human Resources Director for a determination of whether the City must take measures to avoid the appearance of or actual conflict of interest with the duties of employment and the City's interests.
- g. A City employee who plans to run for political office must consult with his/her Department Director and the Human Resources Director before campaigning or filing for such office. The Department Director and the Human Resources Director, in consultation with the City Manager, as necessary, will determine if potential conflicts of interest or other reasons exist that could require a leave of absence or other measures to avoid the appearance of or actual conflict of interest with the duties of employment and the City's interests.
- h. Nothing within this political activity policy shall be construed to affect an employee's right to vote or participate in the political process on their own time.

Policy # 313 Garrity Warning

All employees must report to their department head any allegations of criminal activities against themselves or others. When City management becomes aware of an instance when a City employee may have involvement in an alleged criminal matter, an Administrative Inquiry should be conducted. This inquiry will include having the employee sign a written *Garrity Warning*, which allows the City to question the individual for employment/administrative purposes only about criminal matters without violating the employee's Fifth Amendment right against self-incrimination when the questions pertain to employment matters. Information obtained from the questioned employee may not be used against the employee for prosecution in criminal matters. In this way, the *Garrity* doctrine protects the Constitutional rights of City employees in criminal



prosecutions while permitting the City to conduct investigations into possible criminal misconduct in the workplace.

Policy # 314 Arrest/Confinement

City employees are subject to duty restrictions and discipline for acts prohibited by law and/or resulting in charges being filed, arrest or confinement.

1. Any City employee detained by law enforcement authorities, who fails to report to work or to timely notify his/her supervisor or department head of the arrest will be subject to disciplinary action for an unauthorized absence/Absence without Approved Leave. If the City employee does not report to work, the time shall be recorded as unpaid leave.
2. At the time the City is made aware of a City employee's arrest or conduct constituting a criminal offense, the Department Head may:
 - a. allow the employee to return to regular duty with pay;
 - b. allow the employee to return to restricted duty with pay; or
 - c. place the employee on administrative leave with pay.
3. Disciplinary action and termination may be pursued in addition to the foregoing options concurrently or at a later date based on the City's investigation of whether the employee committed the act, whether the City's reputation would be harmed by the charge, or whether the extended absence will unreasonably interfere with the best interests of the City, regardless of the disposition of the criminal charges.
4. Disciplinary action, including termination, may be pursued while a City employee is in custody or incarcerated.

This policy also applies to the commission of acts prohibited by law and not resulting in charges being filed, arrest or confinement. Further, this policy is subject to a case-by-case review of the facts that will determine, in accordance with applicable law, the appropriate course of action.



CHAPTER 4 CONDITIONS OF EMPLOYMENT

Policy # 400 Fitness for Duty

It is the continuing responsibility of each City employee to maintain the standards of physical and mental fitness required for performing the essential duties of his/her position. An employee who becomes aware of a medical or mental condition that affects their ability to perform the essential duties of their position must inform his/her supervisor and/or department head. When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing the essential assigned duties, the employee may be required to submit to a health examination to determine fitness for duty. Authorization for disclosure of all reports to the City's Human Resources Department, including contacting and discussing health-related issues with any physician or health care provider, shall be a condition of continued City employment. Consistent with applicable law, the City also may require employees to return to a physician or health care provider of the City's choosing for additional evaluation or information.

Department heads or the Human Resources Department may require City employees to periodically demonstrate their ability to perform job-related physical requirements and/or establish voluntary or mandatory programs to maintain fitness by taking mental or physical examinations specifically related to employment in his/her job classification or department. Inability to demonstrate ability to perform job-related requirements, with or without reasonable accommodation, may result in medical separation, and failure to comply with the examinations may result in disciplinary action.

If an employee is unable to perform the essential duties of the assigned position, reasonable accommodations may be made by the City to provide for the employee to perform such duties. The City may also, when available and in its sole discretion, temporarily assign alternate or light duty to employees if the condition is of a temporary nature. If reasonable accommodation cannot be made, or if a temporary assignment is not appropriate or available, the employee may be placed on limited leave or medically separated. Prior to termination, the City will review other vacant positions to assess the appropriateness of a transfer offer.

Policy # 401 Residence Requirement

To the extent permitted by federal and state law, department heads, with the approval of the City Manager, may designate certain positions where it is appropriate that City employees reside within 30 minutes of the City of Canton. Essential personnel or City employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work. City employees operating



City vehicles between their places of residence and workstations also may be required to reside within reasonable commuting ranges of the City or their workstations. The City Manager also may require a City employee hired or transferring into a position with residency or response requirements to comply with the established standards prior to completion of the introductory evaluation/probationary period.

Policy # 402 Separation of Employment

It is the policy of the City to approach each termination with fairness, both to the employee and the City. Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at-will, with or without cause, at any time.

An employee may leave City service in good standing by submitting a written resignation and giving at least ten working days' notice to the City employee's department head and the Human Resources Department. The City may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement unless the notice requirement is waived.

The written notice shall include, but is not limited to, the following:

- a. Date of letter;
- b. Last day of employment;
- c. Forwarding address; and
- d. Signature of the City employee.

All records, property, uniforms, security badges, keys, or other instruments belonging to the City that are in the possession of the separated employee shall be returned before final payment will be made. In the event such items are not returned to the City prior to the issuance of final payment, as a condition of employment with the City, the employee agrees that such amounts may be deducted from any final payment due such City employee.

Examples of the most common circumstances under which employment is terminated include, but are not limited to:

Resignation - termination initiated by an employee who chooses to resign from or leave the City voluntarily.

Retirement - voluntary resignation from active employment status initiated by the employee. Eligible employees may be separated by retirement in accordance with applicable programs.



Involuntary Termination - an employment termination initiated by the City at any time, for any legal reason or for no reason.

Reduction in Force (RIF) - an involuntary termination initiated by the City for business reasons. A City employee may be laid off because of changes in duties or organization or for lack of work or lack of funds. Whenever possible, a City employee laid off from one City department shall be transferred to a suitable position elsewhere, if qualified. Whenever possible, two weeks' notice shall be given to a City employee prior to layoff.

Medical Separation - A City employee may be separated for medical and/or physical reasons when the City employee is no longer able to perform the physical and/or mental requirements of his or her job, with or without reasonable accommodation. A physical examination by a physician specified by the City may be required by the City Manager to determine if the City employee is capable of performing the requirements of his or her job. Medical separation shall not be considered disciplinary action and shall not be used to deny a City employee the use of any injury, disability, or other benefits offered by the City in conjunction with any non-disciplinary separation.

Policy # 403 Reemployment

Consideration for reemployment of former City employees is at the discretion of the City Manager, and may be granted to those applicants who can demonstrate acceptable prior City service, that they left in good standing, and were not involuntarily terminated. If reemployment occurs within 45 calendar days from the original termination date, the employee will be reinstated with their original hire date, seniority and longevity. However, the employee will be treated as a new hire with respect to benefits and will have the requisite wait period before becoming eligible for benefits, including medical, dental, and life insurance.



CHAPTER 5 APPLICATION & EMPLOYMENT PROCESS

Policy # 500 Application Requirements

No one shall be employed in any position with the City until a completed application of employment is provided to the Human Resources Department for review. The candidate must provide previous experience on the application. All information submitted in connection with applying for City positions is subject to verification.

The City relies upon the accuracy of information contained in the employment application, and throughout the hiring process and employment. An applicant shall be disqualified from consideration for employment, or if the person has been hired, employment will be terminated for the following reasons:

- Misrepresentations, falsifications, or material omissions on employment application or during the hiring process;
- Does not meet the job qualifications;
- Has committed or attempted to commit a fraudulent act at any stage of the selection process; and/or
- Is not legally permitted to work in this Country.

Policy # 501 Employment Categories

For the purpose of compensation administration, the City classifies employees as exempt or nonexempt from the overtime provisions of the Fair Labor Standards Act, and as:

- Regular, full-time (on average works 30-40 hours per week, either salaried or hourly, paid bi-weekly, with full benefits). The 40-hour workweek requirement does not apply to firefighters or police officers.
- Regular, part-time (on average works fewer than 30 hours per week and 1000 hours per year, paid bi-weekly on an hourly basis, with no benefits unless required by law or a benefit plan).
- Seasonal or temporary (works part-time or full-time in a position that is expected to be funded for less than six months or 1000 hours per year, paid bi-weekly on an hourly basis, with no benefits).
- Monthly, part-time (on average works fewer than 80 hours per month and 1000 hours per year in a First Monday or special events position, paid monthly on an hourly basis, with no benefits).



Policy # 502 Job Descriptions

The City maintains complete and up-to-date written job descriptions for all positions within the City. Job descriptions will be prepared and/or updated prior to advertising or interviewing for any position. Complete and accurate job descriptions are crucial for the following reasons:

- They provide evidence of the essential functions of the job.
- They are used in interviewing job applicants to determine whether those applicants can perform the essential and marginal functions of the job for which they are interviewing, either with or without reasonable accommodation.
- They serve as the baseline for performance evaluations, and validate competency requirements per City standards.
- They provide guidance in redefining jobs for departmental redesign.

Policy # 503 Vacancies

The City's Human Resources Department will coordinate with department heads and/or the City Manager to identify and announce vacancies, collect and maintain employment applications, determine requirements for employment based upon job descriptions, evaluate applications for employment, and determine if candidates meet minimum qualifications. The Human Resources Department will coordinate and assist with all recruitment activities.

The City encourages promotion from within for qualified candidates with good service records. Job postings may be made internally, externally or both. Job postings shall be made internally for seven days. Each vacancy announcement shall contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

Policy # 504 Employment of Relatives/Nepotism/Dating/Romantic Relationship Between Management and an Employee of the City

The hiring of employees shall not violate the laws against nepotism as contained in the Texas Government Code, Chapter 573 or other applicable laws. The state nepotism statute is applicable to all persons authorized by law to make hiring decisions for the City. No person related within the second degree by marriage or within the third degree by blood to an elected official of the City, or to the City Manager or Assistant City Manager shall be employed or contracted with for any office, position or clerkship of City service. This prohibition shall not apply to individuals who shall have been continuously employed by the City at least six months before the election or appointment of this elected or appointed official, so long as it is possible for the person with hiring authority to recuse him/herself from decisions affecting the employee's employment, as detailed in Chapter 573.062 of the Texas Government Code.



CITY OF CANTON

In addition to the above, any spouse or member of the immediate family of any City employee shall not be employed in any position where:

1. There is a supervisory/subordinate relationship;
2. The employee is working in the same department, unless waived by the City Manager; or
3. Where one of the employees has access to confidential records, or is in the position to make personnel, benefits, or other decisions affecting the other, unless exempted by law or the City Manager. For purposes of this provision, "confidential records" are those deemed confidential by the Texas Public Information Act, Chapter 552, Texas Government Code.

For purposes of this policy, "immediate family" means spouse, parent, step-parent, parent-in-law, aunt, uncle, child, step-child, brother, sister, brother-in-law/sister-in-law, step-brother/sister, step-brother-in-law/sister-in-law, step-parent-in-law, grandparent or grandchild, or whose relationship with the employee is similar to that of persons included in this definition, such as, for example, a couple living together who are not married, or a person who served in the role of the employee's parent when the employee was a child. This policy also may apply to other individuals who are not legally related, but who reside with the City employee, at the sole discretion of the City Manager.

If individuals in the same supervisory chain or in positions that create a conflict of interest become related after they are employed, only one of the employees will be permitted to remain in the prohibited position. If there is no available position to which to move one of the employees, then one must resign or be terminated. The two employees may have input into the decision of who will be transferred or separated, but the final decision rests with City management.

If any member of the supervisory team has or begins a romantic, sexual and/or dating relationship with any employee of the City, the Director/Chief must report the relationship immediately and in writing to the City Manager. This report requirement applies even if the employee with whom the supervisor is having a relationship is not in the same chain of command or is another member of supervision.

Changes in an employee's status relative to this policy must be disclosed to the Human Resources Department and the City Manager. The foregoing provisions apply to all classifications and status of City employees. Failure to comply with any of the requirements in this section may result in discipline, up to and including termination.



Policy # 505 Medical/Psychological Examination

A person selected for initial appointment or reinstatement to certain positions may be required to undergo a medical or psychological examination at the City's expense. If required, City employment shall be contingent upon successful completion of the medical and/or psychological examination in relation to the standards of fitness required for the position involved as described in the job description. The City Manager, acting on information provided by medical personnel, as well as reasonable accommodation requirements, shall be the final authority in determining medical suitability for City employment.

With the approval of the City Manager, a department head may require that a current City employee successfully undergo a medical or psychological examination to determine fitness for continued City employment in the case of a City employee who becomes ill, injured, or otherwise impaired, or for promotion or transfer to another position with specific physical requirements.

A qualified licensed healthcare professional of the City's choice performs all medical and psychological examinations.

All medical and psychological examinations will be kept in a separate, confidential employee file.

Policy # 506 Background / Reference Checks

The City may conduct background and/or reference checks on prospective employees in order to verify their identity, qualifications, ability and character. Once a decision is made to hire an applicant, the Human Resources Department will review the applicant's employment history, references, driving record, criminal history, and verify professional licenses and education, as necessary. Employment shall be contingent upon satisfactory findings.

The City will evaluate the criminal history of any applicant or employee on an individual basis, taking into consideration the following factors:

- Nature and seriousness of the offense;
- Time that has passed since the offense or completion of sentence;
- Relevance of offense to individual's job responsibilities or the job sought, including licensing requirements;
- Length and consistency of employment history before and after the offense or conduct including employment or character references and other information regarding fitness for the particular position;
- Final disposition of case.



Policy # 507 Hiring/Requirements of Employment

The City is an equal opportunity employer hiring individuals solely on the basis of their qualifications, fitness for the position and ability to do the job to be filled.

To be eligible for employment with the City, or for a change in present personnel status, an individual must:

- A. Have a social security number;
- B. Agree to be fingerprinted, if requested;
- C. Agree to a polygraph examination related specifically to job performance for positions designated by the City Manager, if requested;
- D. If requested and relevant to the job, pass a post-offer physical and/or psychological examination administered by a licensed medical provider selected by the City, to ensure ability to perform essential duties of the job;
- E. Agree to alcohol and drug screening tests, including random testing, as permitted by law;
- F. Satisfactorily complete any interviews, examinations and performance tests, if required because of job duties;
- G. Show proof of United States citizenship, legal residence, or other documentation that establishes employment eligibility in the United States, as required by the Department of Homeland Security;
- H. For positions requiring driving, possess a valid Texas driver's license, vehicle insurance and have an acceptable driving record in compliance with City policy, where applicable, unless waived by the City Manager;
- I. Meet minimum requirements of the job description for which employment is sought and submit to all other employment procedures administered by the Human Resources Department;
- J. Be at least 21 years of age to be a commissioned police officer in the Canton Police Department;
- K. Be at least 18 years of age to be employed in Fire Service or in any other City service or City department to fill a regular, full-time position.
- L. Be at least 16 years of age for part-time and/or seasonal and temporary positions, depending upon the requirements of each position;

Policy # 508 Outside/Secondary Employment

Holding a position with the City is the primary employment for all regular, full-time employees and takes precedence over all secondary/outside jobs at all times. A City employee shall not engage in outside/secondary employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance of their City position. Outside/secondary employment must



be reported to and approved by the employee's supervisor in writing, and shall be in conformance with the City's adopted Code of Ethics and as specified by these policies. If any employee or supervisor has a question about whether the outside position conflicts with or interferes with the employee's primary job with the City, the issue must be brought to the City Manager for a determination.

- A. A City employee who is working another job at the time of hire, and who intends to continue the other employment, must so advise the appropriate supervisor or department head. A City employee is permitted to engage in any business, trade, occupation or profession, including self-employment, provided prior written approval of the supervisor is secured and placed in the employee's personnel file. Failure to acquire prior approval is grounds for disciplinary action.
1. A City employee whose position requires him/her to occupy an "on-call" status or is subject to recall to work in an emergency shall recognize such status as an obligation to the City and shall fulfill that obligation if called to work for the City during these hours even while working on the second/outside job.
 2. Such secondary/outside employment shall not be permitted if it will bring the City into disrepute, reflect discredit upon the employee as an employee of the City or interfere with the performance of the employee's City duties, such as if the City employee is insufficiently rested or requires City time to attend to personal business because of the outside employment.
 3. A City employee shall not perform any outside work or engage in extra-duty employment at any time when the City employee is on leave from the City for paid or unpaid leave of any kind, except for vacation, comp time or holiday leave, without approval from the Human Resources Department. A City employee shall not perform any outside work or engage in extra-duty employment within eight hours after the City employee's missed work period with the City due to the employee's illness or injury, except with HR approval.
 4. No City employee shall engage in any employment or business on a matter that is or has been the subject of an investigation by the employee's department within the last 12 months, nor may the employee appear as a witness except by court order in any proceeding as a result of such employment.
 5. No City employee shall identify himself/herself with his/her position, department or the City in:



- a. The course of a sale or solicitation for sale of any goods or services; or
 - b. The advocacy of any policy, practice, standard or position not officially sanctioned by the City.
6. No City employee at any time shall use or utilize City property, equipment, goods or services in the performance of his/her secondary/outside employment, except as is customary for police officers in security jobs, such as school functions.
 7. These rules apply whether or not the outside work is paid or unpaid.
- B. Department Heads are prohibited from engaging in any form of secondary/outside employment except as may be specifically approved by the City Manager.
 - C. An employee of the City who holds another paid office, or a position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.



CHAPTER 6 EMPLOYMENT STATUS & PERSONNEL RECORDS

Policy # 600 Status Changes

The City maintains accurate employment status information on all employees. To ensure that information is current, a Personnel Change Notice must be completed to make any changes in a City employee's record. City employees are responsible for reporting personal status changes, such as address, phone number and beneficiary changes to the Human Resources Department. Department heads are responsible for reporting employment status changes, such as title, department or salary changes.

City employees also must report any changes in dependents or marital status to the City Office to ensure the Federal Withholding Exemption Certificates and all other applicable tax or legal documents are up to date.

Policy # 601 Employee Orientation

The City provides a general orientation to all new employees. City employees learn about the City of Canton guidelines, policies, procedures, and benefit programs and receive this Employee Personnel Policy Manual, and are encouraged to ask questions. All City employees must sign the Employee ACKNOWLEDGMENT FORM at the back of this Manual for inclusion in their personnel file. As benefits and policies change, the Employee Personnel Policy Manual template and departmental manuals will be updated and notices to employees will be posted on departmental bulletin boards or via electronic means.

Policy # 602 Introductory Evaluation Period

Every person initially appointed to, transferred or promoted in the City service shall be required to successfully complete an introductory evaluation period of at least six months. A longer introductory evaluation period may be required for certain positions, when it is determined by the City Manager that it is warranted. All introductory employees will be required to have written "end of evaluation period".

All appointments, except temporary appointments and reappointments, shall comply with the introductory evaluation period. An extension may be granted in individual cases when additional time is needed to determine if the employee can satisfactorily perform his or her job duties, upon approval of the City Manager. An employee shall be retained beyond the introductory evaluation period and granted regular full-time status only on the basis that the services of the employee have been satisfactory and approved by the City Manager. Supervisors shall evaluate employees upon completion of the introductory evaluation period and submit employee status change forms to the Human Resources Department. Employees who have successfully completed the introductory evaluation period remain at-will employees.



A City employee shall fail the introductory evaluation period when, in the judgment of the department head, the City employee's performance and/or quality of work are not such as to merit continuation in the job. Failure to satisfactorily complete the introductory evaluation period may result in termination. A newly promoted City employee who fails the introductory evaluation period shall be returned to his or her former type of job, if the position is available. Inability to comply with licensing or certification requirements as established by law or established in the job description shall constitute failure of the introductory evaluation period. Extension of the introductory evaluation period after failure will be determined by the department head and the City Manager.

Policy # 603 Evaluation Process

All regular full-time and regular part-time City employees, sworn and non-sworn, will receive an employee evaluation at least once annually. The work performance of employees shall be evaluated in accordance with the Performance Appraisal Guidelines designed to assist supervisors and employees in measuring how well the work is being performed and to provide a tool for management decisions regarding training, assignment, promotion, retention, and compensation of employees. All job performance evaluations shall be in writing and on the appropriate forms provided and/or approved by the Human Resources Department. An employee's failure to meet job requirements, failure to satisfactorily perform job duties or failure to meet performance standards may result in disciplinary action, up to and including termination.

Policy # 604 Seniority

City employees' seniority status is based on their full-time date of hire (as it relates to full time benefits). A City employee's seniority status within a department may be considered for purposes of determining shift and work assignments, transfers, and time-off requests, for example. Seniority status may be affected if transferred to a different department and job description, based on that department's established policy.

Policy # 605 Transfer / Promotion

The City provides transfer/promotion opportunities whenever reasonably possible to qualified City employees. Transfer and promotion decisions are based on long-term business goals, employee performance and the employee's potential for success in the new position. Transfers and promotions shall be offered to City employees at the sole discretion of the City.

A transfer is the assignment of an employee from one position to another position having the same pay range. Promotions are position changes resulting in higher pay and a higher level of duties and responsibilities.

City employees may apply in writing for a transfer/promotion to a vacant position either within or outside their current department. To be eligible for a transfer/promotion, an employee must meet the current minimum requirements for the



vacant position. An employee on a performance improvement plan or disciplinary probation will not be considered eligible for promotion. All transfers/promotions shall be documented on appropriate forms and forwarded to the Human Resources Department for processing.

Temporary promotions may be authorized to ensure the proper performance of City functions if a position is vacant or the regular incumbent is absent. Temporary promotions are intended to be temporary and shall not be utilized to circumvent the established selection process.

Policy # 606 Demotion

A demotion is the assignment of an employee from a position in one classification to a position in another classification having a lower pay grade, which may or may not require a salary reduction (depending on the type of demotion).

Administrative Demotions: With the approval of the City Manager and if qualified to perform the duties of the lower level position, a City employee may be administratively demoted at his or her own request or as an alternative to a reduction in force (RIF). Such demotions shall not be considered disciplinary actions or disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Voluntary Demotions: may or may not require an appropriate salary reduction to be determined by the department head and City Manager. The demoted employee's salary should not be greater than the maximum of the lower classification.

Involuntary Demotions: may or may not require a salary reduction and will be reviewed on a case-by-case basis by the department head and City Manager. Involuntary demotions may occur for disciplinary reasons, in which case a written statement of the reasons for the demotion must accompany the demotion notice. A copy of the demotion notice must be presented to the affected City employee, who has the right to appeal through the appeal procedures.

Policy # 607 Personnel Records

The City maintains personnel records for applicants, employees, and past employees in order to document employee-related decisions and comply with record keeping, retention and reporting requirements. The Human Resources Department is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured. Unless otherwise provided by law, personnel files and information shall be confidential and may only be used or divulged for lawful purposes and by authorized persons. Disclosure may occur only with the permission of the City employees involved, or as provided by the Public Information Act.



A City employee shall have a right of reasonable inspection of his or her official personnel file under procedures prescribed by the Human Resources Department.

Policy # 608 Confidentiality of Employee Records

All employee information shall be kept secure in the Human Resources Department system. Employee records containing medical information will be kept in a confidential file separate from the personnel file, and locked by physical and/or electronic means.

Access to City employee files and related confidential information shall be limited to individuals having a valid business need. Examples of individuals that may have a need are the City Manager, Assistant City Manager, Department Heads, and Human Resources, in their regular course of business and job responsibilities. In addition, upon request, individual City employees may review the contents of their employment records in the presence of one of the authorized persons named herein.

City employment records must not leave the confines of the Human Resources Department, except as necessary in the course of litigation or other such legal procedure.

Policy # 609 Release of Employee Information

All inquiries received either by telephone or in writing regarding present or past City employees are to be referred to the Human Resources Department. The Human Resources Department will only provide the following referral information:

- dates of employment.
- verification of last rate of pay.
- title of last job held.

Additional information will be provided only if a former or present City employee submits a signed authorization requesting in writing the specific information to be released, except as required by law.

Requests under the Public Information Act must be in writing and are to be referred to the City Secretary's office. Pursuant to Sec. 552.024, Texas Government Code, City employees may sign a written statement denying public access to information in the custody of the City which relates to home address, home telephone number, Social Security number, or which reveals whether or not the employee has family members. All information not protected by a City employee's signed statement or the law will be furnished upon request.



CHAPTER 7 COMPENSATION

Policy # 700 Compensation Plan

The City provides fair and competitive wages for all City employees. The City Manager and/or his or her designee shall administer a comprehensive compensation plan for City employees as prescribed in these policies, and as approved by City Council each year during the annual budget process.

The basic philosophy and objectives of the City's compensation system are:

1. To attract and retain qualified workers;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance;
4. To maintain a competitive position with other employers in the geographic area; and
5. To account for cost of living factors.

Salary ranges established for any given year are best maintained if adjusted periodically to reflect the movements of wages occurring in the competitive marketplace. No such adjustments shall be granted by the City Manager unless the City budget is adopted and provides for funds to cover these increases. No automatic increases will be given.

Policy # 701 Pay Procedures/Advance Pay

The City pays regular employees bi-weekly by check every other Tuesday. Certain part-time monthly employees who work only during the City's First Monday event may pick up their paycheck on the Thursday following the event. If the employee does not pick up the check by close of business Thursday, the City will mail the check on the Friday following the event.

If payday falls on a holiday, employees will receive paychecks on the last workday prior to the holiday. Time worked shall be rounded to and paid in quarter-hour increments.

Policy # 702 Overtime

It is the general policy of the City to limit overtime. **Any overtime must be approved in advance, before it is worked.** Employees authorized to receive overtime and required to work scheduled or emergency overtime shall receive compensatory time off at time and one-half or monetary payment at time and one-half rate for all overtime worked in excess of 40 hours per work week. . For non-firefighter or police personnel, the seven-day work period for purposes of calculating overtime is 12:00 a.m. Saturday through 11:59 p.m. Friday.



Overtime for non-exempt public safety employees is based on their defined work periods. Firefighters' overtime is based on work performed over 106 hours in a 14-day work period beginning at 12:00 a.m. on Saturday. Police officers' overtime is based on work performed over 80 hours in the same 14-day work period.

For purposes of determining overtime compensation, "hours of work" shall include all time an employee is actually on duty at the City's establishment or other prescribed workplace, or is on holiday leave. "Hours of work" does not include holidays paid in lieu of accrual, vacation days, sick days, compensatory time off, funeral leave, jury leave, or other occasions in which an employee actually performed no work or services.

When overtime is required, it shall be allocated as evenly as possible by the department head among all non-exempt employees qualified to do the work. Employees must work mandatory overtime when assigned.

Salaried, exempt employees normally do not receive overtime and are expected to work the hours necessary to do their jobs. In rare circumstances, and at the City Manager's sole discretion and determination, such as during a declared disaster, salaried, exempt employees may receive additional pay or compensatory time at an hour-for-hour basis for hours worked over a determined number of hours in a given week. The Human Resources Department is responsible for determining the exempt/non-exempt status of positions in accordance with guidelines established by the Fair Labor Standards Act (FLSA).

Policy # 703 Compensatory Time

Compensatory time is time off earned by a non-exempt employee in lieu of overtime pay, when an understanding is reached between the employee and the City before the performance of the work. An employee who continues employment with the City after reaching an understanding that overtime will be paid with compensatory time has agreed to the compensatory time method.

Compensatory time is earned at the rate of one and one-half hours for each hour of overtime worked.

For all public safety, emergency response non-exempt employees (including, but not limited to police officers, firefighters and emergency medical technicians), the maximum hours of compensatory time that may be accrued is 480 hours. For all other non-exempt employees, the maximum hours of compensatory time that may be accrued is 240 hours. Once non-exempt employees have accrued the maximum hours of compensatory time, the employees shall be paid monetarily at a rate of one and one-half times their regular pay rate for all additional overtime hours worked.



Non-exempt employees shall be permitted to use accrued compensatory time within a reasonable time period after making a request if using the compensatory time does not unduly disrupt the operations of the City. Employees may also be required at any time to use their compensatory time to bring down accrual levels.

The City does not generally cash out accrued compensatory time except at employment separation. For emergency requests to cash out a portion of compensatory time, employees must submit a written request for approval by the department head and City Manager. All such requests are limited to 80 hours within a 12-month period.

The City may choose to pay employees for accrued compensatory time at the end of each fiscal year based upon availability of funds, which shall be paid at the employees' current, regular rate of pay, or to carry-over accrued compensatory time to the next year.

Upon termination of employment or prior to promotion to an exempt position, the City shall pay employees for all unused, accrued compensatory time, based on the employee's current regular pay rate.

Exempt employees do not receive compensatory time and/or overtime pay under the FLSA. At his/her sole discretion, the City Manager may approve paid administrative leave for an exempt employee if an excessive number of extra hours were required during a specific work period.

The City Manager's designee shall keep records of all overtime worked and compensatory time taken by employees. The records must include the following information: (1) Number of overtime hours worked each work period; (2) Number of overtime hours paid each work period and the rate paid; (3) Number of compensatory time hours accrued and used each work period; (4) Number of compensatory time hours compensated monetarily, the amount paid, and date of payment; and (5) Written understandings or agreements involving the accrual and use of compensatory time, if any.

Payment for overtime worked and/or the use of compensatory time shall be itemized separately on the time and attendance report.

Policy # 704 Hours of Work/Travel Time

The City shall establish the time and duration of working hours as required by workload and production flow, customer service needs, the efficient management of human resources, and according to any applicable law.



Ordinary commuting time is not considered “hours of work” except in the case of emergency call-backs. Worksite to work-site travel is included in “hours of work” after the first worksite is reached.

Out-of-town work-related travel and meeting time is work time, but time spent in voluntary receptions, mealtimes or resting is not.

Policy # 705 Emergency Call Back

Non-exempt employees who work emergency duty on Saturday or Sunday, or those who are called back to work in emergencies, shall be compensated for actual time worked or two hours, whichever is greater.

During a disaster and upon approval by the City Manager, exempt employees may be paid for overtime hours worked.

Policy # 706 Inclement Weather/Emergency Closures

City employees are generally expected to report to work during inclement weather conditions if the City does not declare an emergency closing. City employees who are unable to report to work because of weather conditions and/or emergency office closures may be required to use available compensatory time, vacation time, or accrued holiday. If no accrued, appropriate paid time off is available, the employee will be placed on authorized unpaid leave.

If weather conditions are such that personal judgment prevents the City employee from coming to work or causes them to be late, the City employee should notify his/her department head within one-hour after the start of the workday.

The City Manager determines whether City offices are closed due to inclement weather or other emergency conditions.

Policy # 707 Mileage Reimbursement

The City reimburses employees for mileage at the IRS rate for driving their personal vehicle to a remote alternate work site or meeting location, outside their daily commute to and from their usual work site. Mileage will be calculated from the City's location to the alternate location. If an employee chooses to drive when airfare plus related expenses (rental car, airport parking, etc.) would cost less than mileage, the employee is responsible for mileage costs over the total cost of flying to the location. The Employee Expense Report will be completed following each trip and submitted within 15 days.



Policy # 708 Expense Reimbursement

The City reimburses employees for reasonable expenses incurred during approved business travel or for approved business purchases. Business travel must be approved in advance and will be reimbursed according to IRS and state guidelines. The Employee Expense Report will be completed following each trip.

Employees shall receive a per diem at the rate determined by the City Manager for meals during approved business travel. Hotels and public transportation expenses must be preapproved and, when possible, incurred at the government rate, if lower than the event rate. Additional travel or business expenditures will be reimbursed upon approval by the department head or City Manager and presentation of the appropriate receipts.

The following expenses are not allowable: entertainment, alcoholic beverages, laundry service, hotel phone charges, and additional travel expenses for a spouse or guest.

Policy # 709 Separation Pay

Employees who leave City service for any reason shall receive all pay that legally may be due to them. Any indebtedness to the City which an employee may have incurred shall be deducted from the final paycheck, and by accepting City employment, an employee agrees to these terms. Final pay for City employees who voluntarily end their employment (i.e., quits, retires resigns or otherwise leaves employment voluntarily) will be issued on the next regularly scheduled payday. Final pay for City employees who are involuntarily terminated (i.e., laid off, discharged, fired, or otherwise involuntarily separated from employment) will be issued within six calendar days of discharge.

Employees who resign shall give at least ten working days' written notice before the effective date of resignation to leave in good standing. After a City employee gives the required notice, a department head or the City Manager may choose to waive the required notice, as deemed necessary. If the City waives notice, a City employee may not be compensated for such period.

All employees shall be paid for accumulated compensatory time and worked holidays, except floating holidays, upon separation. Only employees who have completed 12 full months of service prior to separation shall be paid for accumulated vacation time. Only employees who have completed ten years of continuous service prior to separation shall be paid for accumulated sick leave not to exceed 480 hours.



CHAPTER 8 EMPLOYEE BENEFITS

Policy # 800 Insurance

All regular, full-time employees are eligible for and are covered by medical, long-term disability, accidental death and dismemberment, and \$50,000 life insurance after the applicable waiting period has been met under the City's group insurance policies. The City pays 100% of the employee's premiums. The City's coverage allows the option of additional insurance for dependents at the employee's expense through payroll deduction. Detailed information concerning City employee insurance programs may be obtained in the applicable insurance manuals or in the Human Resources Department.

In addition, all regular full-time employees are covered under the Medicare portion of Social Security. The Medicare tax is paid by both the employee and the City. All employees, when qualified, are also covered under the Texas Workers' Compensation Insurance and Texas Workforce Commission's unemployment compensation insurance.

Policy # 801 Benefits Continuation

Covered employees and their qualified beneficiaries have the opportunity to continue health insurance coverage under the City's health plan for specified periods of time when a "qualifying event" would normally result in the loss of eligibility. Qualified beneficiaries are individuals who, on the day before a qualifying event, are covered under a group health plan as a covered employee, spouse of a covered employee, or a dependent child of a covered employee. Qualified beneficiaries also include children who are born to, or placed for adoption with, a covered employee during the period of continuation coverage. Some common qualifying events are resignation, termination of employment, (except terminations for gross misconduct) or death of an employee; a reduction in an employee's hours; an employee's divorce or legal separation; and a dependent child who no longer meets eligibility requirements. If continuation is elected, the employee or beneficiary pays the full cost of coverage plus an administrative fee. Each eligible employee will be provided with written information describing rights and obligations when the employee becomes eligible for coverage under the City's health insurance plan.

Policy # 802 Retirement

The City is a member of the Texas Municipal Retirement System (TMRS). Participation in this system is compulsory for all regular employees who are regularly scheduled to work over 1,000 hours annually. Enrollment into this system shall be handled by the City's Human Resources Department at the date of employment.



1. The plan requires each City employee to contribute seven percent of annual gross pay through payroll deductions. The City matches and doubles each employee's contribution at a two to one ratio.
2. An employee must be employed by the City for at least five years to be vested.
3. In the event the employee leaves the employment of the City prior to retirement and is not vested, such employee may a) elect to leave his/her contributions on deposit with the TMRS pursuant to the TMRS policies for up to five years; b) file application for a full refund of the employee's contributions and accrued interest thereon; or c) may roll the funds over into a qualified account.
4. Complete details of the retirement plans, as well as additional information, is provided in the Texas Municipal Retirement System Handbook available through TMRS and the Human Resources Department.
5. Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.

Policy # 803 Special, Discretionary Longevity Pay

Based upon availability of funds and subject to annual approval by the City Council, employees may receive discretionary longevity pay prior to the holidays as a reward for dedicated service to the City. If approved, a full-time employee could receive the amount equal to 40 hours pay, or 56 hours pay for full-time firefighters, on November 1 of that year, if the employee has been employed continuously for a period of one year or more. Discretionary longevity pay, if paid, will be pro-rated for any full-time employee who has completed six months but less than one year of service. Part-time employees approved by the City Manager may receive \$50 if employed continuously for a period of one year or more, and \$25 if employed less than one year and greater than three consecutive months. Employees having served less than three consecutive months, inactive seasonal employees, and contract labor are ineligible for discretionary longevity pay.

Policy # 804 Holidays Observed

The City provides full-time employees with paid holidays. Reasonable accommodation shall be made for employees desiring to observe religious holidays not coinciding with official City observed holidays. Employees wishing to observe religious or other holidays not listed herein may be authorized to use accrued leave, other than sick leave, or to take time off without pay.



CITY OF CANTON

The City observes the following holidays:

New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Thanksgiving Friday
Christmas Day
Extra Christmas Holiday
Floating Holiday
(After one year of employment)

Additional days may be designated as holidays by the City Council.

The following rules apply:

1. If a holiday falls on Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday.
2. A holiday is defined as a regular shift for an employee, not to exceed 12 hours. (Firefighters must combine the holiday with accrued leave, excluding sick time, in order to take off a twenty-four hour shift.)
3. Holidays must be taken in full days as defined by an employee's regular shift, not to exceed 12 hours.
4. If an employee is scheduled to work on a holiday and takes the day off, it will be counted as a holiday.
5. To maintain continuous services to the citizens of Canton, some employees may be required to work on a holiday.
6. If an employee is scheduled to work on a holiday, he/she may accrue the holiday to take on an alternate date or receive straight time pay equal to his/her regular shift, not to exceed 12 hours, in lieu of accrual. Accrual is limited to a maximum of five holidays.
7. An employee must work a full shift in order to accrue a holiday; otherwise, he/she will be paid for the hours worked.
8. All alternate holidays shall be scheduled with the employee's department head for the convenience of the employee in so far as possible, but so as



not to cause interference with the normal functioning of the City's operations.

9. For purposes of determining overtime compensation, "hours of work" shall include all time an employee is on holiday leave. "Hours of work" does not include holidays paid in lieu of accrual.
10. New full-time employees are eligible for paid holidays during their introductory evaluation period.
11. Part-time employees may be granted unpaid holidays.
12. An employee on leave of absence without pay shall not receive holiday benefits.
13. An employee shall not receive pay for a holiday if he/she is absent without approved leave or without a doctor's note the day before or the day following an official holiday.
14. An official holiday occurring while any eligible paid leave is being taken shall be reflected as a holiday for payroll purposes and no deduction shall be made for the eligible paid leave. However, employees on continuous leave of absence will not be granted additional time off because of the occurrence of a holiday during the leave of absence. For example, an employee on 12 weeks of new baby leave will not have extra days added to the leave to account for holidays occurring during the leave.
15. Employees must be employed one full year to receive a floating holiday. Only one floating holiday will be allowed each calendar year and cannot be carried from one year to the next.

Policy # 805 Vacation

The City grants annual vacations with pay to regular full-time employees. Part-time and temporary employees are not eligible to accrue vacation leave.

The established vacation year is based on the anniversary of an employee's full-time date of hire. Vacations are accrued based on the City employee's full-time, length of service. Vacation is accrued as follows, regardless of the length of the employees' regular workday:

| Years of Service | 2080 Hrs./Yr. Hours/Year | 2912 Hrs./Yr. Hours/Year |
|------------------------------|-------------------------------------|-------------------------------------|
| After 6 months of employment | 40 hours | 56 hours |
| After two years | 80 hours | 112 hours |
| After ten years | 120 hours | 168 hours |
| After twenty years | 160 hours | 224 hours |



Vacation begins to accrue upon appointment to a regular full-time position, but may not be used until completion of six month probation period, except when used for a bona fide sickness after sick leave has been exhausted. Employees shall not accumulate vacation leave while on an approved unpaid leave of absence. Vacation leave shall not be counted as hours worked when calculating overtime compensation.

Vacation time for employees working 2080 hours per year: may accrue up to a maximum of 160 hours for employees with ten years or less City service, or a maximum of 240 hours for employees with over ten years City service. Employees are encouraged to take their earned vacation time rather than allow it to accrue to the maximum levels.

Vacation time for employees working 2912 hours per year: may accrue up to a maximum of 224 hours for employees with ten years or less City service, or a maximum of 336 hours for employees with over ten years City service. Employees are encouraged to take their earned vacation time rather than allow it to accrue to the maximum levels.

Vacation leave shall be scheduled with the employee's department head for the convenience of the employee in so far as possible, but so as not to cause interference with the normal functioning of the City's operations. Vacation may be taken in any increment provided it does not interrupt the working schedule of the department. All vacation leave must be requested in advance, and approved as delegated by the department head.

Pay in lieu of vacation shall not be permitted, except in the most extraordinary circumstances and must be approved by the City Manager.

Upon termination, City employees who have completed one year of service with the City shall be paid for any earned, but unused vacation not to exceed their maximum accrued vacation time. Employees who leave the employment of the City before completing one year of City service shall not be entitled to vacation payout.

Policy # 806 Sick Leave

Regular full-time employees working a 2080 hour work year may accrue 2.15 hours of sick time per pay period, (56 hours sick leave per calendar year). Regular full-time employees working a 2912 hour work year may accrue 3.01 hours of sick time per pay period, (78.26 hours of sick leave per calendar year). Employees are encouraged to reserve their sick time in the event of unforeseen long-term or catastrophic illness or injury that would normally cause them to incur financial hardship. Abuse of sick leave will not be tolerated. Employees who claim sick leave for purposes other than those intended by this policy shall be disciplined.

Sick leave may be used when an employee is unable to work due to personal illness or physical or mental incapacity; for parental leave, for medical doctor, optical and/or dental visits; for medical quarantine resulting from exposure to a contagious disease; or



when the employee is required to attend to immediate family members who are ill, including children, spouse, other dependents living within the same household, and parents.

After compensatory time and sick leave have been exhausted, accrued vacation may be used as sick leave. When absence due to illness exceeds the amount of accrued paid leave, the employee shall be placed on unpaid leave of absence for the remainder of their allowed time off from work (see Chapter 10 for unpaid leaves of absence and limits on time off). Employees may also apply to the City's Sick Leave Bank for extended illnesses.

Employees must communicate with their immediate supervisor or department head that they will be absent as soon as the employee knows of the need for absence. In no event shall notification occur later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy, unless a justifiable excuse is presented. The City may require proof of illness or of the need for attending to a family member, and/or a doctor's release to return to duty at any time. Employees on sick leave for more than three consecutive days, or who show a pattern or other indication of sick leave abuse, shall be required to present a doctor's statement upon return to work. Failure to present a doctor's statement when requested may result in the absence being considered an Absence without Approved Leave.

Unused Sick Leave: Upon termination of employment for any reason, only employees with over ten years' continuous service will be paid for unused sick leave up to a maximum of 480 hours, regardless of the reason for separation.

Policy # 807 Sick Leave Bank

A sick leave bank is a pool of sick leave hours donated by eligible City employees for the use of fellow employees who would otherwise have to take leave without pay. To apply for sick leave hours from the bank, an employee must be a member of the sick leave bank and must have used all of his or her own sick leave time, vacation, compensatory time, and unused holiday time. (See Sick Leave Bank Guidelines for more details on the administration of this program.)

Sick leave from the City's sick leave bank is not guaranteed.

Policy # 808 Nursing Women

The City supports the practice of expressing breast milk, and reasonably accommodates its employees who have a need to do so during working hours. Employees who are nursing women are allowed reasonable break time, comfort and privacy to express milk. If regularly scheduled breaks and mealtimes are not sufficient, nursing women may take additional time to express milk. These additional breaks are not considered compensable working time and should be deducted from the total time worked.



Employees may choose to use accrued paid leave for this purpose. Nursing women should notify their immediate supervisor or Human Resources of their need for this accommodation so that arrangements can be made to provide a private, comfortable location to express milk. The location cannot be a restroom and shall be shielded from view and free from intrusion.

The City does not allow retaliation against nursing women.

Policy # 809 Tuition Reimbursement / Employee Training

The City encourages training and development programs for employees, as well as succession planning within each department. These programs will be directed toward skill development, knowledge enhancement, enrichment and/or job performance improvement.

Supervisors shall work with employees to develop an individualized plan regarding training and development opportunities and needs they feel would be beneficial to the employee's position and to accomplish future goals related to their job or an approved career path program. The City may offer training to employees, at the City's expense, when training directly benefits the employee and his/her job performance for the City.

At such time as financially feasible, the City supports and may provide partial or full reimbursement for continuing education tuition, laboratory fees and/or other related fees to regular full-time City employees who successfully complete, with a grade of "C" or above, approved education at an accredited college, university or other institution of higher learning. City employees must satisfactorily complete their probationary period before being considered for this program. Employees must have prior written authorization from the City Manager, or designee for tuition reimbursement, with the total amount authorized. To do so, employees must complete, sign and return a "Tuition Reimbursement Request and Agreement" form.

Application for Reimbursement upon Completion of Course: Upon completion of the pre-approved course, the employee must submit, within 45 days, copies of the following: (1) College/University invoice or statement on letterhead indicating fees charged and the amount paid (canceled checks and credit card receipts will not be accepted); and (2) College/University grade report indicating the applicant's name, term, course name, and grade for the term.



Repayment to the City: The City offers tuition reimbursement benefits, in part, to assist in recruiting and retaining employees, and employees, in turn, receive education that makes them more valuable, not only to the City, but also to other employers. Therefore, if an employee voluntarily terminates employment with the City less than two years following completion of a reimbursed course, the employee must agree to pay back all or part of the reimbursed amount, according to the following schedule:

- Less than 6 months 100%
- 6 months to less than 1 year 75%
- 1 year to less than 18 months 50%
- 18 months to less than 2 years 25%

Policy # 810 Ancillary Benefits

Additional benefits of City service include reduced water rates, garbage service and ambulance subscriber fees to employees who are City of Canton utility customers; limited services at the City of Canton Transfer Station; annual flu shots at no cost; and cost-shared membership to a contracted local fitness center.

(These benefits are subject to change without notice.)



CHAPTER 9 LEAVE OF ABSENCE

Policy # 900 General Leave of Absence

Authorized Leave without Pay (Non-FMLA)

Authorized leave without pay means a temporary absence from an employee's duties without pay that is granted only in the City's sole discretion. In circumstances not falling within other provisions of this Manual, the City Manager may authorize an employee to take leave without pay under mutually agreeable terms, and only upon exhaustion of appropriate accrued leave benefits. The City Manager has the discretion to revoke authorization at any time, as allowed by law. Discretionary leave without pay is granted only in rare circumstances.

Leave without pay may be granted for any legitimate purpose, including for recovery from temporary illness or disability, for educational purposes, and for personnel programs that emphasize intergovernmental relations. The employee must show that the granting of this leave will not materially affect productivity within his/her department, and that he/she will be returning to City employment after the leave. The position of any City employee who is out on authorized leave without pay may be filled on an interim basis. All employee requests for authorized leave without pay shall be in writing, with sufficient detail, and shall be submitted to the department head for approval well in advance. An employee's absence without department head approval will be considered as an Absence without Approved Leave.

Leave without pay may be granted for a period not to exceed 45 consecutive calendar days at a time. If additional leave is needed, the employee must make a new request. Leave without pay is subject to the City's Policy on Limitations on Leave. As stated in the Limitations on Leave Policy, the City will comply with the Americans with Disabilities Act (ADA) when additional, limited time off is necessary to accommodate an employee's disability, such leave is for a specified time period, the leave can be granted without undue hardship to the City, and the employee is otherwise qualified for the position.

If an employee does not return to work within three workdays of the agreed upon return date without notification, the employee shall be considered to have resigned. While out on authorized leave without pay, an employee shall remain eligible for health insurance benefits; however, the employee's portion of premiums shall be paid by the employee during this leave. No holiday, vacation leave and/or sick leave accrues during leave without pay.



Absence without Approved Leave

Absence without approved leave means an unauthorized absence without pay. An employee shall not be absent from job duties at any time without the prior approval of the employee's department head, except as otherwise required by law. An employee who fails to report to work or remain at work as scheduled without proper notification, authorization and/or excuse shall be considered absent without approved leave. The employee shall not be paid for the time involved, and shall be subject to disciplinary action, up to and including termination.

Absence without approved leave constitutes abandonment of job duties, which may result in termination.

Any employee absent without approved leave for more than three consecutive workdays and who has not notified his/her department head of extenuating circumstances prohibiting the employee's prior notification, shall be considered to have resigned and may not receive pay for any accumulated benefits.

The City is authorized to investigate any sick leave claimed by an employee or to disapprove any sick leave claimed that is not properly substantiated. If it is determined that sick leave was used improperly or not properly substantiated, or if the employee fails to return to work after a doctor's release, the employee's absence shall be considered Absence Without Approved Leave, and may result in disciplinary action.

An employee whose absence is due to an illness or injury without a definite return date, shall give notice on a daily basis to his/her supervisor or department head no later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy, except as otherwise required under the FMLA. Failure to provide notice may result in the employee's absence being considered an Absence Without Approved Leave, and may subject the employee to disciplinary action.

Policy # 901 Family & Medical Leave Act (FMLA)

The federal Family and Medical Leave Act (FMLA) requires protected leave time for employees in certain situations.

In order to be eligible for FMLA leave, an employee: (1) must be employed by the City for at least a total of 12 months in the previous seven years; and (2) have worked for the City at least 1,250 hours within the previous 12 months.

A. Eligible employees are entitled to take up to 12 work weeks of leave during a rolling 12-month period, measured backward from the date leave is taken, if used for the following reasons:



1. Care of a child of the employee after birth, adoption, or foster care placement in order to care for such child (leave must be taken within a 12-month period after birth or placement);
2. To care for the employee's spouse, child or parent who has a serious health condition;
3. When the employee is unable to work because of the employee's own serious health condition;
4. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

B. Servicemember Family Leave - Eligible employees who are the spouse, child, parent, or next of kin of a covered Servicemember are entitled to up to 14 weeks of additional leave during a single 12-Month Servicemember Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Servicemember Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

C. FMLA Definitions

1. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken.
2. "12-Month Servicemember Period" means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
3. "Child" means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on active duty or who is called to active duty contingency leave, or for Service Member Family Leave, the child may be of any age.
4. "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.



5. "Next of Kin" means the nearest blood relative of a Covered Servicemember.
6. "Covered Active Duty" means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
7. "Covered Servicemember" means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
8. "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
9. "Serious Injury or Illness" means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
10. "Qualifying Exigency" means a family member's need for leave arising from a covered military member's active duty status or call to active duty. Qualifying Exigency includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to 15 calendar days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; 6) certain post-deployment activities within 90 days of the end of the military member's covered active duty, including arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and



addressing issues arising from the death of a military member, including attending the funeral; and, 7) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.

11. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility; 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

D. The provisions for using FMLA leave are as follows:

1. An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of 12 work weeks (or 26 weeks if combined with Servicemember Family Leave time);
2. An employee will be required to use accrued paid leave (including paid vacation, sick leave, compensatory time and workers' compensation) for any part of a family/medical leave. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Servicemember Family Leave time);
3. An employee who has more than 12 weeks (or 26 weeks if combined with Servicemember Family Leave time) of accrued paid leave may use the accrued paid leave over and beyond the FMLA time, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager. Time used beyond what is required by the FMLA is not protected by federal law, and the employee's job may or may not be held open during such unprotected time, at the discretion of the City Manager; and
4. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodate recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City Manager. or their designee.



E. Requests for FMLA leave must be made at least 30 days before the FMLA leave start date, when the need is foreseeable and notice is practicable. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the City. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.

F. **Medical and Military Certification** - To be eligible for FMLA leave, proof of a serious health condition must be certified by a health care provider, as defined by the FMLA. The employee also may be required to submit periodic written status reports to the Human Resources Department during their leave.

1. Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the City. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.
2. City May Require Second Opinion: The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
3. Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.



4. Certification for Extended Servicemember Family Leave: Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.
5. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's separate medical records file.

G. While on paid FMLA leave, vacation and sick leave will continue to accrue. If the FMLA leave is unpaid, vacation and sick leave will not accrue.

H. The employee shall continue to receive health insurance benefits during FMLA leave. The City shall continue paying its portion and the employee shall continue to pay his/her portion of health insurance benefits, if applicable. Employee contributions will be required either through payroll deduction during paid leave or by direct payment to the City during unpaid leave. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.

I. Upon return on or before the expiration of FMLA leave, the employee shall be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave. An employee who fails to return to work by the previously agreed upon date, in absence of further communication, will be considered to have abandoned the job.

J. It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.



Policy # 902 Military Leave

The City of Canton complies with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and with Texas law affecting public sector employee's paid military leave. 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, full-time Texas or National Guard duty, the Reserves, state or federal authorized urban search and rescue teams, and covered service for the National Disaster Medical System.

A. Paid Military Leave. All regular full-time employees who are eligible for military leave under this policy shall be granted paid leave for a maximum of 15 workdays per fiscal year of paid military leave, when engaged in authorized training or service subject to the following conditions and in accordance with applicable State and Federal laws:

1. Employees preparing to take authorized military leave shall provide the City with as much advance notice as possible of their intent to take military leave (unless giving notice is impossible unreasonable, or precluded by military necessity) and also shall furnish their department heads with copies of military orders or other appropriate certification within a reasonable time period.
2. Military leave pay shall not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
3. Travel time included in the orders shall be counted as military leave.
4. Military leave shall not be granted for a diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating or for treatment at any governmental facilities, but employees may use available sick leave.
5. Time required for physical examinations for selection or admission to the military service to determine or maintain a selected service rating or to maintain a reserve status shall be counted as military leave. Pay shall be limited to the regularly scheduled hours lost.
6. Military leave time over and above the 15-day maximum allowed for paid leave must be taken as eligible accrued leave (i.e., compensatory time and/or vacation) or such leave shall be unpaid leave.
7. An employee is eligible for paid military leave beginning on the first day of City employment.

B. Unpaid Military Leave. In accordance with federal law, and after all paid military leave is exhausted, members of the Uniformed Services may serve a total of five years of active duty in the armed forces, or more as proscribed by law, and be eligible for reappointment to his/her City position. However, temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

1. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. In most cases, an employee who leaves City employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:
 - Is physically and mentally qualified to perform the essential duties of the position;
 - Was discharged, separated, or released from active military service under honorable conditions;
 - Provides documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the Agency if the military leave lasted more than 31 calendar days.
 - Has not been in active military service for more than five years, or as otherwise required by law; and
 - Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service according to the following schedule:

| Length of Period of Service | Reapply No Later Than |
|---|---|
| Less than 31 days | Next regular workday after completion of service and time to travel from place of service to residence. |
| More than 30 days, but less than 180 days | 14 days after completion of service. |
| More than 180 days | 90 days after completion of service. |



2. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.
3. Rights to Continued Employment. Employees who serve in the military for more than six months will not be discharged by the City without cause for one year following the date of their reemployment. Employees who serve for between one and six months will not be discharged without cause for six months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.
4. Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from military leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

Policy # 903 Jury Duty

The City recognizes the responsibilities of each individual to perform civic duties as called upon. Employees shall be granted job-protected paid jury leave when summoned for jury duty, or subpoenaed for court appearance; however, it will not be considered time worked in the computation of overtime.

The employee must notify his or her department head upon receiving a summons for which jury leave is requested. A copy of the summons or any other paperwork must be submitted to the employee's department head and attached to his or her timesheet.

All fees paid and expenses reimbursed by the court may be retained by the employee.



City employees shall report to work on any business day or partial day when the jury/court is not in session.

Policy # 904 Voting

The City encourages all employees to fulfill their civic responsibilities by participating in elections. City employees should make every effort to vote outside normal working hours. If City employees are unable to vote on Election Day during their non-working hours, the City shall provide employees paid leave time (up to two hours), for the employee to vote during working hours.

Employees should request time off to vote from their supervisor/department head at least two working days prior to Election Day so that necessary time off may be scheduled at the beginning or end of the work period, whichever provides the least disruption to the normal work schedule.

Policy # 905 Maternity/Parental Leave

Pregnancy is treated in the same manner as any other illness or temporary disability. An employee who becomes pregnant may continue to work until the date upon which she and her personal physician have agreed that she should no longer work. The employee must request a leave of absence, which shall include a statement of the employee's intentions concerning resumption of work. An employee shall be allowed six weeks off after delivery of a child before the employee would be expected to return to work, or as required by the Family and Medical Leave Act (FMLA), whichever is longer.

A pregnant employee may use accrued sick leave, vacation leave and/or compensatory time for this absence and is eligible in the same manner as any other leave of absence in a non-pay status, extension of sick leave, compensatory leave, and any other leave employee benefit. The leave of absence may qualify under the FMLA. If the leave does not fall under FMLA, the employee may apply for a general leave of absence/authorized leave without pay.

The City shall comply with the Pregnant Workers Fairness Act of 2023.

Policy # 906 Funeral Leave

The City allows all employees up to five days paid time off in the event of death in the employee's immediate family. For purposes of funeral leave, "family" includes a spouse, child, stepchild, parent, parent-in-law, stepparent, brother, sister, stepbrother/sister, brother/sister-in-law, grandchild, or grandparents of an employee, or any person living in the employee's household. Funeral leave shall be granted only upon the prior approval of the department head and at his/her discretion. Paid funeral leave will not be considered time worked in the computation of any overtime.



Policy # 907 Limitations on Leaves of Absence

With the exception of leaves of absence for military or jury duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, may last longer than six months. Any employee who for any reason or combination of reasons misses a total of six months of full-duty work in a 12-month period, or a total of nine months of full-duty work in an 18-month period, at the City Manager's discretion, may be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

The City will comply with the Americans with Disabilities Act (ADA) when additional, limited time off is necessary to accommodate an employee's disability, such leave is for a specified time period, the leave can be granted without undue hardship to the City, and the employee is otherwise qualified for the position.



CHAPTER 10 SAFETY

Policy # 1000 Safety

The City has a sincere concern for the welfare and safety of its employees and the public it serves. The City complies with all applicable federal, state, and local health and safety regulations, and provides a work environment as free as feasible from recognized hazards, and has adopted a Safety Program. Employees are expected to comply with all safety and health requirements, and are subject to discipline for failure to do so.

Employees are required to report safety violations or unsafe conditions. The City will not retaliate against a City employee because that employee reported a safety concern, instituted a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right afforded by law relative to workplace safety and health concerns.

Policy # 1001 Workers' Compensation

The City is covered by the Texas Workers' Compensation Act (the Act). Workers' compensation benefits will be paid in accordance with the Act. If an employee becomes disabled or otherwise unable to work because of a work-related injury sustained while on the job, the employee will be granted injury leave and will receive weekly compensation, as well as paid medical expenses, as determined by the Texas Workers' Compensation Commission.

An employee must report all work-related injuries to the employee's supervisor or department head immediately so that the required forms can be timely submitted to the State. Failure to provide the City with prompt notification may disqualify the employee from receiving benefits.

In the event of a work-related injury or illness, employees are covered by Workers' Compensation Insurance, instead of the City's group health insurance. During this injury leave, Worker's Compensation Insurance shall pay the employee benefits as prescribed by the Texas Worker's Compensation Act, which includes payment of all of the qualified employee's medical expenses and, under certain circumstances, disability pay. The City shall not make salary continuation payments to an employee for an employee's disability that resulted from a compensable, work-related injury. Employee may use sick leave to supplement the portion of full time pay that Workers' Compensation does not cover.

Limitations on leave from full duty. The length of injury leave shall be established by a medical doctor, but in no case shall injury leave exceed 180 days in duration. An employee who misses a total of six months of full-duty work in a 12-month period, or a total of nine months of full-duty work in an 18-month period, will be separated from



employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation. The City will comply with the ADA when additional, limited time off is necessary to accommodate an employee's disability, such leave is for a specified time period, the leave can be granted without undue hardship to the City, and the employee is otherwise qualified for the position.

Light Duty. As appropriate and available, the City will expect employees to return to modified or limited duty for work-related injuries or illnesses when unable to perform the essential functions of their current job. A doctor's release to return to modified and/or light duty shall be required before an employee may return to work. Time spent on light duty will not count as full-duty work for the purposes of the City's limitations on leave.



CHAPTER 11 CITY PROPERTY

Policy # 1100 Use of City Equipment and City Vehicles

City equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees must exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees must immediately notify their supervisor or department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. An employee's driving record may be checked annually by the Human Resources Department.

City vehicles and heavy equipment will be used for official business only, and within the limits of traffic law and safety regulations. Each employee who drives a City vehicle or heavy equipment must be 18 years of age and possess a valid state driver's license, and/or, a CDL license if required for the particular vehicle. City employees will be personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle.

Taxable Use of City-Owned Vehicles and Commuting

Internal Revenue Service regulations require the City to treat the City-owned vehicle commuting benefit as a taxable fringe benefit. An employee authorized to take a City-owned vehicle home at night will have an established daily commuting flat mileage rate, as established by IRS regulations, counted as fringe benefit income. As an alternative to the flat rate, an employee who lives near the workplace may log and submit actual personal use mileage for the benefit income assessment. To qualify for the flat rate commuting charge, the employee may not use the vehicle for any personal use other than commuting to and from work with minimal stops for personal errands or meals on the commuting route.

Employees the City assigns and specifically authorizes to use City vehicles for personal use beyond commuting, including certain executive management employees, must maintain an accurate and detailed mileage log for purposes of fringe benefit calculation. Employees who receive a car allowance shall use a personal vehicle for City business without additional compensation, and shall not be assigned a City vehicle.

Exempt Vehicles:

- Clearly marked Police, Fire and Public Safety vehicles, and certain unmarked law enforcement vehicles the Department authorizes employees to use for official Department business. The employee using the vehicle is



subject to call-in at all times and subject to very limited and authorized personal use.

- City trucks and other vehicles equipped and designated for special or heavy use, including ambulances, dump trucks, garbage trucks, cherry pickers, specialized utility repair trucks, flatbed trucks, and vehicles designed to carry cargo in excess of 14,000 pounds.

Policy # 1101 Computer Use / Internet Use / Social Media Policy

Only fully licensed software purchased and installed by the City will be used by City employees. Licensed means the City has purchased the required number of software licenses needed for the number of users.

The City's electronic communication and storage systems, which include, but are not limited to, the computer system and related equipment, Internet access, telephones and voicemail, wireless devices, emails, texts and instant messaging ("e-systems"), are intended for official City business use only. All data and information contained therein is subject to the Public Information Act.

The City owns all City computers, and the rights to all data and files created by or stored in any computer, network, mobile communication device, or other information system used by the City. The City provides e-systems to its employees to assist and facilitate business communications and work-related research. These services are for legitimate business use only in the course of an employee's assigned duties. All materials, information and software created, transmitted, downloaded or stored on the City's e-systems are the property of the City and may be accessed only by authorized personnel. Employees are reminded that they have no reasonable expectation of privacy in information created, downloaded or stored on the City's e-systems, and all such information remains the property of the City. The City reserves the right, at its discretion, to monitor, access, retrieve, intercept, read and delete any communication that is created on, received through, or sent from the e-systems.

SOCIAL MEDIA POLICY

Adopted May 15, 2018

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City, or violate any City policy. The intent of this policy is to regulate the creation and distribution of information concerning the City, its employees and citizens, through electronic media, including but not limited to, online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City not only reflects positively on the employee as an individual, but also the City.



The City expects all employees to follow the guidelines contained herein when posting information on the Internet, regardless if it is done during or after work hours. The policy covers all social media, networking, blogging, journaling, instant messaging and video posting sites, as well as City-owned electronic devices.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's internet and email use policy. Violations of the City's Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the personnel policy without resorting to social media.

Employee Guidelines

Only full-licensed software purchased and installed by the City will be used by City employees. Licensed means the City has purchased the required number of software licenses needed for the number of users.

The City's electronic communication and storage systems, which include, but are not limited to, the computer system and related equipment, Internet access, telephones and voicemail, wireless devices, emails, texts and instant message ("E-Systems"), is intended for official City business use. All data and information contained therein is subject to the Public Information Act.

The City provides e systems to its employees to assist and facilitate business communications and work-related research. These services are for legitimate business use only in the course of an employee's assigned duties. All materials, information and software created, transmitted, downloaded or stored on the City's e systems are the property of the City and may be accessed only by authorized personnel. Employees are reminded that they have no reasonable expectation of privacy in information created, downloaded or stored on the City's E-Systems, and all such information remains the property of the City. The City reserves the right, at its discretion, to monitor, access, retrieve, intercept, read and delete any communication that is created on, received through, or sent from the e-systems.

Employees who post material on social media and other Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the City in any manner, whether during or after their working hours. On-line behavior, whether on or off duty, must not include posting commentary, content or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile, discriminatory or retaliatory work environment. **Employees have the right to speak out as public citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or missions of the City.** Online posts must respect the confidential information of the City and must respect the privacy of others' personal information, such as health, sexual orientation, home address and family information.



Employees may use City systems to access the Internet for limited non-business use during meal time, so long as such personal use does not interfere with the job duties of the employee or co-workers, the personal use does not constitute social networking, and all other provisions of this policy are followed, which include but are not limited to:

1. Inappropriate e-systems usage includes: transmitting obscene, harassing, offensive or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; accessing, displaying, downloading or distributing any sexually explicit material; engaging in activities designed for personal profit; transmitting any of the City's confidential information.
2. Any software or other material downloaded onto the City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors or owners of the material. Prior authorization from the City Manager's office, or his/her designee, is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.
3. Only authorized employees may communicate on the Internet on behalf of the City. Employees may not express any opinions or personal views that could be misconstrued as being those of the City. Employees may not state their City affiliation on the Internet, unless required as part of their assigned duties. No employee shall send communications under another's name without authorization.
4. Any expense incurred as a result of personal use of the City's E-Systems must be reimbursed immediately.

City Use of Social Media

The City of Canton encourages the use of social media to further the goals of the City and the missions of its departments when and where appropriate. It also supports the use of social media to reach broader audiences and to strengthen the connection between City government and the community. Accordingly, the City may from time to time use social media to distribute information and photos that are relevant, timely and informative. Whenever possible, links should direct users back to the City's official website for in-depth information, forms, documents, or on-line services necessary to conduct business with the City of Canton.

Only designated City employees will be allowed to post or distribute information on the City's social media sites. Department Directors will approve designated employees. The City Secretary shall monitor content of each social media site to ensure adherence to appropriate use, message and branding consistency as outlined in the City's Social Media Policies. The City Secretary will notify the City Manager and appropriate Department Director in the event of possible misuse of any City social media accounts.



As a general rule, social media may be used to communicate the following to the public:

- Event announcements and reminders
- Updates on issues, such as ordinances or actions by the City Council
- Road construction and repairs and traffic detours
- Photos of community events and City projects
- Emergency information
- Information about City facilities and services
- Illustrate the beauty of Canton and the surrounding area.

Corrections

Erroneous information, either posted or distributed, needs to be corrected as soon as possible. Serious errors are to be brought to the attention of the City Secretary upon discovery.

User Comments

Users and visitors to City social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communications between the City departments.

and the public. Posted comments will be monitored and the City reserves the right to remove inappropriate comments, including:

- Comments not related to the post for which they are made.
- Profane or vulgar language or content.
- Comments which reflect personal attacks of any kind.
- Solicitations of commerce.
- Information containing personal identifying information or sensitive personal information.

The City reserves the right to monitor employee use of its E-Systems or the Internet at any time. Employees should not consider their Internet usage or e-mail communications to be private. Any violation of this policy may result in loss of computer access and disciplinary action, up to and including termination of employment.

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Policy # 1102 City Logo Use

The City's logos and images (hereinafter "Logo") are registered trademarks with the State of Texas Secretary of State and the City is the owner of all rights to the Logo. It is the policy of the City to exercise due diligence to prevent misuse of its Logo or other approved logos representing the City, such as Police and Fire; the Logo will not be used without express written authorization of the City Manager.

Policy # 1103 Cell Phone

The City will issue cell phones or a reimbursement program to approved employees for business use, as necessary. Established guidelines on the acquisition and use of wireless service and equipment will be followed at all times. **Excessive personal cell phone use during work time is prohibited.** City-related emails and texts are subject to the Texas Public Information Act, even when sent or received on non-City devices.

For this reason, employees should not use their personal devices for business purposes. Employees should remain aware that using personal devices for City business could potentially expose their personal records to public scrutiny or legal subpoena. If in an emergency situation, an employee must use their personal devices for City business, the employee must save all communications and other information to the City system pursuant to the City's Record Retention Schedule. When transferring these communications and other information, employees must do so in a manner that maintains any metadata; do not simply take pictures or screenshots of communications. Deleting a public document that should have been kept, even a text on a personal device, may constitute a Class A Misdemeanor.

This policy applies to all City Departments, City employees, and its City representatives.

Cell Phone Use While Driving

The use of a cell phone while driving can cause distraction to the driver, and can result in accident and injury. To maintain safety for our employees and others on the road, the use of any handheld cell phone or other handheld device while driving a City vehicle or while driving any vehicle on City business is strictly prohibited, except as excluded by law for police and fire personnel . This includes, but is not limited to, reading, drafting or responding to emails and text messages, and dialing numbers or entering coordinates while driving. Further, talking on cell phones while driving is limited to approved Bluetooth hands-free devices, and should never be performed when it is a distraction while driving.

City employees charged with traffic violations resulting from the use of their phone while driving should immediately report the incident to their supervisor or the City Manager. Employees will be solely responsible for all liability that results from such actions, as well as be subject to disciplinary action up to and including immediate termination.



Policy # 1104 Material Salvage/Surplus

It is the policy of the City to sell or reuse materials to the City's best financial advantage. When material is removed from service on work orders or construction projects, such materials shall be returned to the City. The City Manager or designee shall determine what materials are no longer of value and shall be scrapped. Useful materials shall be returned to stock. No City employee may purchase materials from the City at less than fair market value. Materials determined to be of no value shall be disposed of without undue delay.



CHAPTER 12 GRIEVANCE, DISCIPLINE AND APPEAL PROCEDURES

Policy # 1200 Fair and Equitable Standards

It is the intent of the Discipline and Appeal Procedures to safeguard the rights of all employees, to ensure that all employee actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis. Although all employees remain employed on an at-will basis, the City will still strive to maintain these standards when possible.

Policy # 1201 Grievances

A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or federal law, regulation, or City ordinance or policy provision. This does not include questioning the substance of policies or complaints regarding an employee's individual working conditions. An employee shall, within five working days of an incident, or when the employee has become knowledgeable of the incident, present a grievance in writing to his/her Department Head. The Department Head shall respond to the grievance in writing within a reasonable amount of time. If the employee does not agree with the decision of the Department Head, or fails to get a response from the Department Head, he/she may appeal to the City Manager within five working days. The City Manager shall respond to the grievance in writing within a reasonable amount of time. The City Manager's decision is final. For appeals of disciplinary actions, see the procedures in Policies #1204 and 1205, below.

Policy # 1202 Pre-Clearance by Human Resources Department and/or City Manager

In all matters involving a written reprimand, suspension, demotion or termination, the Human Resources Department and/or City Manager shall be consulted prior to the implementation of such action in order to ensure equitable and consistent treatment of employees.

Policy # 1203 Types of Disciplinary Action

The City Manager, or his or her designee, may take disciplinary action against any City employee at any time it is deemed necessary. The severity of the discipline depends upon the nature of the infraction. The City reserves the right to terminate any City employee without resorting to a progressive discipline system, or to begin at any point in the process.

- A. In making a decision as to what type of discipline should be imposed, a Department Head should consider such factors as the type, frequency, and severity of the offense, the employee's work record, and any mitigating circumstances that may be relevant.



B. The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Policies and/or City or departmental rules and regulations:

1. Employee Counseling

Employee counseling is designed to provide constructive feedback to the employee for performance that needs improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department and Human Resources personnel file.

2. Documented Oral Reprimand

An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. A written record of this warning shall become a permanent part of the employee's personnel file.

3. Written Reprimand

A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the violation recur. Included in the written reprimand shall be a statement of each specific violation of policy, the specific incident(s) causing the action, what changes in behavior are expected, what penalty shall be imposed if no changes are made by the employee and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining supervisor/department head and the employee should sign the written reprimand. If an employee refuses to sign, the department head should make a note on the report and initial the notation. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file.

4. Unpaid Suspension

A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his/her behavior during the suspension and to decide whether he/she wishes to correct the offending behavior or terminate his/her employment. Departmental management may suspend a non-exempt employee without pay for a period of not less than one hour or more than ten working days for disciplinary reasons. Exempt employees should not be suspended for periods of less than one work week. Prior to suspending an employee, the



Department Head shall confer with the Human Resources Department and the City Manager. Suspension for more than ten working days requires the written approval of the City Manager. The Department Head contemplating a suspension shall give written notice to the employee stating: (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within a specified time, (5) and the finality of the action if the employee fails to appeal within the specified time period. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing.

5. Demotion

Departmental management may demote an employee for a disregard or violation of these Policies and/or any City or departmental rule or regulation, for repeated refusal or inability to improve performance, or because the employee is not suited for the current position. Prior to demoting an employee, the Department Head shall confer with the City Manager regarding the proposed demotion. Demotions may be either permanent or for a pre-determined specified period of time, and may result in a reduction of salary. The Department Head contemplating a demotion shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.

6. Termination

Departmental management may terminate an employee for a disregard or violation of these Policies and/or City or department rule or regulation, for repeated refusal or inability to improve performance, because the employee is not suited for the current position, or for any other legitimate, non-discriminatory reason. Prior to terminating an employee, the Department Head shall confer with the Human Resources Department and the City Manager. A Department Head contemplating a termination shall



give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing. The termination documents shall become a permanent part of the employee's personnel file.

Policy # 1204 Procedures to Appeal a Written Reprimand

- A. An employee dissatisfied with a written reprimand may file a written appeal to his Department Head within five working days of the action taken. In the event the Department Head has rendered the written reprimand, the employee may appeal the reprimand to the City Manager. A written reprimand from the City Manager shall not be appealable.
- B. The written appeal must be submitted to the Department Head and shall contain the following information:
 1. The type of disciplinary action being appealed and the effective date of the action;
 2. The specific reason the discipline is judged to be unjust or otherwise in error;
 3. The remedy or solution sought; and
 4. The signature of the disciplined employee.
- C. A Department Head shall discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Head. A Department Head, when possible, shall respond in writing to the employee, stating the disposition of the appeal of the written reprimand within five working days of the discussion. The Department Head may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be further appealed beyond the next level of authority.



Policy # 1205 Procedures to Appeal a Termination, Demotion or Unpaid Suspension

- A. An employee, other than a Department Head or other employee who reports directly to the City Manager, who is terminated, demoted or suspended without pay, may appeal that decision to the City Manager. The appeal must be made within five working days of the date of the decision, by filing a written request with the City Manager and sending a copy to the Human Resources Department for a hearing. If the employee fails to appeal the decision of the Department Head in accordance with these provisions, the decision of the Department Head shall become final and non-appealable.
- B. In the event an appeal is requested, the City Manager shall hear the appeal within a reasonable amount of time. The City Manager may sustain, reverse, modify or amend the action taken.
- C. Any hearing conducted by the City Manager generally shall proceed as follows: City representative(s) shall be allowed to make a presentation of the City's case, explaining and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed. After the City's presentation, the employee or his/her attorney shall be permitted to ask questions and/or cross-examine witnesses. Thereafter, the affected employee or his/her attorney shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf. After the employee's presentation, the City representative shall be permitted to ask questions and/or cross-examine the employee's witnesses. Both sides shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to make a closing statement, if desired. At any time during the hearing, the City Manager may ask questions of the City's representative(s), the employee directly and any witnesses. This hearing procedure may be modified and there is no absolute right to any hearing procedure. Further, the failure to follow any hearing presentation or procedure does not create any additional appeal rights.

Policy # 1206 City Manager's Review and Determination

Upon conclusion of the appeal hearing, the City Manager shall have a reasonable amount of time in which to make a determination. After reviewing evidence presented, the City Manager may sustain, reverse, modify or amend the action taken as he/she determines is just and equitable under all the facts and circumstances of the case.



The City Manager's decision is final, unless the disciplined employee reports directly to the City Manager. Direct reports to the City Manager may appeal the decision of the City Manager to the City Council by making a written request, within five working days of the City Manager's determination, to appear before the City Council either in open or executive session. The decision to accept the appeal is discretionary on the part of the City Council, and the action of the City Council is final.

Policy # 1207 Failure to Follow Appeal Procedure

If any employee fails to appeal an action within the time limits specified in this Chapter or in accordance with the guidelines and procedures promulgated by the Human Resources Department, or fails to appear at any hearing, the disciplinary action shall be final and non-appealable.

Policy # 1208 "Working Days" Defined

"Working days," as referenced in this section, are defined as regular business hours, Monday through Friday, not including official City holidays. Time limits begin to run the working day following the incident, event, hearing or notice.

Policy # 1209 Time Limits

Any time limit specified in the procedures under this chapter may be extended by mutual agreement.

Policy # 1210 Inapplicability

A reorganization or reduction in force is not an appealable or grievable personnel action and any employee demoted, transferred, or separated from City employment as a result of a reduction in force has no right to appeal or grieve such separation.

Administrative leave with pay is not an appealable or grievable personnel action. Management reserves the right to suspend with pay pending the investigation of an incident.

While on administrative leave, the employee shall surrender all City-issued equipment, badges, keys, and identification cards, and shall not report to duty or perform work until instructed. Paid administrative leave is not a vacation: while on paid administrative leave, the employee is assigned to his/her home or other agreed-upon location, is expected to be available to the City during working hours for purposes of the investigation or otherwise, must communicate and/or come into the office for interviews or meetings as instructed, and may not work at other employment during working hours. For any portion of administrative leave that is unpaid, the employee may utilize accrued compensatory time first and then vacation time.



EMPLOYEE ACKNOWLEDGEMENT STATEMENT OF RECEIPT AND UNDERSTANDING OF PERSONNEL POLICIES AND PROCEDURES MANUAL

I hereby acknowledge receipt of one copy of The City of Canton Personnel Policy and Procedure Manual ("Personnel Policy Manual"). I understand this Personnel Policy Manual has been prepared for my use as a personal reference in answering questions that I may have about my job, the City of Canton ("the City") and various work guidelines, programs and practices. I understand the contents of this Personnel Policy Manual are presented to me for information purposes only.

The policies and procedures set forth in this Personnel Policy Manual provide guidelines for management and employees during employment, but do not create contractual rights regarding termination or an expectation that the employee will be terminated for cause.

I understand and acknowledge that the language used in this Personnel Policy Manual is not intended to create an express or implied contract between the City and any of its employees. I further understand and acknowledge that this is an **employment-at-will** relationship. I have been hired for an indefinite period of time and, just as I may voluntarily terminate my employment with the City any time, the City may terminate my employment at any time. I further understand and acknowledge that the City retains the right to change this Personnel Policy Manual and any rules, regulations, policies and benefit plans unilaterally at any time without notice.

I acknowledge that I am in receipt of this Manual, as well as all other policies and procedures contained in the Personnel Policy Manual.

This Personnel Policy Manual supersedes all previous handbooks, manuals, and guidelines, as well as revisions to any previous handbooks, manuals, and guidelines regardless of my date of hire.

Employee's Name (PLEASE PRINT)

Employee's Signature

Date