

RESOLUTION NO. R 10 -2006

**A RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE  
OF WIMBERLEY, TEXAS,**

**WHEREAS,** The City Council of the Village of Wimberley is an at will employer in the State of Texas, and;

**WHEREAS,** Certain personnel policies as attached in Exhibit A are needed for the orderly operations of the City; and;

**WHEREAS,** Such policies are designed for the mutual benefit of employees and the Village of Wimberley;

**NOW THEREFORE;** the Personnel Policy as described in Exhibit A is hereby approved.

**PASSED AND APPROVED** at the regular meeting of the City Council of the Village of Wimberley, Texas on the 5th day of September 2006, by a vote of 3 (Ayes) 0 (Nays) 0 (Abstain).

VILLAGE OF WIMBERLEY

By Tom A. Haley  
Tom A. Haley, Mayor

I, Cyndi Brown, acting City Secretary for the Village of Wimberley, do hereby certify the foregoing contains a true and correct copy of a resolution passed and adopted by the City Council of the Village of Wimberley, Texas in a Regular Meeting held on September , 2006.

ATTEST:

Cyndi Brown  
City Secretary

6 October 2006

To: All Village of Wimberley Employees:

From: Mark Marquez, Interim City Administrator

Subject: Personnel Policy Handbook

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

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

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

Village employees are at-will employees. This means that the employment relationship can be terminated by the employee or by the Village at any time for any reason or for no reason. Employees of the Village have no vested interest in their employment. This handbook is a guide only and does not constitute a contract, express or implied, of employment.

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

Sincerely,

Mark Marquez  
Interim City Administrator

## **I. PURPOSE OF RULES OF AND REGULATIONS**

The *purpose* of these rules and regulations is to inform employees as to their rights, duties, and obligations; to promote an efficient and cooperative working relationship within a uniform personnel policy.

## **II. AUTHORITY**

These rules and provisions of this handbook do *not* constitute an employment agreement (contract) or a guarantee to continued employment. Employment with the Village of Wimberley is at the will of the municipality and may be terminated by either the employee or the Village of Wimberley with or without notice and with or without cause. The City Council is composed of the Mayor and Five Council Members. The City Administrator together with the City Council passes ordinances and sets policies to be followed by employees and the Village as a whole. Amendments to these rules may be made as the need requires. City Council meetings are held on the first and third Thursday of the month at 6:30 p.m. in the council chambers at City Hall. Other Committee/Commission/Board meeting schedules may be found in the City Secretary's office and/or in the Policy Manual. These meetings are open to the public and you are cordially invited to attend at any time. However, if you have questions or comments concerning your job, fellow employees or any action or conduct which might relate to your job, you are asked to follow procedures and policies outlined in this handbook under the appropriate sections.

## **III. EMPLOYMENT-AT-WILL**

Employees of the Village of Wimberley are at-will employees. There are no written, verbal or implied contracts for length of-service, compensation, or any other terms or considerations of employment, and none will be recognized or granted. Employment may be terminated by either party at any time without specific cause.

## **IV. EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the Village of Wimberley to comply fully with non-discrimination provisions of all State and Federal rules, laws, guidelines, regulations, and executive orders by assuring that all employees and applicants receive equal opportunity for employment. No person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits on the grounds of race, religion, color, national origin, sex, physical disability, or age.

## **V. ILLEGAL DISCRIMINATION AND SEXUAL HARASSMENT**

The Village of Wimberley does not and will not tolerate illegal discrimination or sexual harassment in any form. Persons engaging in such conduct will be subject to discipline up to and including dismissal.

Illegal discrimination is discrimination with respect to terms and conditions of employment on the basis of race, religion, color, national origin, sex, physical disability, or age.

Sexual harassment is 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, (2) submission to, or rejection of, such conduct by an individual is made the basis of any employment decision, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In the event an employee feels he or she has been victimized by illegal discrimination or sexual harassment, that person should notify the City Administrator *immediately*. Similarly, any employee who witnesses an act of sexual harassment or has personal knowledge of such an act is urged to report that act to the City Administrator. If for any reason the employee is not comfortable reporting the illegal discrimination or sexual harassment to the City Administrator, the employee may report such conduct to the City Secretary. All complaints of illegal discrimination and sexual harassment will be investigated by the Village. Information will be kept confidential to the extent possible without compromising the investigation.

Any act of retaliation against any employee filing a complaint of illegal discrimination or sexual harassment, any employee cooperating with the investigation of a complaint of illegal discrimination or sexual harassment, or any employee cooperating with any state or federal authority investigating a complaint of illegal discrimination or sexual harassment is prohibited.

## VI. CLASSIFICATIONS OF EMPLOYEES

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

- *Full-time regular employees.* Employees hired to work the Village's normal, full-time, forty (40)-hour workweek on a regular basis. Such employees may be "exempt" or "nonexempt" as defined below.
- *Part-time regular employees.* Employees hired to work at least twenty (20) but fewer than forty (40) hours per week on a regular basis. Such employees may be "exempt" or "nonexempt" as defined below.
- *Temporary employees.* Employees engaged to work full-time or part-time on the Village's payroll with the understanding that their employment will be terminated no later than on completion of a specific assignment or on a specific date. A temporary employee may be offered and may accept a new temporary assignment with the Village and, thus, retain temporary status. Temporary employees may be "exempt" or "nonexempt" as defined below. Note that employees hired from a temporary employment agency for specific assignments are employees of the agency and not of the Village.

- *Nonexempt employees.* Employees who are required to be paid overtime at the rate of time-and-one-half (*i.e.*, one-and-one-half times) their regular rate of pay or provided compensatory time off for all hours worked beyond forty (40) hours in a workweek, in accordance with applicable federal wage and hours law.
- *Exempt employees.* Employees who are not required to be paid overtime or provided compensatory time off, in accordance with applicable federal wage and hour laws, for work performed beyond forty (40) hours in a workweek. Executives, professional employees, outside sales representatives, and certain employees in administrative positions are typically exempt.

You will be informed of your initial employment classification, including your exempt or nonexempt status when you are hired by the Village. If you change positions during your employment as a result of a promotion, transfer, or otherwise, you will be informed by your Supervisor of any change in your classification or exemption status.

Please direct any questions regarding your employment classification or exemption status to your Supervisor.

Unless otherwise indicated, a reference to “employee” herein shall mean a “Regular Full-time Employee.”

***It will be the responsibility of each employee to read, understand and comply with all policies, procedures, rules, regulations and practices of the Village.***

## **VII. APPOINTMENT**

All decisions pertaining to the hiring, discipline, and discharge of Village employees will be made by the City Administrator.

Each person seeking initial employment with the Village of Wimberley will be required to complete, sign, and file an application with the City Secretary. All applicants will be screened. Applications will not be accepted except in connection with a current, pending job posting. Interviews will be conducted with the most qualified applicants as selected by the City Administrator.

At the time of original employment, all new employees (or previous employees who are being reemployed) will report to the City Secretary/Office Manager’s office for necessary processing and instructions. Once a job offer has been made, all applicants will be subject to a background check and a job offer may be conditioned upon the results thereof. Drug and alcohol screening will be required of all new employees and former employees. Employment with the Village is conditioned upon the drug and alcohol test results.

No applicant for appointment shall be considered who is less than 18 years of age except

the minimum for the Parks and Recreation Department shall be 16 years of age.

It will be mandatory for each Village employee driving a city vehicle to have a valid Texas Driver's License. At no time will a Village employee drive a city vehicle without a valid Texas driver's license in his/her possession. Should an employee have this license suspended for any reason he/she shall notify the City Secretary/Office Manager immediately. Defensive driving courses for employees driving city vehicles may be required if deemed necessary by the City Administrator.

No employee who is related within the second degree by affinity or within the third degree by consanguinity to a department head shall be allowed to work in the same department as such department head. However, nothing herein shall prevent an employee who is related within the prohibited degree from being employed in, or working in, any other department of the Village.

The Village may apply the nepotism prohibition in other organizational and/or personal relationships when failure to do so would be detrimental to the Village.

All applications for employment shall become a part of the employee's personnel file and will be kept in the City Secretary/Office Manager's office. Personal history records of all employees shall be available for inspection only to the employees concerned, their authorized representatives and to proper city officials or as required by law. Medical records of employees will be maintained in separate, confidential files.

Ability, training, and experience will be controlling factors in selecting a person for a position within the Village.

Seniority may be considered in selection of one permanent employee in preference to other permanent employees that have applied to the same position providing ability, training, and experience are equal.

Preference will be given to Village residents for any jobs if they are equal in ability and other job requirements.

### VIII. WAGES AND WORK HOURS

Working schedules are fixed by the City Administrator but shall not exceed forty hours per week. The full-time regular, part-time regular and temporary employees will be paid for each day worked in a pay scale established by the City Administrator. Our current time schedule for front office is 9:00 a.m. to 4:00 p.m.; at which time we are open to the public. We will stay open and operational through the lunch hour and office staff hours are until 5:00 p.m. Special circumstances occur when staff needs to attend after hours meetings.

#### Overtime policy:

It is the Village's policy to keep overtime to a minimum. **All overtime must be approved in advance by the employee's Supervisor.**

Non-exempt employees may from time to time be required to provide service in addition to normal hours or on weekends or holidays. Overtime is defined as all hours worked in excess of forty (40) hours in a single work week. The Village's work week is from 12:01 a.m. on Sunday to 12:00 midnight on Saturday. Days not actually worked (e.g., holidays, vacation leave, and sick leave days) do not constitute "hours worked" for purposes of calculating overtime. A non-exempt employee who works over 40 hours in one work week will be provided one of the following, at the Village's option: paid overtime at one and one half times the employee's regular rate of pay or compensatory time off in lieu of overtime. Compensatory time off is one and one half hours of time off for every one hour of overtime worked.

Use of compensatory time must be approved by the employee's Supervisor so as not to disrupt normal operations. Also, a Supervisor may compel an employee to use compensatory time at the convenience of the Village.

Any overtime worked must be authorized, in advance, by the employee's Supervisor. An employee who works overtime without obtaining the required approval in advance will be subject to discipline.

Employees who meet the requirements for exempt status as executive, administrative, or professional employees under the Fair Labor Standards Act (FLSA) shall be classified as exempt employees and are not subject to the minimum wage and overtime provisions under FLSA.

Each employee is responsible for maintaining accurate time sheets showing the hours worked on a daily basis and any leave time taken. Time sheets should be filled out on a daily basis. Time records must be signed by the employee and by the employee's Supervisor. False or inaccurate information submitted by an employee on a time record will result in discipline up to and including termination of employment.

An employee will normally receive payment for overtime in the pay period following the period in which the overtime was worked, providing that the employee's time record has been properly prepared, approved by the Supervisor, and processed by payroll in a timely manner.

## **IX. PROBATION**

Each Village employee appointed to a full-time regular employee or part-time regular employee position shall be on probation for a period of three (3) months. This period shall end on the last day of the pay period after the expiration of three months.

The employee will meet with the City Administrator and City Secretary/Office Manager at the end of this period and discuss the rating of the employee as to ability, aptitude, attitude, and other factors of concern to the particular department.

Employees shall not be entitled to any benefits of permanent employees during the probation period.

Successful completion of the probation period confers no rights to continued employment for any length of time and does not in any manner abrogate the employee's at-will employment status.

## X. EMPLOYEE CONDUCT

All employees of the Village are expected to exhibit the highest standards of conduct and ethics as befits their status as governmental employees. No employee of the Village shall engage in any employment, relationship, or activity which would affect his/her job efficiency or which would reduce his/her ability to make objective decisions in regard to his/her work and responsibility as a Village employee.

Conflicts of Interest. Conflicts of interest are expressly prohibited.

Activities which constitute a conflict of interest under this policy shall include but not be limited to:

- a. Soliciting, accepting or agreeing to accept any benefit, other than from the Village, that might reasonably tend to influence the employee's performance of duties for the Village or that the employee knows or should know is offered with intent to influence the employee's performance;
- b. Accepting employment, compensation, gifts or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c. Accepting outside employment, compensation, gifts or favors that might reasonably tend to impair independence of judgment in performance of duties for the Village;
- d. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the Village;
- e. Soliciting, accepting or agreeing to accept any benefit from another person in exchange for having performed duties as a Village employee in favor of that person.
- f. Soliciting, accepting, or agreeing to accept any benefit from a person the employee know to be subject to the Village's regulation, inspection, or investigation.
- g. Soliciting, accepting, or agreeing to accept any benefit from a person the employee knows is interested in or likely to become interested in a contract, purchase, payment, claim, or pecuniary transaction involving the exercise of the employee's discretion for the Village.

For purposes of this policy, the term "benefit" does not include promotional or commemorative items of minimal or no value such as a coffee mug, key chain, pencil, or pen.

Standards of Conduct; Employee Discipline. All employees are expected to dress appropriately for their positions, to be polite to co-workers and to the general public, and to respect their supervisors' authority.

While the Village recognizes the benefits of progressive discipline, it may take disciplinary action, up to and including termination of employment, at any time with or without notice. The nature of the offense will dictate the degree of discipline. Levels of progressive discipline are:



- Verbal warnings or reprimands with a record of such warning or reprimand maintained by the employee's Supervisor;
- Written reprimands with a copy put in the employee's personnel file. A written reprimand should be signed by the Supervisor and by the employee, and a copy should be provided to the employee;
- Suspension without pay for up to thirty (30) days. In those cases in which a suspension is deemed necessary pending the results of an investigation and the employee is reinstated to his/her position at the conclusion of the investigation, the employee will be paid for the period of the suspension;
- Termination of Employment.

The Village may also implement other disciplinary actions such as suspension without pay, demotion, or reduction in pay if the circumstances merit. This policy is not intended to limit the Village's ability to use any method of discipline for its employees. Any violation of Village policy or any form of employee misconduct may result in disciplinary action up to and including termination of employment.

In addition, for the safety and peace of mind of all Village employees and for the efficient operation of Village government, certain activities are prohibited at any time an employee is working for the Village, whether in a Village office or elsewhere, on Village premises, or representing the Village in public. Committing any of the following activities will be grounds for immediate termination of employment:

1. Gross misconduct - includes theft or destruction of property, gambling, intoxication, sexual harassment, or possession or use of drugs on the job, etc.
2. Insubordination - includes refusal to carry out the instructions or orders of a supervisor or other superior in the office.
3. Threatening, intimidating, coercing, or interfering with employees, Supervisors, or the public.
4. Proven dishonesty.
5. Unauthorized possession of weapons on Village premises during working hours or while on duty.
6. Abusive language to employees, Supervisors, or to the public.
7. Fighting on Village property or while on duty.
8. Fraudulent claims of injury or illness

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

*Personal Telephone Calls and Business*

While we certainly understand that some personal calls are necessary, we ask that such calls be brief and infrequent. All personal business should be conducted on personal time.

### Political Activity

Employees are prohibited from engaging in any type of political activity, including but not limited to participating in a political campaign, making a political speech, soliciting political contributions, or disseminating political literature, while on duty; from using any city property in the furtherance of any political activity; from placing any political bumper sticker or decal on a city vehicle; and from wearing any type of political pin or sticker on a city uniform or clothing bearing the Village's name or logo. Employees are prohibited from participating in any way in any political activity while in a city uniform or while wearing clothing bearing the Village's name or logo.

In addition, an employee, in his or her official capacity, may not use his or her position with the Village to influence or to interfere with or affect the result of an election or nomination for office and may not, directly or indirectly, coerce or attempt to coerce, command, or advise any Village employee to pay, lend or contribute anything of value to a political party, committee, organization, or candidate or to make any contribution for a political purpose.

### Use of Village Property

The Village provides its employees with tools, equipment, and vehicles for the performance of Village work and business. Each employee is expected to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

Employees who are assigned tools, equipment, vehicles, or any other Village property are responsible for them and for their proper use and maintenance. Unauthorized use and improper use and/or maintenance of Village property may result in disciplinary action up to and including termination of employment. Upon termination of employment, all Village property must be returned by the employee immediately.

### Safety in the Workplace

It is the intent of The Village to provide a safe workplace for all employees. Employees are required to follow safety procedures established by the Village or by their immediate Supervisors at all times. Failure to observe safety standards may result in disciplinary action up to and including termination of employment.

### Weapons

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

termination of employment.

### Violence in the Workplace

The Village of Wimberley prohibits any form of violence in the workplace. The Village is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States. The Village has also taken steps to help prevent incidents of violence from occurring at Village offices. In this regard, it is the policy of the Village to expressly prohibit any acts or threats of violence by any Village employee or former employee against any other employee in or about the Village's facilities or elsewhere at any time. Furthermore, the Village will not condone any acts or threats of violence against Village employees, customers, or visitors on the Village's premises at any time while they are engaged in business with or on behalf of the Village, on or off the Village's premises.

In keeping with the spirit and intent of this policy and to ensure that The Village's objectives regarding prevention of workplace violence are attained, the Village is committed:

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

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the Village, in its sole discretion, deems offensive or inappropriate will be subject to disciplinary action up to and including termination of employment

In furtherance of this policy, employees have a "duty to warn" their supervisors of any suspicious workplace activity or situations or incidents that they observe or that they are aware of involving other employees, former employees, customers, or visitors that give rise to concerns regarding potential workplace violence. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, and threatening or offensive comments or remarks. Employee reports

made pursuant to this policy will be held in confidence to the maximum extent possible. The Village will not condone any form of retaliation against any employee for making a report under this policy.

### Drug Free Workplace

To provide a safe and productive workplace, to promote employee safety, and to insure the safety of citizens, the Village prohibits the use, influence, possession, sale, purchase or distribution of alcohol, controlled substances, or illegal drugs by any employee during work hours or at any time while on Village premises. Violators of this policy will be subject to discipline up to and including immediate termination of employment. Further, depending upon the circumstances, the Village may notify appropriate law enforcement personnel of a violation of this policy.

All drug and alcohol testing will be conducted in conformance with the United States Department of Transportation workplace testing requirements.

As used in this policy, the following terms have the following meanings:

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

Pre-employment drug and alcohol testing. Employment with the Village is contingent upon an

applicant's submission to drug and alcohol testing and upon the Village's receipt of test results indicating that the applicant is not under the influence of alcohol, a controlled substance, or illegal drugs.

Drug and alcohol testing after an accident. An employee who is involved in any accident in which Village property is damaged, physical injury results to any person, or medical attention is sought by any person as a result of the incident is required to submit to drug and alcohol testing immediately following the accident. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

Drug and alcohol testing based on reasonable suspicion. If an employee is reasonably suspected of being impaired by or under the influence of alcohol, a controlled substance, or illegal drugs, the employee is required to submit to drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment. For purposes of this paragraph, "under the influence" also means a condition in which a person is affected by alcohol, a controlled substance, or illegal drugs in any detectable manner. The symptoms of being under the influence include but are not limited to slurred speech, alcohol on the breath, trembling, disorientation, aggressive behavior, irregular work pace, decline in productivity, mood swings, and difficulty in maintaining balance.

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

Confidentiality of alcohol and drug test results. All laboratory reports or alcohol and drug test results will be maintained by the Village as confidential documents in a confidential medical file that is separate from the employee's personnel file. Test results and lab reports may be revealed to Village management on a need-to-know basis. Disclosure may also be made as required by state or federal law, when the information has been placed at issue in a dispute between the employee and the Village, when the information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure, or when the information is authorized to be disclosed by the employee. The records will be maintained in the same area as the personnel files but kept separate from personnel files.

For all employees, if prescription drugs must be taken, such drugs must not affect an employee's ability to perform his/her work. If an employee is required to take medication prescribed by a physician and the prescribed drug could affect the ability of the employee to perform his/her work or could present a safety risk to the employee or his/her coworkers, notification must be provided to the employee's Supervisor before work commences.

As a condition of employment with the Village, employees are required to notify their Supervisors within five (5) business days of conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment.

## XI. LEAVE AND FRINGE BENEFITS

Leave time is time during the normal work week that an employee does not engage in the performance of his or her job duties. Leave time may be with or without pay in accordance with these policies. An unauthorized absence will constitute leave without pay and may result in discipline up to and including termination of employment.

### Vacation Leave:

Because the Village recognizes the importance of vacation time in providing the opportunity for rest, recreation, and personal activities, it grants annual, paid vacations to its full-time regular and part-time regular employees. Full-time regular employees earn eight (8) hours of paid vacation leave per month beginning with the first month of employment. Part-time regular employees earn a proportionate number of hours based upon the amount of time the employee regularly works each week. For example, a part-time regular employee who works twenty hours per week (one-half of the standard forty-hour work week) will earn four (4) hours of paid vacation leave per month.

Employees are required to take their earned vacation. Employees will not be paid for unused vacation time. However, employees will be paid for accrued unused vacation leave that has not been lost at the time of termination of employment, but in no event in excess of 24 days.

Official holidays falling within the period of annual leave shall **not** be charged as part of leave.

Arrangements for leave must be made with the City Secretary and appropriate forms completed. Vacation may be taken in weekly periods or as individual days as long as the periods chosen meet departmental approval. An employee must submit a vacation request form to the City Secretary at least two (2) weeks before the date the vacation is to begin if the leave requested is for greater than two (2) work days. All vacation leave for any period of time must be approved by the employee's immediate supervisor and the City Administrator

No vacation leave may be used until an employee has completed three (3) months of employment with the Village. Thereafter, vacation may be taken as time accrues at any point during the year. Vacation leave may not accumulate in an amount in excess of 24 days, and an employee will not be allowed to work through leave time for additional pay.

For leave purposes, a year shall be construed to be the period between anniversary dates of employment.

Vacation time does not count toward calculation of a forty-hour work week for purposes

of determining overtime pay.

### Sick Leave

Full-time regular employees earn eight (8) hours of paid sick leave per month beginning with the first month of employment. Part-time regular employees earn a proportionate number of hours based upon the amount of time the employee regularly works each week. For example, a part-time regular employee who works twenty hours per week (one-half of the standard forty-hour work) will earn four (4) hours of paid sick leave per month.

Employees will not be paid for unused sick time. Sick leave may accrue up to a maximum of 240 hours for full-time regular employees and 120 hours for part-time regular employees.

Official holidays falling within the period of sick leave shall **not** be charged as part of leave.

Sick leave may be used for the employee's personal illness or the illness of a family member when the employee's presence is required to care for the family member. For purposes of this policy, a "family member" includes the employee's spouse, child, or parent. Sick leave may also be used for the employee's doctor or dental appointments. Pregnancy is treated as any other medical condition requiring the use of sick leave. Sick leave may be used in one-hour increments and may be used as soon as it is accrued.

Employees are required to secure approval for scheduled sick leave with the City Administrator as early as practicable. Any time an employee will be absent from work or late for work due to illness, the employee must call in the his or her Supervisor and advise the Supervisor of the need for sick leave within 30 minutes of the time the employee is scheduled to report for work. Failure to report the need for sick leave in accordance with this policy will result in the time being designated as a unauthorized absence without pay.

Any time an employee is out of the office for three or more days on sick leave, a note from the employee's doctor is required to verify the need for the sick leave.

Sick days do not count toward calculation of a forty-hour workweek for purposes of determining overtime.

Sick leave is not available in the event an employee sustains on-the-job injury. Workers' compensation benefits are available in such a case.

Sick leave is for the benefit of the employee during an actual illness and is not intended to provide additional time off. Abuse of sick leave is a cause for discipline up to and including termination of employment.

### Holidays

Holidays observed with pay are set by the City Council each year for all full-time regular employees, subject to the provisions and limitations hereinafter set forth. City Council-approved holidays may include the following or any other day designated by City Council.

New Year's Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Thanksgiving Holiday  
Christmas Day

Holidays will vary each year depending on the day of the week in which the holiday falls. As a general policy, if a holiday occurs on a Saturday, the City shall observe such holiday on the preceding Friday. If a holiday occurs on a Sunday, the Village shall observe such holiday on the following Monday. Designation of the above or any other dates as holidays shall not confer on any employee the right to observe same, or to be absent from his duties on the dates above designated except under the following conditions:

A. The City Administrator shall specifically authorize the observance of any holiday designated hereunder. The City Administrator may revoke or restrict the observance of any approved holiday in order to provide the necessary function and service of the Village departments.

B. Employees required to work on holidays will be given equivalent time off. Holidays may *not* be accumulated, as it is intended that they be observed as they occur.

C. All employees will be paid one day's pay for each official holiday. To be eligible for holiday pay, the employee must work the scheduled workday preceding and following the holiday unless absence is with an excuse deemed acceptable by the City Administrator. An approved vacation day or any other excused and paid day off is considered a day worked for purposes of this policy.

When an observed holiday falls within an absence due to illness of an employee, the holiday shall not be charged to the employee's absence allowance.

An employee on an unpaid leave of absence is *not* eligible for holiday pay.

When an observed holiday falls on a regular working day within an employee's leave period, the holiday shall not be charged to the employee's leave allowance.

#### Military Leave

Full-time regular and part-time regular employees of the Village will receive leave with pay if ordered to authorized training or duty in the National Guard or Armed Forces Reserve Unit of the United States Government. Leave for military duty with pay and without loss of other benefits is limited to fifteen (15) days per federal fiscal year. Military leave in excess of 15 days



per federal fiscal year will be charged to vacation leave (at the discretion of the employee) or leave without pay. If you are called to active military duty or to Reserve or National Guard training, or if you volunteer for the same, you should submit copies of your military orders to your Supervisor as soon as is practicable.

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

#### Jury and Witness Duty

A full-time regular employee who is summoned to jury duty is entitled to a continuation of salary during the active period of jury duty. The employee is also permitted to retain any allowance received from the court for such service. A part-time regular employee shall be given time off without pay while serving jury duty.

All employees are allowed unpaid time off if summoned, by subpoena or court order, to appear in a civil, criminal, legislative, or administrative proceeding other than court proceedings involving Village business.

To qualify for jury or witness duty leave, an employee must submit to his/her Supervisor a copy of the summons to serve or to appear as soon as it is received. In addition, proof of service must be submitted to the Supervisor when the period of jury or witness duty is completed.

#### Bereavement Leave

A full-time regular or part-time regular employee is entitled to paid leave in the event of a death in the family in accordance with the following guidelines:

Up to three (3) days will be granted in case of death in the immediate family, and this leave will not be charged against vacation or sick leave. Immediate family for the purpose of this section includes the spouse, parent, child, brother, sister, grandmother, and grandfather of the employee or of the employee's spouse. Employees who wish to attend the funeral of someone other than a member of the immediate family may be given time off at the discretion of his or her immediate Supervisor without pay or the time may be charged to vacation leave. Requests for bereavement leave should be made to the City Secretary.

#### Leave Without Pay

In addition to those instance otherwise recognized by these policies for the use of leave without pay (e.g., military leave, workers' compensation leave, etc.), an employee may request to take leave without pay for extraordinary circumstances. Such leave may be granted at the discretion

of the Village with the approval of the Village Administrator. The granting of an unpaid leave of absence will depend upon the reason for the leave, the amount of leave requested, and the ability of the Village to provide services and continue operations efficiently and effectively if the leave request is granted. If the purpose for the unpaid leave of absence is a medical condition of the employee, a medical certification will be required before the employee may return to duty.

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

No period of any type of leave without pay may exceed six (6) months. If at the end of any approved leave without pay the employee is unable to return to work, employment with the Village is automatically terminated.

### General Leave Policies

An employee who is out of the office on leave of any type is required to fill out a Leave of Absence form. All employees are required to fill out this form, regardless of whether they are required to fill out regular time sheets or not. This form is available in City Administrator's Office and must be submitted to the City Administrator for approval prior to the absence. In the case of sick leave, the form must be submitted immediately upon returning to work.

The City Administrator may grant leave with pay as well as necessary travel and expense allowances, if deemed proper, in order to permit employees holding permanent positions to attend conferences, schools, and similar events designed to improve their efficiency and value to the Village. Employees may attend the aforementioned events on the recommendation of the City Administrator.

All employees entitled to vote at national, state, or local elections shall, when necessary, be allowed sufficient time off with pay to exercise this privilege.

## **XII. EMPLOYMENT INJURIES**

Any employee injured on the job must report this injury, however minor, to the City Administrator and City Secretary before the end of his work period and take such first aid treatment as may be necessary. Employees injured on the job may, in any event, qualify for Workers' Compensation medical treatment and weekly disability benefits upon compliance with the requirements of the Workmen's Compensation Law.

An injured employee who does not qualify for wage continuation benefits, or whose benefits are exhausted before being released to return to duty, may take his accrued leave, provided, if the employee is receiving weekly workers' compensation payments, sick and vacation leave may be taken only in an amount necessary to make up the difference between such payments and his regular pay.

The employee shall be paid according to Texas Workmen's Compensation Act by the Village's existing carrier.

### XIII. GRIEVANCE PROCEDURE

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

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

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

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

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

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

If the employee is dissatisfied with the solution proposed at the initial discussion with the City Administrator, the employee shall present the grievance in writing to the Mayor within five (5) calendar days. The written grievance shall contain: (a) identity of employee, (b) date grievance occurred or became known to employee, (c) specific nature of grievance, including provisions of agreement in dispute, and (d) adjustment or relief desired. The Mayor shall render a written decision within seven (7) calendar days after receipt of the grievance. The Mayor's decision on any grievance is final.

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

### XIV. TERMINATION

Voluntary: if circumstances require that you resign from your job from the Village, you should submit a written resignation to the City Administrator at least two weeks prior to the effective date of resignation.

Involuntary: It is the policy of the Village of Wimberley to encourage employees to improve when performance or behavior becomes unsatisfactory. However, if performance does not satisfactorily improve after the employee has been made aware of the problem and given sufficient time to remedy it, the employee's services may be terminated. In addition, as an at-will employee, an employee may be involuntarily terminated by the Village at any time for any reason or for no reason.

#### **XV. EMPLOYEE EVALUATION**

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his/her work for the Village. The City Administrator shall organize and direct the work of the staff to achieve these objectives.

The City Administrator will conduct performance appraisals on each employee at least on an annual basis. The purpose of conducting performance appraisals shall be insure that an adequate communications link exists between employee and City Administration. As such, performance appraisals may be used to guide training, as a basis for discipline, or for validation of merit pay request. Performance appraisal forms must be approved by the City Administrator.