



# CITY OF WATAUGA

## PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

*Effective 12-12-2016*

**Note:** The Personnel Manual is under construction. Policies are being revised and removed from this manual and updated on the City's web page [www.wataugatx.org](http://www.wataugatx.org) > Departments > Human Resources > Policy Manual. Contact the Human Resources Department with questions at 817.514.5826 or 817.514.5819.

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## **Section 13.13 Sexual And Other Unlawful Harassment**

**A. Policy** The City of Watauga is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, the City will not tolerate unlawful harassment of our employees by anyone, including any supervisor, co-worker, or third party. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, national origin, religion, age, sex, gender, marital status, veteran status or disability. Harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated.

The City of Watauga is committed to taking all reasonable steps to prevent discrimination and harassment from occurring. The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, veteran status or any other characteristic protected by law, is prohibited. One form of unlawful discrimination is sexual harassment. The City maintains a strict policy prohibiting sexual harassment, which will not be tolerated from any employee. Sexual harassment does not refer to occasional compliments or statements of a socially acceptable nature.

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

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; 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 relation to the above, such conduct includes, but is not limited to the following:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening reprisals after a negative response to sexual advances.
4. Visual conduct (i.e., leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters).
5. Verbal conduct (i.e., making or using derogatory comments, sexually explicit jokes, comments about an employee's body or dress).
6. Sexual advances or propositions.
7. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
8. Physical conduct (i.e., touching, assault, impeding or blocking movement).

Sexual harassment is prohibited and will not be condoned. Examples of prohibited conduct include unwelcome discussion of sexual activities, touching, display of sexually explicit pictures, use of sexually suggestive gestures, and sexual remarks about physical attributes.

However, conduct or actions that arise out of a personal or social relationship or that are not intended to have a discriminatory effect may not be viewed as harassment. Management will determine whether conduct constitutes harassment based on a review of the facts and circumstances in each situation.

Harassment on the job is unlawful whether it involves co-worker harassment or harassment by a supervisor or

manager.

Harassment of employees on the basis of race, religion, color, national origin, age, disability, veteran status or any other characteristic protected by law is prohibited. Slurs, epithets, and jokes based on these characteristics have no place in the workplace. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., via facsimile, e-mail, and/or the Internet. Harassment of any nature will not be tolerated. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. Harassment on the job is unlawful whether it involves co-worker harassment or harassment by a supervisor or manager. This policy applies to all City employees, customers, vendors, and visitors to the workplace.

**B. Supervisor's Responsibility** Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment **must** immediately refer all harassment complaints to the Human Resources Director or the City Manager. The complaint must include details of the incident(s), names of individuals involved, and the names of any witnesses. Preserving a workplace free of sexual and unlawful harassment is the responsibility of all employees.

**C. Complaint Procedure** If any person feels he/she is a victim of or witnesses any form of harassment, the person should inform the person(s) participating in this behavior that he/she finds it offensive. If the inappropriate behaviors do not stop, the offended employee can initiate a complaint using the following procedures. Employees are not required to confront an offending party prior to initiating this complaint procedure.

1. Any employee, who believes he or she has been subject to harassment of any kind, may file a complaint with the Human Resources Director within five days of the incident. If the employee complains to his/her supervisory personnel, the supervisor shall immediately contact and inform the Human Resources Director of the nature of the complaint.
2. The Human Resources Director will inform the individual alleging harassment that in order to pursue the complaint, he or she must complete a Harassment Complaint Form specifically outlining the nature of the complaint. (Forms are on file in the Human Resources Department) If the complainant refuses to complete and sign the form, the matter cannot be further investigated by the City of Watauga unless circumstances clearly indicate otherwise.
3. The Human Resources Director shall conduct a thorough investigation in a timely manner. Interviews will be held with other employees if they were witnesses to or had knowledge of the alleged behavior or incident.
4. The alleged harasser and the department head will be promptly summoned to the Human Resources Department, given a copy of the complaint form, and informed of the seriousness of the allegation(s) by the Human Resources Director. The party alleged to have engaged in the harassment will then have five business days to respond to the allegation in writing. If the situation warrants it, the alleged harasser may be placed on administrative leave, with or without pay, pending a complete investigation as per the City's Administrative Leave Policy.
5. The Human Resources Director shall inform the City Manager of the fact a complaint has been filed. The Human Resources Director shall discuss the findings of the investigation with the City Manager and City Attorney and recommend final action. No action shall be taken against the employee without the Human Resources Director and City Manager's approval. If the Human Resources Director is the alleged harasser, then only the City Manager's approval is necessary.
6. An employee shall report any harassment by the City Manager, City Council member or Mayor, or any

other official, to the Human Resources Director.

7. There shall be no action taken against an employee for making a report of harassment unless the report is proven to have been made in malice.
8. The Human Resources Director shall document all matters related to complaints of alleged harassment, including interviews, contents of statements made in meetings, and all other actions attendant to the allegation. Such documentation shall be maintained for all charges, substantiated or unsubstantiated, for an indefinite period of time. If the Human Resources Director is the alleged harasser, the complaint is handled by the City Manager.

**D. Disciplinary Action** The disciplinary action taken with respect to each violation of this policy will be determined in conjunction with the seriousness of the particular offense.

1. In the event that a thorough investigation of an alleged incident of harassment reveals that an employee has not engaged in any actions or conduct constituting harassment, the Human Resources Director will inform the complaining employee, the party alleged to have engaged in the harassment, and his or her department director that no grounds or basis exist to substantiate the harassment charge. If an employee is found to have filed a false report, they may be subject to disciplinary action up to and including termination.
2. In the event that a thorough investigation of an alleged incident of harassment reveals that an employee has engaged in actions or conduct constituting disciplinary action shall be taken up to and including discharge. The Human Resources Director shall recommend to the department director and the City Manager as to what level of discipline should be taken. The department director will take action with the approval of the City Manager, or action may be taken by the City Manager if the alleged harasser is the department director.
3. The employee being disciplined for charges of harassment has the right to appeal the decision according to the City appeals process.

**E. Workplace Relationships** Anyone is allowed to associate with anyone they desire. It is not the City's intent to interfere with any dating relationships. It is inappropriate for any relationship to interfere with work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines:

1. There shall be no dating activities on City time or City property.
2. There shall be no use of City property to arrange dating activities.
3. All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on City property or on City time. Hand holding, kissing, hugging, sexual comments, and other behavior generally associated with a dating relationship are inappropriate while on City time or City property.

Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be immediately reported by the person of higher rank to his/her supervisor. Failure to report this relationship is a violation of this policy. *Refer to Administrative Policy Anti-Nepotism No. 1.* The manager receiving this information shall immediately notify the Human Resources Director of the relationship. Human Resources shall contact the City Manager and make recommendations to ensure that this relationship does not detract from a sound professional work environment. Such recommendations may include the transfer of one of the individuals to another area.

## ARTICLE XIV LEAVE

**Section 14.2 Vacation Leave**

The intent of Vacation Leave is to provide eligible employees with a benefit for paid time off for the purpose of rest, relaxation, or recreation. It may also be used to supplement sick leave in the event of a serious health condition impacting the employee or their eligible family member.

**Vacation Leave Accrual**

All employees, except temporary and seasonal employees, shall be eligible to accrue vacation leave time. Employees are not able to use accrued vacation time until after successfully completing six (6) months of initial employment.

Employees on leave without pay, disability leave, family or medical leave, or workers’ compensation injury leave (after period of salary continuation) who have exhausted all leave shall not accrue vacation leave. Vacation leave will accrue based on a prorated-basis of the actual hours worked within that month.

The accrual rate is based upon length of service and number of hours worked per regular workweek.

Length of Service	Vacation Hours Per Year
0-4	15 Days
5-9	16 Days
10+	21 Days

Full time and regular part-time employees shall accrue vacation leave according to their scheduled work hours.

Weekly Hours Scheduled	Monthly Accrual Amount		
	0 to 4 Years	5 Years to 10 Years	10 Years +
20 hours per week	3 hours	4 hours	5 hours
21 hours to 25 hours per week	4 hours	5 hours	6 hours
26 hours to 30 hours per week	5 hours	6 hours	7 hours
31 hours to 35 hours per week	6 hours	7 hours	8 hours
36 hours to 39 per week	7 hours	8 hours	9 hours
40 hours per week	10 hours	10.67 hours	14 hours
Police Officers (10 Hour Shift)	12.5 hours	13.33 hours	17.5 hours
Police Officers/Firefighters (12 or 24 Hour Shift)	15 hours	16 hours	21 hours

**All employees hired before October 1, 2013:** The maximum accrual is equivalent to sixty (60) days. Once the maximum accrual is reached, any vacation leave hours over the maximum accrual shall be lost if not used by the employee’s anniversary date. If an employee has not reached their maximum accrual of sixty (60) days by their anniversary date, they can carry over up to five (5) days.

**All employees hired on or after October 1, 2013:** The maximum accrual is equivalent to thirty (30) days. Once the maximum accrual is reached, any vacation leave hours over the maximum accrual shall be lost if not used by the employee's anniversary date. If an employee has not reached their maximum accrual of thirty (30) days by their anniversary day, they can carry over up to five (5) days.

All employees can carry over up to five (5) vacation days of the leave earned during the past twelve months prior to their anniversary.

### **Use of Vacation Leave**

At the completion of six (6) months of employment, an employee is eligible to begin using accrued vacation leave. Vacation leave will not be authorized during the first six months of employment for any employee, unless approved by the Department Head.

Employees must schedule vacation in advance with his/her department head or supervisor, who shall give due consideration to the request and the needs of the department. Vacations can only be scheduled when the workload permits; however, every reasonable effort shall be made to accommodate individual requests.

Employees are encouraged to take vacations in at least one-week intervals. If an employee requests fewer consecutive days off, vacation time may be taken in increments of one hour, no less; however, all such requests must be authorized by the supervisor or department head in advance of the time off.

Holidays occurring during scheduled vacation leave shall be paid as Holiday Pay and will not be deducted from the employee's vacation accrual.

Vacation Leave cannot be advanced. Employees may only be absent from work for the amount of vacation leave time accrued; time off cannot be taken as "unpaid" in addition to vacation leave unless approved by the Department Head and Human Resources.

When it appears that a vacation, or at least time away from the work place, may be in the best interest of the employee, or those of the department or City, the department head may, with the approval of the City Manager, require an employee to take at least one week of accrued vacation leave to be away from the job for an extended period, particularly if the employee has not taken at least one consecutive week of vacation leave in the past twelve months. Similarly, the City Manager may require a department head to take accumulated vacation leave if the City Manager deems it is in the best interest of the employee, the department and the City. If an employee refuses to take vacation leave when so requested, the employee may forfeit vacation hours for the period of time under discussion.

Vacation leave will not be authorized during a disciplinary suspension as a means to supplement pay lost as a direct result of the suspension.

### **Vacation Leave Pay at Separation**

Employees who terminate employment or retire are eligible to receive compensation for their accrued vacation leave after they have successfully completed their initial six month probation. Employees may not

use accrued vacation during the last two (2) weeks of employment without prior approval from the Department Head.

**All employees hired before October 1, 2013:** Compensation shall be paid in a lump sum amount at the regular rate of pay for up to a maximum of sixty (60) days of accumulated vacation leave or as specified in an employment agreement. The employee will be paid at a rate equal to the employee's regular rate of pay including longevity pay, car allowance, certification pay and incentive pay. Firefighters on 24 hour shifts will be paid at the 12 hour rate in accordance with their leave accrual.

**All employees hired on or after October 1, 2013:** Compensation shall be paid in a lump sum amount at the regular rate of pay for up to a maximum of thirty (30) days of accumulated vacation leave or as specified in an employment agreement. The employee will be paid at a rate equal to the employee's regular rate of pay including longevity pay, car allowance, certification pay and incentive pay. Firefighters on 24 hour shifts will be paid at the 12 hour rate in accordance with their leave accrual.

Upon separating employment with the City, all vacation leave credits shall be canceled and shall not be reinstated should the employee later be re-employed.

### **Section 14.3 Sick Leave**

The intent of sick leave is to prevent loss of income to employees who are absent due to illness or injury that is not job-related. Sick leave accrual is unlimited. Probationary employees may use accrued sick leave from the first day of employment with supervisor's approval. Sick leave abuse will not be tolerated.

#### **Sick Leave Accrual**

All employees, except temporary and seasonal employees, shall be entitled to sick leave with pay. Full time and regular part-time employees shall accrue sick leave according to their scheduled work hours.

<b>Weekly Hours Scheduled</b>	<b>Sick Hours Accrued Per Month</b>
20 Hours	3 hours
21 hrs to 25 hrs per week	4 hours
26 hrs to 30 hrs per week	5 hours
31 hrs to 35 hrs per week	6 hours
36 hrs to 39 hrs per week	7 hours
40 hours per week	10 hours
Police Officers (10 Hour Shift)	12.5 hours
Police Officers/Firefighters (12 or 24 Hour Shift)	15 hours

Employees shall continue to accumulate sick leave during absences from work on legal holidays, during sick leave and vacation leave. Sick leave accumulation shall be at the regularly prescribed rate during absence, as though such employee were on duty. Employees on leave without pay, disability leave, family or medical leave, or workers compensation injury leave (after period of salary continuation) who have exhausted all leave shall not accrue sick leave. Sick leave will accrue based on a prorated-basis of the actual hours worked within that month.

## **Use of Sick Leave**

Sick leave shall not be granted in increments of less than one half hour.

Sick leave may be allowed in case of medical, dental, or optical appointments, personal illness, physical or mental incapacity of an employee, when it is necessary to care for an ill or incapacitated spouse, child, or for a parent outside the employee's home. (Refer to Section 14.7 Family and Medical Leave)

Employees are expected to schedule health/preventative appointments so that there will be minimal disruption to the work areas. For regularly scheduled appointments, employees are to give the supervisor as much notice as possible for the upcoming appointment. The preferred method of notification is to call the supervisor at their work number. Individual supervisors may approve alternate methods of notification such as email, texting or calling the supervisor cell phone.

Whenever possible, notice of absence due to an illness, injury, or other unexpected reason must be given by the employee to a supervisor within one hour before starting time. The employee shall report on each succeeding day of absence. Failure to give notice may result in the employee being declared absent without leave and subject to disciplinary action.

An employee may be required to furnish his/her supervisor or the City Manager with a statement from an attending licensed physician, as to the employee's ability to perform the essential functions of the employee's job when:

- The employee's safety or ability to work is in question;
- The safety or efficiency of the work unit is in question;
- There is a question of sick leave abuse;
- There is question as to the merits of an employee's claim that his/her absence was due to illness or injury of the employee or of a family member; or
- The employee has been absent from work for three (3) work days or longer.

Sick leave abuse will not be tolerated. Supervisors will counsel employees if abuse is suspected. Continued abuse will result in further disciplinary action up to and including termination.

The Human Resources Department shall be notified as soon as an employee is absent three (3) full days. Upon notification, Human Resources will contact the employee to assess the employee's eligibility for Family Medical Leave and if FMLA leave is being implemented according to FMLA policy. (See Family Medical Leave Policy Section 14.7)

An employee who has been absent because of illness or injury may be required to submit to a physical examination by a licensed physician selected by the City. In such cases, the employee may return to work upon certification by the examining physician that the employee is physically or mentally fit to return to work, or if the employee is certified fit for limited or light duty.

An employee who is released by an examining physician to return to regular or light duty and refuses to report for work or perform his/her assigned duties is subject to disciplinary action, up to and including termination.

When an employee's accumulated sick leave has been exhausted, unused vacation or compensatory time may be used as sick leave upon request of the employee and approval of the department head. Other options also include Family Medical Leave and Long Term Disability, if eligible.

### **Sick Time Donations**

Sick leave may be contributed from one employee to another for illness, injury, exposure to contagious disease, or routine medical or dental appointments which cannot reasonably be scheduled outside of working hours. Sick leave may not be transferred from one employee to another within 14 (fourteen) days of notice of termination of employment with the city. Employees must have over 80 hours in their sick leave bank to be eligible to transfer hours to another employee and employees must have a balance of 80 hours left in their sick leave after the transfer.

The Human Resources Department will notify all employees when a request is made for Sick Leave and will provide the donation form. The donations will not be processed until the eligible employee has used all hours of their accumulated leave. The employee will only be given the hours for each payroll period as needed. Hours donated from other employees must be used when donated and may not be accumulated for future use. Donations hours will be deducted in equal amounts as needed. Only one request for donations is allowed per occurrence.

### **Sick Leave Pay at Separation**

Employees who terminate employment or retire are eligible to receive compensation for a portion of their accrued sick leave after they have successfully completed their initial six month probation.

**All employees hired before October 1, 2013:** Compensation shall be paid in a lump sum amount at the regular rate of pay for up to a maximum of ninety (90) days of accumulated sick leave or as specified in an employment agreement. The employee will be paid at a rate equal to the employee's regular rate of pay including longevity, car allowance and certification pay. Firefighters on 24 hour shifts will be paid at the 12 hour rate in accordance with their leave accrual.

**Employees hired on or after October 1, 2013 (non-Civil Service):** Accumulated sick leave is not compensable upon separation from the City.

**Civil Service employees hired on or after October 1, 2013:** Compensation shall be paid in a lump sum amount at the regular rate of pay for up to a maximum of ninety (90) days of accumulated sick leave or as specified in an employment agreement. The employee will be paid at a rate equal to the employee's regular rate of pay including longevity, car allowance and certification pay. Firefighters on 24 hour shifts will be paid at the 12 hour rate in accordance with their leave accrual.

Upon separating employment with the City, all sick leave credits shall be canceled and shall not be reinstated should the employee later be re-employed.

### **Section 14.6 Military Leave**

The City of Watauga complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. 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 extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

## 1. Military Training Leave

**A. Eligibility** A regular employee, who is a member of the National Guard or reserves of the United States armed forces shall, upon notification to the department head and submission of appropriate documentation, be granted leave for a period required to perform active duty for training. Temporary employees will be given authorized leave without pay for this purpose.

**B. Definition** Active duty for training means to be engaged in short periods of authorized military training such as cruises, training schools, weekly or weekend drills, and other similar activities.

**C. Length of Leave** In accordance with § 431.005, Texas Government Code, a regular employee engaged in authorized military training or duties will receive pay and accrue benefits as if the employee were on the job, for up to fifteen (15) workdays (three calendar weeks) in any one (1) year.

**D. Leave in excess of fifteen (15) days** An employee eligible for military leave who is ordered or authorized to participate in training or other duty for more than fifteen (15) work days in one (1) calendar year will be placed on leave without pay for any time in excess of fifteen (15) work days. The employee may elect to use accumulated vacation, holiday, and compensatory time leave balances for those days in excess of fifteen (15) work days. If the employee elects to use these leave balances, the leave may be taken in amounts consistent with the employee's regular work schedule with the City, or in amounts less than the employee's regular work schedule with the City. Other types of paid leave shall not be used for this purpose. For example, if the employee was regularly scheduled to work forty (40) hours per week for the City, the leave may be used at a rate of up to forty (40) hours per week or less. Section 2 (D) and (E) shall also apply in the instance an employee elects to utilize the authorized accumulated leave balances for days in excess of fifteen (15) workdays. During periods of leave in excess of fifteen (15) workdays no accrual of benefits shall be allowed. Upon reemployment, Section 2(B) shall apply.

**E. Notice to Department Head** An employee shall give notice to his supervisor within seventy-two (72) hours of receiving written or verbal military orders regarding dates for military training leave. Annual or quarterly training schedules should be given to the department head as the schedules become available to the employee.

**F. Rescheduled Work Days** An employee who participates in weekend military training that occurs on a scheduled workday may reschedule a workday rather than have the absence charged to military leave, if the employee reschedules the workday within the same workweek and approved by the Department Head.

## 2. Military Active Duty Leave

### A. Active Duty

**1. Eligibility** A regular employee, who leaves a position with the City for the purpose of entering any branch of the United States armed forces for extended active duty, shall be placed in military active duty status and granted a leave of absence. The employee should give the department head advance notice of the employee's intent and, for reemployment purposes, submit a copy of the orders for inclusion in the employee's personnel record.

**2. Length of Active Duty** In accordance with § 4312, Title 38, United States Code, an employee may serve a total of five (5) years on active duty in the armed forces, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to reemployment is not protected for periods of military active duty longer than five (5) years (six (6) years for Navy Nuclear Program), except where service extends beyond five (5) years due to military orders requiring that the individual is retained on active duty.

**3. Reemployment** A full-time employee who returns from active duty in the United States armed forces is entitled to reemployment in the same position held upon entrance to active duty, or in a position of comparable status and pay, if the employee:

- a. is physically and mentally qualified to perform the duties of the position;
- b. was discharged, separated, or released from military active duty under honorable or general

conditions;

- c. has not been on military active duty leave for more than five (5) years (six (6) years for Navy Nuclear Program); and
- d. makes a written application for reappointment after discharge, separation, or release from military active duty and presents evidence of the discharge, separation, or release from military active duty, according to the following time lines defined by the Uniformed Services Employment Reemployment Rights Act (USERRA) 38 U.S.C. §§ 4301 through 4333:
  1. Less than 31 days Active Duty: The employee must report to work at the next regular scheduled work period after a reasonable time to return home safely and an 8-hour rest period.
  2. More than 30 but less than 181 days Active Duty: The employee must submit a written application within fourteen (14) days of release of service.
  3. More than 180 days Active Duty: The employee must submit a written application within ninety (90) days of release of service.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

**B. Credit for Military Service** Accrual of benefits while on active duty shall not be allowed. However, a regular employee with the city upon reemployment from military active duty will be allowed full credit for time spent in the military service for the purpose of computing seniority, vacation and sick leave, and service longevity from the date of reemployment forward.

**C. Paid Leave Use** The employee may elect to use any accrued paid military training leave (defined in Subsection 1), and/or accumulated vacation, holiday and compensatory time leave balances. If the employee elects to use these leave balances, the leave may be taken in amounts consistent with the employee's regular work schedule with the City, or in amounts less than the employee's regular work schedule with the City. Other types of paid leave accrued shall not be used for this purpose. For example, if the employee was regularly scheduled to work forty (40) hours per week for the City, the leave may be used at a rate of up to forty (40) hours per week or less.

Benefits, such as vacation, holiday 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 and longevity pay.

**D. Insurance Benefits** If the employee elects to use other accumulated paid leave consistent with the employee's regular work schedule, the City will continue to pay its portion of the employee premium and any dependent premium will continue to be deducted from the employee compensation. Upon exhaustion of paid leave or if paid leave is selected by the employee for less than their regular work schedule, the employee may elect to continue health insurance coverage for a maximum of eighteen (18) months at a cost to the employee of not more than 102% of the full premium under the City's plan. Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

**E. T.M.R.S. Benefit** If the employee elects to use other accrued paid leave consistent with the employee's regular work schedule or paid leave less than the regular work schedule, the employee's portion will continue to be deducted at the regular percentage rate and the City will continue to match that portion as required. In cases where paid leave less than the regular work schedule is used and in cases where leave without pay are used, the employee may, upon reemployment apply for credit as if they had

never left and with no loss of any accrued benefits. The employee will receive service credits for the months while on active duty when discharged under honorable conditions and an application along with a copy of the DD214 is received by T.M.R.S. To obtain monetary credit the employee has up to five (5) years to deposit with T.M.R.S. the amount of money that would have been deducted had the employee never left to serve in the military.

**F. Title 38, United States Code, Chapter 43, Uniformed Services Employment Reemployment Rights Act**

USERRA supersedes any State law (including any local law or ordinance) contract, agreement, policy, plan, practice, or other matter that reduces, limits, or eliminates in any manner any right or benefit provided, including the establishment of additional prerequisites to the exercise of any right or the receipt of any such benefit.

**G. Local Government Code Chapter 143** Chapter 143 of the Local Government Code Section 143.072 governs Military Leave as it relates to Police Officers and Firefighters. Military Leave Time Accounts shall be maintained separate for each department and will be administered according to Section 143.075 of Chapter 143 of the Local Government Code.

**H. General Military Leave Time Account**

This policy applies to all eligible full-time, part-time and probationary employees, whether the employees are civil service or non-civil service employees. This policy does not apply to temporary employees.

All employees may donate leave on a voluntary basis to the General Military Leave Time Account to be utilized by eligible civil service and non-civil service employees who have been called to active federal military duty.

Military leave donations made to the General Military Leave Time Accounts shall not be transferred to the Fire Department Military Leave Time Account or Police Department Military Leave Time Account.

**1. Eligibility to Receive Donated Time**

To be eligible to use military leave time donations, a civil service or non-civil service employee must meet the following criteria:

1. Is a full-time, part-time or probationary employee;
2. Is not a temporary employee;
3. Is a member of the Texas National Guard or the Armed Forces Reserves of the United States;
4. Has been called to active federal military duty while serving as an employee of the City of Watauga;
5. Has exhausted all vacation leave, holiday leave, military leave and compensatory time; and
6. Is not currently receiving leave from the Fire Department Military Leave Time Account or Police Department Military Leave Time Account.

## **2. Guidelines and Procedures**

1. Employees may donate vacation leave, holiday leave, sick leave or compensatory leave time in increments of not less than one (1) hour to the General Military Leave Time Account by submitting a "Military Leave Donation Form" to Human Resources.
2. Leave time (vacation, holiday, sick or compensatory leave) donated to the General Military Leave Time Account will not, under any circumstances, be returned to the donating employee.
3. Non-civil service employees may not donate military leave to the Fire Department Military Leave Time Account or the Police Department Military Leave Time Account.
4. An eligible non-civil service employee may use donated military leave from the General Military Leave Time Account if the employee has exhausted all of the employee's vacation leave, holiday leave, military leave and compensatory time.
5. An eligible civil service employee may use donated military leave from the General Military Leave Time Account if the employee has exhausted all of the employee's vacation leave, holiday leave, military leave and compensatory time, and the employee is not receiving donated military leave from the Fire Department Military Leave Time Account or Police Department Military Leave Time Account.
6. To use donated military leave from the General Military Leave Time Account, an employee must submit a "Request to Use Hours from the Military Leave Time Account Form" to Human Resources.
7. Hours will be used in increments of not less than 1 (one) hour.
8. Distribution of accumulated military leave donations will be divided at the end of each pay period to employees who have been granted authorization to receive military leave donations from the General Military Leave Time Account.
9. Donations and disbursements are made on an hourly basis regardless of the cash value of the time donated or used.
10. Donations and disbursements will be divided equally among all eligible employees, except that no employee shall receive military leave donations from the General Military Leave Time Account that exceed the number of regular hours the employee worked during their normal work schedule each pay period before being called to active federal military duty.
11. The Human Resources Department is responsible for receiving requests for donations of hours, maintaining account balances and ensuring distribution of paid hours is in compliance with this policy.

### **I. Fire Department and Police Department Military Leave Time Accounts for Civil Service Employees**

In accordance Section 143.075 of the Local Government Code, this policy establishes Military Leave Time Accounts for civil service employees. The City shall maintain two separate civil service military leave time accounts: (1) the Fire Department Military Leave Time Account for eligible civil service Fire Department employees; and (2) The Police Department Military Leave Time Account for eligible civil service Police Department employees.

Eligible civil service Fire Department employees may donate vacation leave, holiday leave, sick leave or compensatory leave time to the Fire Department Military Leave Time Account and/or to the City's General Military Leave Time Account. Eligible civil service Fire Department employees may use military leave from the Fire Department Military Leave Time Account or from the City's General Military Leave Time Account. A civil service Fire Department employee is not authorized to use military leave from both the Fire Department Military Leave Time Account and the City's General Military Leave Time Account at the same time.

Eligible civil service Police Department employees may donate vacation leave, holiday leave, sick leave or compensatory leave time to the Police Department Military Leave Time Account and/or to the City's General Military Leave Time Account. Eligible civil service Police Department employees may use military leave from the Police Department Military Leave Time Account or from the City's General Military Leave Time Account. A civil service Police Department employee is not authorized to use military leave from both the Police Department Military Leave Time Account and the City's General Military Leave Time Account at the same time.

Leave time donated to the Fire Department Military Leave Time Account shall not be transferred to the Police Department Military Leave Time Account or the City's General Military Leave Time Account. Leave time donated to the Police Department Military Leave Time Account shall not be transferred to the Fire Department Military Leave Time Account or the City's General Military Leave Time Account.

## **1. Eligibility**

To be eligible to use leave hours from the military leave time account, a firefighter or police officer must meet the following criteria:

1. Must not be in a probationary period in the fire or police department as a firefighter, police officer or academy trainee;
2. Must be a member of the Texas National Guard or the Armed Forces Reserves of the United States;
3. Has been called to active federal military duty while serving as a firefighter or police officer for the City of Watauga; and
4. Has served on active duty for a period of three (3) continuous months or longer.

## **2. Guidelines and Procedures**

1. Eligible civil service employees may donate vacation leave, holiday leave, sick leave or compensatory leave time in increments of not less than one (1) hour to their department's Military Leave Time Account by submitting a "Military Leave Donation Form" to Human Resources.
2. Probationary Fire Department employees are not eligible to donate hours to the Fire Department Military Leave Time Account. Probationary Police Department employees are not eligible to donate hours to the Police Department Military Leave Time Account.
3. Leave time (vacation, holiday, sick or compensatory leave) donated to any Military Leave Time Account will not, under any circumstances, be returned to the donating employee.
4. Civil service employees may use donated military leave from their department's Military Leave Time Account only after the employee has been on continuous active military duty for three (3) continuous months or longer.
5. To use donated military leave from their department's Military Leave Time Account, an eligible civil service employee must submit a "Request to Use Hours from the Military Leave Time Account Form" to Human Resources.
6. Hours will be used in increments of not less than 1 (one) hour.
7. Distribution of accumulated military leave donations will be divided at the end of each pay period to eligible civil service employees who have been granted authorization to receive military leave donations from their department's Military Leave Time Account.
8. Donations and disbursements are made on an hourly basis regardless of the cash value of the time donated or used.
9. Donations and disbursements from the Fire Department Military Leave Time Account shall be divided equally among all eligible civil service Fire Department employees, except that no employee shall receive military leave donations from the Fire Department Military Leave Time Account that exceed the number of regular hours the employee worked during their normal work schedule each pay period before being called to active federal military duty.
10. Donations and disbursements from the Police Department Military Leave Time Account shall be divided equally among all eligible civil service Police Department employees, except that no employee shall receive military leave donations from the Police Department Military Leave Time Account that exceed the number of regular hours the employee worked during their normal work schedule each pay period before being called to active federal military duty.
11. The Human Resources Department is responsible for receiving requests for donations of hours, maintaining account balances and ensuring distribution of paid hours is in compliance with this policy.

## **ARTICLE XV LIFE THREATENING ILLNESS POLICY**

### **Section 15.1 General**

For purposes of this Section "Life Threatening Illness" includes but is not limited to heart disease, cancer, AIDS, ARC and positive HIV test. The City is committed to providing fair and equal employment opportunities for all employees, including those who may be terminally ill. The City is also committed to providing all employees with a safe working environment.

### **Section 15.2 Guidelines**

1. The City of Watauga recognizes that many employees with life-threatening illnesses desire to lead normal lives, which includes working as long as their health permits. Each employee is encouraged to continue working as long as he/she is able to meet acceptable performance standards and his/her illness presents no threat to themselves, other employees, or the public.
2. An employee with a life threatening illness is entitled to the same employment benefits as are other workers in the organization.
3. Supervisors and other employees should be aware that continued employment for a worker who has a life threatening illness may have a therapeutic value and may contribute to the individual's remission or recovery process.
4. All medical records of an employee are confidential. However, if the employee so desires and with his/her written permission, pertinent medical information may be shared with the employee's supervisor and/or co-workers.
5. The City of Watauga reserves the right to require an employee to undergo a medical examination by a doctor chosen by the City whenever there is a question of an employee's continued fitness to work or where there is reason to fear that a worker's condition might pose safety or health hazards for the employee, other employees, or the public. Department Heads must have approval of the City Manager or his/her designee to order a medical examination.
6. The City of Watauga will make reasonable job accommodations when feasible to assist an employee with a life threatening illness.
7. Refusal to work with an employee or to provide services to anyone who has been diagnosed as having a life threatening illness shall be cause for disciplinary action.

### **Section 18.18 Vacation Sell Back**

The effective date of the revision to this policy is October 1, 2013. Employees who have a minimum of 80 hours of vacation time and a minimum of 80 hours of sick time of leave, are eligible to sell back vacation time in accordance with this chart.

<b><u>FISCAL YEAR</u></b>	<b><u>NUMBER OF DAYS ALLOWED</u></b>
FY 2013-14	1-4 Vacation Days
FY 2014-15	1-2 Vacation Days

Days are defined based on the employee's schedule:

<u>DAILY SCHEDULED HOURS</u>	<u>DAY EQUALS</u>
8	8 Hours
10	8 Hours
12 or 24	12 Hours

Employees may sell back vacation days by submitting a Vacation Sell Back form to the Human Resources Department by the assigned deadline.

Payment of vacation sell back will be made in accordance with the chart.

<u>DEADLINE TO TURN IN VACATION SELL BACK FORM</u> (specific date designated by HR)	<u>PAYMENT MONTH FOR VACATION SELL BACK</u>
October	November
April	May

The Vacation Sell Back program will end on September 30, 2015.

### **Section 19.8 Reinstatement for Military Veterans**

Former full-time or part-time regular employees who leave the City service to enter military service will be reinstated upon completion of military service in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 and applicable State statutes. Generally, such employees must have completed a term of service of not more than five (5) years, and separation from military service must have been under “honorable conditions”. Veterans must be qualified to perform the duties of the position and apply for reappointment within ninety (90) days of completion of service or release from hospitalization. Reinstatement must be in a position of like status, seniority and pay. If a veteran cannot perform his former job because of a service-incurred disability, then he will be offered a position he can perform, if available, with the nearest possible similarity in status, seniority and pay. (See Section 14.6 Military Leave)

### **Section 20.7 Workers’ Compensation**

**A. Policy** All employees in the City, both full-time and part-time, regular and temporary employees with a job-related injury are eligible to receive Workers’ Compensation benefits in compliance with the Texas Workers’ Compensation Act (Labor Code § 401.001 et seq., as now or hereafter amended). If an employee is injured on-the-job, he/she may be eligible for benefits under Workers’ Compensation that may cover the entire cost of hospitalization, doctors, drugs, treatments, pharmaceuticals, and other related expenses. Workers’ Compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job. It is not designed to cover “ordinary diseases of life.”

If an employee is unable to perform the essential functions of his/her job due to an on-the-job injury and is off work for more than three days, the employee will be placed on FMLA Leave. (See FMLA Leave) When an

employee is unable to perform the essential job functions of his/her job, with or without reasonable accommodations for more than 180 days due to an on-the-job injury, the employee may be eligible for long-term disability and the employee's position may be refilled. When the employee is able to return to work, he/she may be reassigned to a vacant position for which he/she is qualified, if such a position is available at that time.

**B. Wage Continuation** In addition, full-time regular employees may be eligible to receive a salary continuation benefit from the City of Watauga. This salary continuation shall not exceed the difference between Workers' Compensation temporary income benefits and net base pay. The total amount paid to an injured employee while losing time from work will not exceed the full gross pay he or she would have received for such period at his or her regular rate of pay. The salary continuation benefit may be provided by the City of Watauga for the first 90 calendar days from the date of injury that an employee is unable to work. If the City has paid the employee's wages under wage continuation, and Workers' Compensation reimbursed the wages for the same pay period, the employee will be expected to reimburse the City for the amount paid by Workers' Compensation to prevent over-payment of wages. Unless the employee initiates repayment, a repayment schedule will be set up by the Human Resources Director in order to deduct the overpayment amount from the employee's future checks.

In order to receive wage continuation, an employee must submit a written statement from the attending physician to be eligible to receive wage continuation benefits. The City reserves the right to receive a second physician's opinion regarding the employee's condition. Wage continuation benefits may continue for the period of the job-related disability or 90 days, whichever is less. The City Manager may extend wage continuation benefits for an additional 90 days depending on the severity and cause of an injury. No benefits shall be extended beyond a maximum of 180 days. Health insurance will be offered through COBRA.

The City offers two options for wage continuation:

1. Employees may use a physician of their choice from the approved list of Political Subdivision Worker's Compensation Alliance and receive approximately 70% of their salary from Workers' Compensation based on the last 13 weeks of employment, and no city contribution; or
2. Use a physician recommended by the City and the employee receives approximately 70% of the employee's base salary from Workers' Compensation and wage continuation from the City.

If an employee is not granted wage continuation, or the injury lasts longer than 90 days and the employee is no longer eligible for wage continuation, the employee will be allowed to use comp time, accrued holiday leave, sick leave, and/or vacation leave to supplement the remainder of the employee's income, after taxes, that Workers' Compensation does not pay to the maximum of the employee's regular gross salary. If an employee runs out of sick leave or vacation before being released by the attending physician to return to work, the employee may be granted a leave of absence without pay for the remainder of the 180 days.

The wage continuation benefit shall be subject to the following provisions:

1. The injury or illness must be the direct result of the employee performing his/her job for the City.
2. The employee must report the accident or personal injury to his/her supervisor and file an injury report to Human Resources within 24-hours of the incident.

3. The employee shall be seen by the medical facility approved by the City for on-the-job injuries. If the employee is taken to a hospital in an emergency, the employee shall complete his/her follow-up visits with a physician from the City's selected medical facility.
4. An employee who is unable to return to work shall contact his/her supervisor (no substitutes) every other day, and call Human Resources every Friday until the doctor has released the employee to return to work.
5. An employee who is on probation due to disciplinary action is not eligible for wage continuation.
6. An employee who has been released by his/her attending physician to return to light duty shall be required to perform light duties for his/her own department, or that of another department in the City.
7. Injuries or illness that occur while traveling to and from work, or while engaging in horseplay, attending to personal business, or failing to follow reasonable safe practices shall not be deemed as on-the-job injuries to qualify for wage continuation.
8. Upon return to work, light duty or full-duty, the employee shall be required to arrange physical therapy or doctor visits after hours, if at all possible.

Salary continuation benefits may be denied or discontinued if the employee:

1. fails to report the injury or illness as required by Article 21 of the Personnel, Administration and Financial Policies and Procedures Manual;
2. falsifies or misrepresents his or her physical condition or capacity;
3. becomes unable to perform regular or full-time work as a result of any injury, the later aggravation, or re-injury thereof sustained prior to the date of employment with the City of Watauga or while off duty;
4. fails to follow established City, department or division safety policies and procedures;
5. fails to report to a physician or participate in an independent medical review approved by the City and/or fails to present a duty status report to the Human Resources Director from his or her physician stating that the employee is unable to return to work;
6. fails to timely provide written consent for the release of all pertinent medical information to the City of Watauga prior to receiving the salary continuation benefit or later withdraws consent while receiving the salary continuation;
7. does not follow the recommended medical care, physical therapy, rehabilitation and modified duty program for the employee;
8. fails to contact and notify his or her immediate supervisor and the Human Resources Director of his or her condition and expected date of return;
9. is found to be working at any job, including self-employment, that violates the employee's treatment plan as prescribed by the treating physician or is found to be participating in any activity that impedes the employee's work progress or recovery or any work for pay;
10. resigns from or terminates employment for any reason;
11. retires or dies;
12. refuses to perform light or part-time duty when offered by the City and authorized by the treating physician;
13. refuses to accept or perform a different job with the City offered by the Department Head and Human Resources Director or City Manager when requirements for the different job are within the employee's physical capacity and he or she is qualified or can be trained to perform the same;
14. refuses to return to regular duty on the first working day after which the employee has been released to return by the treating physician
15. ceases to be eligible for Workers' Compensation benefits.

Salary continuation benefits will not be paid by the City of Watauga for any relapse or re-injury after the Personnel, Administration and Financial Policies and Procedures Manual Effective 12-12-2016

expiration of one year from the date of original injury and for not more than a total of 90 calendar days whether consecutive or non-consecutive. Injured employees who are not able to work and who are not eligible for the salary continuation benefit, or if the benefit expires or ceases, or whose payroll check is less than their payroll deductions, are responsible for paying insurance premiums and other deductions by a means other than payroll deduction.

### **C. Procedures**

1. Employees must report every injury occurring at work, no matter how minor, to the supervisor immediately.
2. Supervisors determine nature and extent of injury and ensure employee receives first aid or medical treatment. In the event of a life threatening injury, supervisors must call 9-1-1 for immediate medical attention. For non-emergency injuries requiring medical treatment by a doctor, the supervisor must take the employee to the City's assigned medical treatment facility. The Human Resources Department should also be contacted so that all proper authorization forms can be completed,
3. The supervisor is then responsible for completing an injury report with the help of the injured employee if feasible. Injury reports must be turned into the Human Resources Department within (24) hours.
4. The Human Resources Department will complete all appropriate documents required for Worker's Compensation. They will interface with the Claims Adjuster and follow the case until employee returns to work. The Human Resources Department will monitor the frequency and severity of the injury and generate reports to management depicting trends and need for further corrective action.

## **Section 20.11 Employee Clothing and Shoe Uniform Policy**

### **A. Eligibility**

Each Department Director will identify to Human Resources the positions within their respective department for which the wearing of a uniform or specific clothing or footwear are required. Identification of such positions shall be detailed in type and structure of such apparel. Department Directors should ensure that uniforms are absolutely necessary. The Department Director, Human Resources Director and the City Manager shall at all times determine which departments and employees of departments are to be required to wear uniforms and they may decide at anytime in the future to modify and or discontinue the uniform requirement for any department and or any employee.

Employees filling positions designated as requiring the wearing of a uniform must wear issued uniforms on the job on a daily basis once the employee obtains his / her initial supply of uniforms.

Each department requiring employees to wear uniforms must include funds for new issues and replacement of uniforms in their respective department annual budget requests.

### **II. Type of Uniform**

**A. Clothing and Shoes Adaptable for General Wear or Non-Excludable Uniforms**The Internal Revenue Service (IRS) mandates that uniforms which can be considered "street clothing" are taxable as a benefit to employees and are here considered "adaptable for general wear."

1. Uniforms With City Logo – Those products for uniforms that require the City logo will be purchased by the City, issued to employees, and will be taxable as a benefit to the employee.

## 2. Uniforms Without City Logo

Readily Available Products –Those products for uniforms that are readily available to the general public consumer are considered here to be “readily available.” The City will establish some local vendors for employees to optionally shop from for these readily available products. Clothing and shoe allowances will be based on the rates offered by such vendors and will be determined at the start of each fiscal year based on budgetary considerations.

Allocations to employees will be based on the policy below.

Special Order Products – Those products for uniforms which are special order items or where economies of scale in purchasing in bulk offers the employee a better value, the City will purchase as such, issue to employees, and will be taxable as a benefit to the employee.

3. Care and Maintenance – Employees are personally responsible for the proper care, cleaning, alterations and repair of non-excludable uniforms. All uniforms shall maintain a professional appearance. Uniform shall remain free of rips, tears, holes, frayed edges, and missing buttons. It shall be at the determination of the Department Director, with the approval of the City Manager, if a uniform is damaged in the line of duty if and how much an additional allowance or issuance of a uniform will be made to an employee. The Department Director shall determine standard of acceptable professional appearance.

**B. Clothing or Shoes Not Adaptable for General Wear or Excludable Uniforms** Uniforms are excludable from taxes if covered by an accountable plan and are specifically required as a condition of employment and are not worn or adaptable to general usage as ordinary clothing.

Such uniforms for the City of Watauga include all uniforms under a Uniform Rental Contract and public safety dress for Police Officers to include Standard Uniforms, Administrative Uniforms, Training, Animal Control Officers, Jailers, Dispatchers, Fire/EMS Uniforms as well as bunker gear, including but not limited to helmets, hats coats, shirts, pants, gloves, hoods, rain coats, traffic vests, and ballistic vests that are determined to be excludable.

If the uniform is excludable, the cleaning and maintenance is also excludable. All uniforms shall maintain a professional appearance. Uniform shall remain free of rips, tears, holes, frayed edges, and missing buttons. It shall be at the determination of the Department Director, with the approval of the City Manager, if a uniform is damaged in the line of duty if and how much an additional issuance of a uniform will be made to an employee. The Department Director shall determine standard of acceptable professional appearance.

Excludable items shall not have tax implications for employees. However, since Excludable Uniforms are required by the employer as a condition of employment and are to only be worn in the performance of job duties, it is strictly forbidden for employees to wear their Excludable Uniforms as general wear clothing. Failure to comply will subject the employee to disciplinary action up to and including termination of employment.

## III. Clothing Allowance Allocation

**A. Payroll Allocation** Payments will be made separately from the City’s regular payroll.

**B. Timing** Clothing allowance checks will be issued two times during the budget year during the months of January and July. The check issued in January is intended to cover the costs of purchases made between July 1 and December 31. The check issued in July is intended to cover the costs of purchases made between January 1 and June 30.

Shoe allowance checks will be issued one time during the year. The shoe allowance check will be issued in January.

Employees assigned to clothing allowance designated positions for the entire period, either July 1 through December 31, and/ or January 1 through June 30, will receive the full clothing allowance payment for each of these six-month periods. For example, an employee having served from July 1 through December 31 will receive the full semi-annual payment in January. The employee having served from January 1 through June 30 will receive the full semi-annual payment in July.

An employee only serving a portion of the period from July 1 through December 31, or from January 1 through June 30, will receive a pro-rata share for the time served in the clothing allowance designated position.

Upon entering a clothing or shoe allowance designated position, the employee will be able to receive an allocation of such approved allowance after 30 days of employment and shall not exceed two (2) allocations of allowances within a given fiscal year. Employee will have 5 business days to be in proper full uniform once allocation has been received.

If an employee in a clothing allowance designated position leaves employment with the City prior to the designated date and receipt of the clothing allowance payment, that employee will forfeit any clothing allowance payment. There will be no pro-rata distribution of the clothing allowance for terminated employees. In the event of death of an employee in a uniformed position, a pro-rata uniform allowance allocation shall be paid.

**C. Taxable Benefit** In order to comply with the Internal Revenue Service (IRS) provisions, all payments made of the clothing and shoe allowance will be taxable. Clothing and shoe allowance payments are not subject to the deductions for retirement and are subject to normal federal and social security deductions.

## **ARTICLE XXI EMPLOYEE SAFETY**

### **Section 21.1 Objective in Safety Program**

The City has a safety program to emphasize the vital importance of adhering to the City of Watauga safety policies and procedures as established in the City Safety Program. To the extent possible, each employee will be furnished a safe place of employment. The City's primary goal is to prevent accidents, personal injuries, fatalities, and the loss or damage to material resources and facilities that result from work-related accidents. On-the-job injuries and equipment damage can become a very high cost to the City; thereby, affecting the overall budget used to provide compensation and benefits for City employees. An effective safety program and procedures have been implemented Citywide to minimize personnel and property losses that ultimately result in cost savings. Management at all levels support the safety program and procedures, and all employees are expected to comply with all safety policies and procedures. Copies of the Safety Program are

available in the Human Resources and in each Department. In the event an accident occurs, each employee will be afforded prompt first aid or medical attention

**Section 21.2 Accident Preventive Measures**

**Responsible Person Procedure**

- |              |   |
|--------------|---|
| Employee     | 1. Become familiar with Safety Policies, Safety Manual and Safety Guidelines.                                       |
| Employee     | 2. Assume an attitude about one's work that "anticipates", rather than "assumes."                                   |
| Employee     | 3. Report unsafe conditions to supervisors.   |
| Employee     | 4. Watch out for the unsafe acts of others.   |
| Supervisor   | 5. Conduct frequent job safety observations.  |
| Supervisor   | 6. Correct unsafe conditions at the work site. Correct unsafe work practices of employees.                          |
| Supervisor   | 7. Set the example of safety awareness.   |
| Supervisor   | 8. Conduct frequent safety talks on a specific procedure or part of the job.  |
| Admin.       | 9. Monitor accident experience and provide technical assistance to help supervisors zero in on accident causes.     |
| Admin.       | 10. Work with supervisors to identify realistic preventative measures and get commitment to take corrective action. |
| Depart. Head | 11. Review reports of accident frequency and severity and ensure appropriate timely corrective action is taken.     |
| Depart. Head | 12. Set an example of safety awareness and demonstrate positive support of the safety program.                      |

**Section 21.3 Accident Procedure Involving City Equipment**

Whenever an employee is involved in an accident while operating City-owned equipment, the accident must be reported immediately to the employee's Department Head and the Human Resources Department. The Department Head shall be responsible for investigating the accident and filing all necessary reports with the Human Resources Department within two (2) days of the accident. The following procedures shall be followed for any and all accidents involving motor vehicles of the City:

**Responsible Person**

**Procedure**

- |                 |  |
|-----------------|--|
| Employee        | 1. The driver of the vehicle, if physically able to do so, shall notify the Police Department of the accident and allow them to make their investigation before moving the vehicle.  |
| Employee        | 2. The driver shall notify the Department Head after the Police Department has been notified.  |
| Department Head | 3. Insure that employees operating commercial vehicles are subject to DOT Drug and Alcohol required tests as outlined in Section 22.5 of this Manual.  |
| Department Head | 3. A copy of the Accident Report, and any other forms required by this article, shall be collected by the Department Head and forwarded to the Human Resources Department.   |
| Department Head | 4. If the accident is the fault of a City employee, the Department Head shall proceed to have the damage to the City vehicle repaired in accordance with the procedure established by the department and the maintenance garage. |

- Department Head
5. If the accident is the fault of someone other than a City employee, the Department Head shall obtain a valid estimate of the cost of repairs to the vehicle. The vehicle shall not be repaired until the Department Head ensures that all insurance companies have been notified and provided an opportunity to inspect the damaged vehicle.

Investigation Policy: It shall be the policy of the City of Watauga to investigate thoroughly all reports of damage or accidents occurring to or caused by any unit of the motor fleet or equipment fleet.

Accident Review Board: The Accident Review Board may be called at the discretion of the City Manager or his/her designee to investigate any case of gross negligence, extensive damage to property or personal injury caused by the operation of any City vehicle or other equipment. The Accident Review Board shall consist of Department Heads and other employees as selected by the City Manager. All findings and recommendations of the Accident Review Board will be submitted to the affected Department Head.

**Section 21.4 Personal Injury and Accident Procedure**

<b>Responsible Person</b>	<b>Procedure</b>
Employee	<ol style="list-style-type: none"> <li>1. Immediately report accident</li> <li>2. Immediately contact Department Head and Human Resources Office. Ensure that employee receives appropriate medical treatment if needed and ensure employee completes the City’s Injury Report Form.</li> </ol>
Supervisor	<ol style="list-style-type: none"> <li>3. Begin an investigation and forward the injury report to the Department Head and to the Human Resources Department immediately or as soon as possible during normal business hours after medical attention is received if necessary.</li> </ol>
Department Head	<ol style="list-style-type: none"> <li>4. Review with supervisor the results of the findings and discuss corrective action to be taken, by whom and when. Report to the Human Resources Department actions taken.</li> </ol>
Admin.	<ol style="list-style-type: none"> <li>5. Review with Department Head and/or supervisor to discuss corrective action to be taken, by whom and when. Refer accidents to the Accident Review Board as necessary.</li> </ol>
Admin.	<ol style="list-style-type: none"> <li>6. Participate in the investigation of all accidents that involve a death of two or more employees injured in one accident.</li> </ol>
Supervisor	<ol style="list-style-type: none"> <li>7. As soon as there is lost time, notify Human Resources Department immediately.</li> </ol>
Admin.	<ol style="list-style-type: none"> <li>8. Ensure that all Workers' Compensation Forms are generated on a timely basis, accumulate accident frequency and severity data, monitor and maintain file of claims and generate reports to depict significant trends.</li> </ol>
Department Head	<ol style="list-style-type: none"> <li>9. In all cases where occupational injury to an employee occurs and employee remains on disability for seven (7) days, the Department Head shall confer with the Human Resources to review progress on the case and discuss further action to be taken in employee's behalf.</li> </ol>

**Section 21.5 Discipline and Reporting**

Each accident, no matter how minor, must immediately be reported by the employee to his/her supervisor. Failure to report an accident immediately or immediately after medical attention is received will result in a written reprimand being placed in the employee's file. Failure to report an accident within 2 work days may

result in a minimum two day suspension without pay for the employee failing to report. Repeated failures to report accidents will result in stronger disciplinary measure.

Failure to follow safety rules and policies may result in disciplinary action.

### **Section 21.6 Safety Training**

Safety training includes formal training, if applicable, for City employees and on-the-job safety training for all employees. Additionally, the City will periodically make available special training programs to address areas that require immediate attention and any other classes that contribute to the safety of employees.

## **ARTICLE XXII ALCOHOL MISUSE AND DRUG ABUSE POLICY**

### **Section 22.1 Purpose**

The City of Watauga by virtue of its daily operations, recognizes its responsibility to implement all measures considered necessary to ensure the safe and efficient operation of its facilities and equipment. This responsibility, in an organization, which requires the public trust and demands comprehensive safety measures, extends not only to the protection of the well-being of our employees but also to the citizens which they serve. All personnel equipment and operating practices are required to be consistent with the highest standards of health and safety.

As a result of the growing concern of drug use in the work place, and the potential impact with respect to the safe and efficient operation of our facilities and equipment to both employees and the public, we have developed a drug and alcohol control policy, to include drug and alcohol testing of applicants. It is the intent of this policy to also comply with the provisions of the Drug Free Work place Act of 1988, the Omnibus Transportation Employee Testing Act of 1991 and applicable State and Federal regulations.

### **Section 22.2 Applicability**

All departments and applicants seeking employment with the City are covered by this policy. Police and Fire operations are excluded from Federal Department of Transportation (DOT) provisions, but are included in all non-DOT provisions of this policy. Unless otherwise stated herein, this policy applies to all City employees.

### **Section 22.3 Policy Statement**

The City of Watauga supports the campaign for a drug-free Watauga and as such will seek to eliminate the use of illegal drugs within the City work force.

There is no intent to intrude upon the private lives of employees or applicants; however, the City of Watauga is concerned with those situations where the use of drugs or alcohol seriously interferes with any employee's health and job performance, adversely affects the job performance of other employees, or is considered serious enough to be detrimental to the City of Watauga's business. The presence of alcohol and drugs in the workplace and/or the abuse of alcohol or drugs by employees is inconsistent with effective government.

The City complies with DOT requirements for affected positions. Employees subject to DOT testing rules include any employee required to have a commercial driver's license (CDL) and operate a commercial motor vehicle. A commercial motor vehicle is any motor vehicle used to transport passengers or property if the vehicle has;

1. A gross combination weight rating of 26,001 or more pound, including a towed unit with a gross vehicle

- weight rating of more than 10,000 pounds, or
- 2. A gross vehicle weight rating of 26,001 or more pounds, or
- 3. Is designed to transport 16 or more passengers, including the driver, or
- 4. Is of any size and is used to transport materials that are hazardous for the purpose of the Hazardous Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials regulations.

City employees are subject to a “two strike” policy for alcohol and illegal use of prescription drugs: the first positive test (alcohol or illegal use of prescription drugs) results in treatment and/or education opportunities; the second positive test results in termination.

City Employees are subject to a “zero tolerance “ or “ one strike” policy for illegal Controlled substances the first positive test results in termination, except for prescription drugs as outlined in more detail below.

Applicants who are not hired because they fail an alcohol or drug test and employees who violate this policy and are terminated are not eligible for employment or re-employment for at least five (5) years.

Possession and/or illegal use of drugs and/or alcohol on the job is prohibited.

Those departments whose employees may operate commercial-type vehicles and for which a commercial drivers license (CDL) is required are subject to alcohol misuse and drug abuse regulations as mandated under the Federal Omnibus Transportation Employee Testing Act of 1991.

The consumption of alcohol and the illegal use, possession, distribution, dispensation, transportation, sale, or manufacture of dangerous drugs is prohibited in the workplace. This prohibition includes any violation of state and federal controlled substances acts.

### **Section 22.4 Policy Violations**

**A. Prohibited Items** The use, possession, selling, distributing, concealing or transporting on City of Watauga property, by employees or others, of any of the following substances is prohibited:

1. Illegal drugs, controlled substances, marijuana, mood or mind-altering substances, "look-alike" substances, designer and synthetic drugs and inhalants producing mood or mind-altering vapors.
2. Consumption of alcoholic beverages; intoxicating substances.
3. Unauthorized prescriptions except under the following conditions:
  - a. The drugs have been prescribed by a licensed physician for the person in possession of the drugs.
  - b. The drugs/medications are kept in their original container.
  - c. The prescription was filled by a registered/licensed pharmacist within the last twelve (12) months for the person possessing the drug/medication and is still in the original container from the pharmacy.
  - d. The drugs/medication are ingested or administered only in the prescribed or recommended therapeutic dosages.
  - e. The City of Watauga at all times reserves the right to have the City's physician review any drug or medication being taken by an employee. In the exercise of his/her medical judgment, the

City's physician may cause the employee to be placed in a limited duty or non-duty status as long as he/she is using the drug or medication.

## **B. Definitions**

1. Illegal Drugs, for purposes of this policy, include drugs which are not legally obtainable and drugs which are legally obtainable but have been obtained illegally.
2. Detectable Levels or Identifiable Trace Quantities indicates the presence of an illegal or prohibited drug or substance found in the body fluids in amounts exceeding an established cut-off level.
3. Cut-Off (Acceptable) Levels shall be as established by Department of Transportation guidelines. The established DOT cut-off level for alcohol is .02 blood alcohol level. Additional blood and urine tests may be required by the supervisor, Department Head or City Manager if a breath test indicates a blood-alcohol level at or above .02.
4. City of Watauga Property or Premises for purposes of this policy, includes ALL property, facilities, buildings, structures, parking lots and vehicles owned, operated, leased or under control of the City of Watauga.
5. Medical Review Officer (MRO) shall be a licensed physician with knowledge of drug abuse disorders.
6. Safety Sensitive Function any on-duty time as follows:
  - a. all time on City or other property waiting to be dispatched;
  - b. all time inspecting, servicing or conditioning any commercial motor vehicle;
  - c. all driving time;
7. all time, other than driving time, in or upon any commercial motor vehicle;
8. all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, remaining in readiness to operate the vehicle;
9. all time spent performing driver requirements relating to accidents;
10. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
11. Standby for Work Duty Standards
12. Employees on standby for work duty will be required to meet all standards of Article XXII upon return to work.
13. Emergency Call Back Standards
14. Employees on standby for emergency call back will be required to meet all standards of Article XXII upon return to work.

Violation of this policy may lead to immediate dismissal of the employee involved.

## **Section 22.5 Drugs Policy Enforcement**

**A. Policy** The City has a zero tolerance for use of illegal controlled substances (amphetamines/methamphetamines, cocaine, opiates, PCP and marijuana). Therefore, any employee who fails a drug screen will be scheduled for a pre-termination meeting, except as outlined below for prescription drugs. A DOT safety sensitive employee will also be referred to a substance abuse professional.

Prescribed Drugs – The legitimate use of prescribed or over-the-counter drugs is not prohibited if performance is not impaired. If an employee is unable to perform his or her assigned duties or perform any duty in a safe manner, the employee will be subject to temporary reassignment of duties or be required to take leave.

An applicant or employee using a prescription drug containing an opiate, narcotic or amphetamine which is prescribed for him or her will have a “medically explained” negative test-thus no violation of this policy. There will be no loss of employment, nor loss of promotion or transfer. An employee may be referred to a Medical

Professional to evaluate his/her ability to safely perform safety-sensitive job functions while using the medication. In cases where an employee is misusing or abusing a prescription drug, personnel will work with the employee in addressing the issue.

The use of someone else's prescription drug containing a controlled (listed above) is considered to be a positive drug screen. An applicant will have the employment offer withdrawn and cannot reapply for five (5) years. An employee will be referred to a Medical Professional for evaluation (will have one chance). An employee whose test resulted from a promotion or transfer will have the job withdrawn and cannot reapply for a period of one (1) year.

Within ten (10) working days of notification of a positive test, the employee responsible for providing documentation from the Medical Review Officer that the positive drug screen was based upon the illegal use of a prescription drug, in order for the two strike policy outlined above to apply (if the employee believes the positive result to be prescription related). The employee will be off on his/her own time (accrued leave if available) while obtaining the requested documentation from the Medical Review Officer. If such is not provided within the time frame specified, the employee will be scheduled for a pre-termination meeting.

**B. Alcohol and/or Prescription Drug Abuse** Any employee who fails an alcohol screen and/or who has a positive drug test related to the illegal use of a prescription drug the first time must agree in writing to comply with the "two strike" provisions and requirements. As an example, a non-DOT employee must agree to unannounced alcohol and/or drug screens or a period of 24 months, or for an employee in a DOT safety sensitive position, 60 months. Failure to agree in writing and/or failure to successfully comply to the requirements will result in the scheduling of a pre-termination meeting.

Any employee who fails an alcohol screen or whose positive test for drugs is due to illegal use of prescription drugs, will be evaluated for the need to be referred. Human Resources will assist the employee in determining the need for chemical dependency counseling and/or rehabilitation (formal treatment program).

**Employees not Qualifying for Treatment** If an employee fails to meet the criteria to be placed in a program, the positive alcohol screen or illegal use of a prescription drug still qualifies as a first positive. Such employees will be required to participate in an appropriate educational program as determined by Human Resources or a Medical Professional. Refusal or failure to participate in the required program will result in the scheduling of a pre-termination meeting.

**Employees Qualifying for Treatment** If counseling/treatment/rehabilitation criteria is met, the employee will be referred. Refusal to participate or failure to successfully comply with a counseling program or treatment program to which an employee is referred will result in the employee being scheduled for a pre-termination meeting.

Failure to successfully comply with a counseling program and/or treatment program may involve any of the following examples, which are not intended to be all inclusive:

- Checking one's self out of the program against medical advice;
- Being dismissed from the program (therapeutic discharge);
- Non-compliance in fulfilling the program plan as designed by the program staff/counselors;
- Non-compliance in following medical treatment.

Upon a negative return-to-work alcohol screen or drug screen, any subsequent positive alcohol screen and/or

illegal use of prescription drug positive test will result in the employee being scheduled for termination.

**C. Applicant Drug Screening** A drug screen (urine) will be performed on all final applicants. If the test results indicate the presence of an illegal or prohibited drug or substance which exceeds the cut-off level, the applicant will be disqualified from further consideration at that time. It should be noted that if the drug screen provides a positive result, a second, more comprehensive test (Gas Chromatography/Mass Spectrometry) will also be conducted to confirm the results of the first test. If the results of the first test are confirmed, the applicant would be eliminated from consideration for employment for at least five (5) years. The split sample method will be followed in accordance with DOT rules for applicants with CDLs.

An applicant must sign a Pre-Employment Drug Testing Consent form in order to be considered for employment. Any applicant who refuses or fails to sign this form will be removed from consideration for employment.

Sample collection and testing shall be administered by a City-selected medical facility utilizing laboratory procedures as outlined by DOT regulations for applicants with CDLs. Strict chain of custody procedures will be followed.

Direct observation will normally not be used for applicants. Laboratory personnel will report any abnormalities or suspicion of tampering. If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under direct observation. Refusal to retest or cooperate with site collection personnel will render the applicant ineligible for employment.

**D. Searches and Inspections** When the City has good reason to suspect there is drug use, possession or trafficking by employees or other persons on City property, the City reserves the right to conduct, or employ specialists to conduct searches and inspections, including the use of scent-trained dogs. The Departmental Director concerned or the City Manager must approve searches and inspections which may be confidential with at least one searcher and one observer present.

The City has the right to conduct an on-the-spot search and inspection of City facilities or equipment for the purpose of determining if employees or other persons are using, possessing, selling, distributing, concealing or transporting any of the prohibited items and substances contained in this policy. Employee work areas, desks, lockers, briefcases and personal vehicles parked on City property may be subject to searches at any time. Any personal items brought onto City premises do not have an expectation of privacy and are subject to search.

Refusal to voluntarily submit to a search or inspection by a supervisor or authorized search specialist is a violation of City of Watauga policy and may result in disciplinary action, up to and including dismissal.

**E. Employee Testing** The City reserves the right to require drug or alcohol testing for incumbent employees when based on a reasonable suspicion that an employee is an illegal drug user or is under the influence of a substance or alcohol. Once the employee has been requested to be tested, urine sample and/or alcohol breath test should be given immediately by transporting the employee to the testing facility. Refusal to submit to an ordered drug or alcohol screening test is a violation of City policy which will be considered the same as a positive test result and may result in disciplinary action, up to and including dismissal.

Employees can be tested in six circumstances:

1. Random test if employee is in a DOT or city –sensitive position.
2. Promotion/transfer/demotion/reclassification into DOT or city-sensitive position.
3. Reasonable cause test.
4. Post accident Test
5. Return to Work Test.
6. Follow-up test. (Only applies after a previous positive test has occurred)
7. Periodic/Other Test.

A DOT position is one that does or may require a commercial driver’s license. Such a safety-sensitive position has safety-sensitive functions which includes, all time from the time a driver begins to work or is required to be in a readiness to work until the time he/she is relieved from work and all responsibility for performing work. The employee is expected to be drug and alcohol free. A DOT position employee may not consume any alcohol from any source within four hours prior to reporting for duty.

**1. Random Testing** Employees in City-sensitive positions and/or DOT positions will be selected for testing on a random basis in a manner to ensure that each covered employee has a substantially equal chance of selection. The testing frequency and selection process will be such that an employee’s chance continues to exist throughout his/her employment in a sensitive position.

- a. The City will ensure that employees in City-sensitive positions are tested for drugs on a random basis.
- b. Employees in DOT positions will be selected for testing on a random basis. Annually 50% of the covered employees will be tested for drugs; 25% will be tested for alcohol.

**2. Promotion, Demotion, Transfer, Reclassification** Employees moving into City-sensitive and/or DOT positions will be tested for drugs prior to the promotion, demotion, transfer, reclassification, etc. This requirement maybe waived at the City Manager’s discretion if the employee has had a drug screen within the past 6 months.

**3. Reasonable Cause** When a supervisor who is trained to detect drug abuse or alcohol misuse determines that an employee may be under the influence of either, the Supervisor must require the employee to be tested for alcohol and drugs. In special circumstances involving public safety issues, a City department may order a reasonable cause alcohol and/or drug screen, if approved by the City Manager and/or Human Resources Director.

Reasonable Suspicion that an employee uses illegal drugs or is intoxicated may be based upon, among other things;

- a. observable phenomena, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of a drug or alcohol;
- b. poor balance, lack of coordination, alcohol odor or breath, odor or presence of vomit on clothes, inability to divide attention, and slurred speech;
- c. deteriorating work performance, absenteeism; poor personal hygiene;
- d. a pattern of abnormal conduct or erratic behavior; a marked change in personal behavior or attitude;
- e. arrest or conviction for drug related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking;
- f. information provided either by reliable and credible sources or independently corroborated;

- g. newly discovered evidence that the employee has tampered with a previous drug test;
- h. employee involvement in an accident during work hours where the circumstances lead to the belief or reasonable suspicion that the employee was under the influence of drugs or alcohol; or
- i. for further guidance in determining reasonable suspicion contact the City Manager or City Attorney.

**4. Post-Accident** Any accident in which a City employee is operating a City vehicle or personal vehicle on City business will require a post accident alcohol and drug test in the following circumstance:

- a. Any accident involving a fatality.
- b. Any accident in which a person is transported for medical attention.
- c. Any accident where a citation for a traffic violation is issued to the City driver or operator.
- d. Any accident involving damage to City property or other personal property where the employee may have been at fault.

A post-accident (vehicular or non-vehicular) test may be required in the following circumstances:

- a. In those accident where the supervisor and/or the City's Safety Officer can find no reasonable explanation for the cause of the accident, the supervisor and/or the City's Safety Officer may request a post-accident alcohol and drug test,
- b. The City Manager or Human Resources Director may also initiate post-accident alcohol and drug screen when deemed appropriate.
- c. Commercial Type Vehicle In the event of a fatality and/or extreme damage to property and/or serious injury arising out of the use or the operation of a commercial type vehicle, other employees (e.g., mechanics) may also be required to undergo an alcohol and drug test.

### **Post-accident Testing Procedures**

**Alcohol Testing** When an accident meets the testing criteria, the employee must be tested for alcohol within two hours following the accident. If an alcohol test is not administered within two hours, the Supervisor must prepare and maintain a record which explains why a test was not administered. If the employee is not tested within 8 hours, the Supervisor must prepare and maintain a record why a test was not administered. If the alcohol test is not conducted within 8 hours, all alcohol testing efforts must cease, and a report explaining why no test was done will be prepared by the Supervisor. A copy of the report must be sent to the HR Director.

**Drug Test** When the accident meets the testing criteria, the employee must be tested for drugs within 32 hours following the accident. If the drug test is not administered, the Supervisor must prepare and maintain on file a record stating why the test was not conducted. A copy of the report must be sent to the HR Director.

A DOT position employee may not consume and alcohol for eight hours following an accident, or until taking the post-accident alcohol test, whichever comes first. An employee violating this provision will be scheduled for a pre-termination meeting.

**5. Return-to-Work and Follow Up Testing** Employees who voluntarily request rehabilitation treatment and counseling will be subject to return-to-duty and follow-up alcohol and/or drug testing. Before being allowed to return to work an employee must have a verified negative alcohol and/or drug test. This test will be at the employee's expense. Follow-up testing will consist of at least six tests given over

a 12 month period following the employee's return-to-duty. Number and frequency of tests will be determined by the employee's Substance Abuse Professional, to meet legal requirements or at the discretion of the City Manager or their designee. These tests will be at the employee's expense. Failure to pay for testing may result in the employee's immediate dismissal.

**6. Periodic/Other** The City may perform testing of an employee on a periodic basis in conjunction with his/her Commercial Drivers License (CDL) physical renewals. The City may perform testing of an employee for drug or alcohol use, upon return to work following probation, suspension, layoff, or extended leave of absence or any other time in order to comply with State or Federal regulations.

**F. Criteria for Inclusion in Random Tests and Promotion/Transfer/ Demotion/ Reclassification Tests**

Employees in City-sensitive and DOT positions are subject to random testing. A City-sensitive position is any position meeting one or more of the following parameter:

- a. Authorized to make key organizational decisions;
- b. Operation of city vehicles or non-DOT equipment;
- c. Direct youth activities;
- d. Access to confidential information;
- e. access to cash monies;
- f. Data input/retrieval of computer mainframe or networked systems;
- g. Bidding/awarding of contracts and/or purchases; and/or,
- h. High level of safety consciousness (example: zoo animal keepers).

**Section 22.6 Drug and Alcohol Testing Procedures**

**A. Drug Testing** The controlled substances for which a test may be conducted are:

- a. Marijuana
- b. Cocaine
- c. Opiates
- d. Phencyclidine (PCP)
- e. Amphetamines/Methamphetamines

An individual who is required to undergo an alcohol or drug test, will be requested by a supervisor to sign a consent form to be prescribed by the City, and to report to the designated health clinic or laboratory. All alcohol and drug tests will be conducted at City expense with the exception of retests as discussed below. Refusal to sign a consent form will result in the scheduling a pre-termination meeting.

**B. Alcohol Testing** Alcohol testing will be done by breath analysis or other such method as may be approved by the U.S. Department of Transportation

**Non-DOT Employees** For employees in non-DOT positions a violation will occur when an employee has a breath alcohol concentration confirmation test level of 0.04 or greater. He/she will be referred to a substance abuse professional.

If an employee in a non-DOT position has an alcohol confirmation test of 0.02 up to 0.04, he/she may not perform any City-sensitive functions for 24 hours. He/she will be referred to a substance abuse professional.

**DOT Employees** For DOT positions, a violation will occur when the employee has a breath alcohol concentration confirmation test level of 0.04 or greater. He/she shall be referred to the substance abuse

professional.

If the confirmation test level is 0.02 to 0.04, the employee may not perform any DOT safety-sensitive functions for 24 hours after the test and will be referred to a substance abuse professional

The DOT rules prohibit alcohol misuse that could affect performance of a safety-sensitive function. This prohibition extends to:

1. Use of alcohol on the job, or
2. Use of alcohol during the four hours before the performance of a safety-sensitive function, or
3. Having prohibited concentration of alcohol in the system (0.02 or higher) while performing safety-sensitive functions, or
4. Exhibiting behavior and/or appearance characteristic of alcohol misuse or an adverse effect on the employee's ability to perform due to alcohol misuse while performing safety-sensitive functions, or
5. Use of alcohol for an eight hour period following an accident involving a covered employee or until the covered employee undergoes a post-accident test (whichever occurs first), or
6. Refusal to submit to a required test

Alcohol testing shall include either breath alcohol testing or blood testing and follow the requirements of 49 CFR Par 40.

**C. Stand By Duty** Due to these prohibitions it shall be the policy of the City to prohibit the consumption of alcohol during periods employee are designated as standby for emergency call-outs or on official standby as described in Section 18.9.

1. Due to these prohibitions it shall be the policy of the City to prohibit the return to work of employees on official standby or emergency call out, if they are in violation of any part of Article XXII of Drug Control Policy.
2. Failure to return to work if called while on standby or emergency call back duty can result in disciplinary action.

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

1. While having a breath alcohol concentration of 0.02 or more as indicated via breath test;
2. While using alcohol; or
3. Within 4 hours after using alcohol.

**D. Appeal and Retesting** A final applicant or employee may appeal the results of a positive drug test by requesting in writing through the collection site that a portion of the original urine sample be provided to another Department of Health and Human Services (DHHS) approved laboratory for retesting, and by procuring the services of a licensed physician meeting the qualifications of the Medical Review Officer to interpret the test result, all at the expense of the final applicant or employee. In the event that the result of the retest is negative, indicating the positive result of the first test was erroneous, the City will reimburse the final applicant or the employee for the cost of the retest.

**E. Confidentiality, Records and Retention** All information related to the alcohol and drug testing of individuals will be held in strict confidence consistent with the provisions of applicable law.

Human Resources and the designated Health Clinic shall be responsible for retaining all confidential records relating to the substance abuse program, which include training, testing, rehabilitation, and litigation. All documentation, which contains information related to an employee's positive test result will be retained by Human Resources and/or the Clinic in a locked file separate and apart from the employee's personnel file. All records of individuals who pass a test will be retained for at least one year. All records of individuals who do not pass a test will be retained for at least five years.

### **Section 22.7 Refusal To Test**

An employee who refuses to consent to an alcohol or drug test will be scheduled for a pre-termination meeting. A final applicant who refuses to consent to testing will not be considered for employment. Employee of a DOT position employee refuses to undergo a test, he/she will be referred to the Substance Abuse Professional (SAP), in addition to being scheduled for a pre-termination meeting. (DOT Mandated)

Refusal to test includes:

1. An employee who fails to provide adequate breath for alcohol testing without a valid medical explanation.
2. In the event of a controlled substance test, an employee who fails to provide adequate urine for testing, without a valid medical explanation.
3. An employee who engages in conduct that "clearly obstructs" a testing procedure.
4. After an accident which mandates post-accident testing, the driver/operator fails to make himself/herself available for a test within the time frame specified.

### **Section 22.8 Training/Education**

**Supervisors** Supervisors of DOT employees will be provided with 60 minutes of training in the recognition and signs of alcohol misuse and 60 minutes training in drug abuse recognition and signs. Supervisors are responsible for requesting this training through Human Resources. Supervisors must retake this training ever three years.

**DOT Employees** DOT employees will be provided educational material concerning the alcohol misuse/drug abuse rules and a copy of this policy.

**Non-Dot Employees** Classes on alcohol and substance abuse will be available for all employees who wish to attend.

### **Section 22.9 Suspicious Substances**

If a substance which appears to be an illegal drug is found within an area under the effective control of an employee, an investigation will be conducted by appropriated law enforcement agencies. If warranted, appropriate disciplinary action will be taken. The employee may also be subject to criminal charges.

### **Section 22.10 Self Referral**

An employee may self refer to Human Resources for a chemical dependency problem (drugs and/or alcohol). A self-referral will not count as a positive test. Human Resources assists employees in obtaining help for alcohol and/or drug problems. An employee may not self –refer once a test (random, post-accident, reasonable cause, promotion/transfer, or follow-up) has been scheduled.

An employee will be encouraged to place himself/herself under formal case Personnel management. Those Personnel, Administration and Financial Policies and Procedures Manual Effective 12-12-2016

employees who place themselves under the Personnel management will be encouraged to:

1. Sign a “consent to disclose document” allowing Human Resources to contact the appropriate persons in the employee’s department.
2. Agree to unannounced alcohol and/or drug screens for a period of 24 months. If an employee signs and agrees to comply with the provisions and tests positive (alcohol/illegal drugs/illegal use of prescription), the one strike, two strike provisions of the policy will apply.
3. Comply with the treatment /rehabilitation program conditions.

An employee’s self-referral does not prevent the department from taking appropriate disciplinary action for the employee’s performance and/or conduct.

### **Section 22.11 Off-the-job Drug/Alcohol/Substance Use and Activity**

Employees who use drugs, alcohol, or chemical substances off-the-job run the risk of jeopardizing the safety of themselves, their family, the public and the City of Watauga. Whenever such usage adversely affects public trust in the City of Watauga to carry out its responsibilities, or increases potential liability for the City of Watauga, the City of Watauga may be forced to take disciplinary action against the offending employee(s).

As a matter of City policy, employees who are designated “on standby” are prohibited from consuming alcoholic beverages during the period they are on standby.

As a matter of City policy, employees who are designated “on emergency call back” are prohibited from returning to work if they violate any part of Article XXII Drug Control Policy. Failure to return to work if called to “emergency call back duty” and no prior arrangements have been made for another employee to respond to emergency call back, can result in disciplinary action.

Employees who are convicted, plead guilty or plead nolo contendere because of off-the-job activities (alcohol or drug related), may be considered in violation of this policy. In deciding what action to take, the Department Director concerned will consider the nature of the charges and other factors relative to the impact of the employee's conviction upon the conduct of the City's business.

Applicants involved in the illegal sale, manufacture or distribution of any controlled substance or dangerous drug will be permanently rejected from consideration for employment.

### **Section 22.12 Reporting Alcohol Related Driving Offenses**

Employees that drive City vehicles or operate equipment that requires a CDL, must report alcohol related driving offenses to the Department Head immediately. If the offense results in loss or restriction of license, it can result in disciplinary action up to and including termination. A report of the offense must be made within five (5) days of the offense. Failure to report an offense may lead to dismissal.

### **Section 22.13 Reporting Criminal Drug Convictions**

As mandated by the Drug Free Work place Act of 1988, all employees, as a condition of employment, must abide by the conditions of this policy and report any conviction under a criminal drug statute for violations occurring on or off City of Watauga premises while conducting City business. A report of a conviction must be made within five (5) days after the conviction. Failure to report a conviction may lead to dismissal.

## XXIII PURCHASING PROCEDURES

### **Section 23.1 Purchasing Policy**

The following are the policies and procedures for procurement activities by the City of Watauga. All procurement activities for the City shall be administered in accordance with the provisions of this policy, State and local laws and regulations, and City Charter. Its purpose is to provide guidance and instruction to all employees for the purchasing process. It is the intention to promote open and fair conduct in all aspects of the procurement process.

It is the purpose of these procedures to establish uniform guidelines by which City departments can acquire goods and services. The procedures are designed to

1. Ensure compliance with State and local laws pertaining to municipal purchasing;
2. Ensure the lowest responsive vendor is paid for goods and services meeting City specifications;
3. Meet the operational needs of the City;
4. Provide a timely and cost effective method for acquiring goods and services;
5. Provide reasonable and efficient internal controls; and
6. Encourage competitive bidding on the part of vendors.

The Purchasing Division is responsible for ensuring that the City complies with federal, state, and local statutes regulating the public procurement process. The Purchasing Division should be included in all stages of acquisition - planning, requisition, ordering, and receiving. Purchasing is responsible for issuing purchase orders and bids, and negotiating and executing contracts to deliver goods and services. This is to ensure compliance with State of Texas purchasing statutes and the City's policies.

### **Section 23.2 Procurement Requirements and Legal Considerations**

Section 9.08 of the Home Rule Charter states for the City of Watauga provides that all contracts, purchases and expenditures exceeding the maximum amount permitted by state law in effect at the time of the expenditure must be expressly approved in advance by the City Council and subject to competitive bidding or competitive sealed proposals and shall be let to the bidder who is most responsive to the needs of the City after consideration all factors and circumstances surrounding the bid, including, but not limited to the lowest price. The City Council retains the right to reject all bids. Relevant purchase order procedures in Section 23.6 of this Manual and other purchasing procedures in this Manual should be followed for purchases and expenditures in excess of the maximum amount permitted by state law in effect at the time of the expenditure.

The exceptions to bidding requirements as stated in Local Government Code Section 252.022, as now or hereafter amended, shall constitute exceptions to this provision.

In accordance with a City Council Resolution adopted in January 2000, the General Services Commission is authorized to provide purchasing services for the City pursuant to Sections 271.082 and 271.083 of the Local Government Code, as now or hereafter amended. If goods and services, in excess of the maximum amount permitted by state law in effect at the time of the expenditure are purchased through the General Services Commission Cooperative Purchasing Program, the competitive bid process in Section 23.2 and 23.3 of this manual does not have to be followed. General Service Commission has already undertaken the competitive bidding process required in Section 9.08 of the Home Rule Charter. However, before such goods and services

can be contracted for, the City Council must approve each purchase in excess of the maximum amount permitted by state law in effect at the time of the expenditure. These same rules apply to all organizations that have undertaken the competitive bidding process.

Purchases of non-contracted goods or services totaling \$3,000 or less per commodity require no quotation.

Except where otherwise exempted by applicable State law, purchases totaling \$3,000 or more, but less than \$50,000, or per dollar amount as current state law requires, per commodity, require a minimum of three quotes, two of which must be from Tarrant County Historically Underutilized Business\* (HUB) vendors. All quotations received must be in writing from the vendor and evaluated by Purchasing, which will then authorize and issue a purchase order.

\*Historically Underutilized Business (HUB) – Certified businesses that are at least 51% owned, operated, and controlled by a qualifying group, which include Asian Pacific Americans, Black Americans, Hispanic Americans, Native Americans, and American Women.

Local Government Code Chapter 252.0215 Competitive bidding in relation to HUB vendors, states that a municipality, in making an expenditure of more than \$3,000 but less than \$50,000, or as current state law requires, shall contact at least two HUBs on a rotating basis. If the list fails to identify a disadvantaged business in the county in which the City is situated, the City is exempt from this section.

Purchases of supplies and services per commodity must comply with applicable State laws and must have prior approval by City Council when applicable. When purchasing these items each department shall provide enough lead-time to allow for the appropriate solicitation and City Council approval when required.

Items that are on existing contract with a vendor should not be procured from any other vendor. To do so may constitute a breach of contract and may result in violations of the competitive bidding statutes.

Contracts take precedence over all other pricing. For example, if vendor A holds the contract for office supplies, the City cannot procure office supplies from vendor B, even though the price may be lower at the time of purchase. The City is under contractual obligation to purchase from vendor A.

### **Section 23.3 Notice Requirements**

Section 252.041 of the Local Government Code specifies the notice requirements for municipalities. Consistent with the local code, the following procedures shall be followed:

1. If the competitive sealed bid or proposal requirement applies to the contract, notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be prior to the 14th day before the date set to publicly open and read the bids.
2. If the contract is for the purchase of machinery for the construction or maintenance of roads or streets, the notice for bids and the order for purchase must include a general specification of the machinery desired.
3. Departments are responsible for submitting requests for bids and proposals to Purchasing in sufficient time for the necessary advertisements prior to bid or proposal opening dates. Purchasing will work with the City Secretary's Office for placing the advertisements as required. Purchasing is responsible for preparing Invitations to Bid forms and ensure that each firm known to be interested in bidding on the good or service receives notification.

## **Section 23.4 Order Processing**

**A. Purchase Requisition** is an internal electronic form that is part of the City's Incode Financial software system. It is used to inform Purchasing of the needs of a department and to identify the goods or services requested for purchase. All purchase requisitions are entered into the automated procurement system. Requisitions should be prepared far enough in advance so as not to create an emergency situation. This allows Purchasing adequate time to ensure compliance with policies, laws, and bids, obtain quotes or bids as needed, and ensure reasonable delivery by the vendor.

For items \$3,000 or greater, but less than \$50,000, or as current state law requirements, Purchasing should receive the requisition in the system and follow-up documentation (quotes, etc) before the services or goods are required.

All requisitions must be approved by the Department Director prior to submitting to Purchasing for assignment of a purchase order. Requisitions numbers are not the same as purchase order numbers. REQUISITIONS MAY NOT BE USED AS PURCHASE ORDERS.

Requisitions in the system that do not have the necessary information will not be approved until all information is received by Purchasing.

Once a requisition is approved, the funds for that purchase are "encumbered" or reduced from your available budget.

**B. Purchase Orders** are prepared in Purchasing by converting the information on the purchase requisition into a purchase order. A purchase order is the vendor's authorization to ship materials or provide services as specified. It acts as a contract between the City and the vendor. No orders are to be placed with vendors except through the issuance of a purchase order by Purchasing.

The purchase order is created with three originals and is distributed as follows:

1. One is sent to the vendor
2. One is filed in accounts payable, along with any supporting documentation
3. One is sent to the User Department

Once a purchase requisition packet is approved by the department head, email or contact purchasing to inform them that your packet is ready for approval. Purchasing will approve packets daily to ensure a timely ordering process. All purchase orders will be processed with vendors by purchasing upon approval.

## **Section 23.5 Exceptions**

There may be purchasing requirements that are an emergency or of an immediate need in nature. In these instances, contact Purchasing and an appropriate procedure will be worked out so that your department needs are met within a timely manner.

## **Section 23.6 Online Orders**

On-line orders such as Office Depot should be processed as follows:

1. Enter your order information as usual
2. Place order on hold (do not submit order)
3. Enter Purchase Requisition and follow same procedures above with Department approval and Purchasing notification

4. Backup documentation should be sent to Purchasing
5. Once backup documentation has been received, Purchasing will approve the requisition accordingly and release on-line order for order submittal.

### **Section 23.7 Blanket Purchase Orders**

Blanket purchase orders may be created by the Finance Department for repetitively ordered supplies or services. Such orders are appropriate when they will provide discounts for volume buying and reduce the number of purchase orders, administrative costs and paperwork. Rather than issue a separate purchase order for each purchase, one purchase order is issued in advance to cover all purchases made during a specified time period.

The Finance Department shall provide the vendor with the names of City employees authorized to make a purchase under each blanket purchase order.

### **Section 23.8 Canceling Purchase Orders**

Purchasing may cancel a purchase order upon written request from the User Department. Upon cancellation of the purchase order, all encumbered funds are released.

### **Section 23.9 Receiving**

It is the department's responsibility to ensure that the order is complete and inspected for quality and quantity and to report any discrepancies to the vendor. There should be an actual physical inventory of the goods at the time of delivery. If the shipment is complete and undamaged, then the packing slip and/or delivery ticket must be signed and sent to Accounts Payable. A signed copy of the purchase order should also be sent to Accounts Payable as authorization and verification that the products and services have been received and are complete and ready for payment. The Department Director should sign these purchase orders as payment authorization. No invoice will be sent to the Department from Accounts Payable. If there is a discrepancy in the invoice amount and the purchase order, the User Department will be notified prior to any payment.

Should the department receive only a partial shipment, or return part of a shipment due to damage or the wrong item delivered, this must be noted on the packing slip and/or delivery ticket before sending to Accounts Payable.

If the User Department receives an invoice with the shipment, it should be sent immediately to Accounts Payable for payment processing.

State Statute requires the City to make prompt payment to vendors no later than the 30<sup>th</sup> calendar day following the day on which the City received supplies, materials, or equipment, or the day on which performance of services was completed, or the day on which the City received an invoice, whichever is later. It is very important that the User Department promptly process the receiving documents once the products have been received or the services have been completed.

Payment does not have to be made by these deadlines if there is a bona fide dispute over the invoice and/or delivery or service.

If you will be paying in multiple payments, make copies of the purchase order for each payment, mark through the total amount, write "partial payment" and write the amount to be paid with this payment.

If you have problems with a vendor regarding delivery and/or service, contact Purchasing for assistance.

### **Section 23.10 Payment Authorization**

Payment to vendor is based on three documents:

1. Purchase order.
2. Signed receiving report or other documents from department indicating receipt of product or services.
3. Invoice

Payment will not be made without these three documents.

### **Section 23.11 General Steps In Procurement Process**

1. Department identifies purchase need.
2. Department generates purchase requisition.
3. Department Director approves purchase requisition.
4. Purchasing ensures compliance in procurement and converts requisition to purchase order.
5. Purchase order is sent to vendor and User Department.
6. Department receives products or services.
7. When order is complete, the User Department signs copy of purchase order as complete and authorization for payment and sends it along with shipping documents to Accounts Payable.
8. Accounts Payable matches invoice(s) to purchase order and receiving documents and if all match, payment is made. If there is a discrepancy, Accounts Payable will notify the User Department.

### **Section 23.12 General Provisions**

The following are general provision to be followed with regard to the bid or proposal procedures and projects.

1. As bids and proposals are received by the City, they shall be stamped with the date and time of receipt, and remain unopened.
2. On the date and time of bid opening as designated in the published notice, Purchasing or other persons as designated by the City Manager open the bids at a public meeting. Upon request, bidders should be provided a tabulation of the bids/proposals received and should be informed of the process and schedule to be observed in awarding the contract.
  - a. If the contract is for construction of public works, the successful bidder must provide a bond for the faithful performance for the full amount of the contract.
  - b. Consistent with the Watauga City Charter, the Mayor is the only person authorized to sign contracts and conveyances and the City Council must approve any contract, purchase or expenditure that exceeds the maximum amount permitted by state law at the time of the expenditure subject to competitive bidding or sealed proposals including utilization of purchasing agreements with other entities.
  - c. It shall not be permissible to make several purchases of the same or similar items for the purpose of circumventing the competitive bidding or proposal requirement.
  - d. The Watauga Parks Development Corporation Board and the Watauga Crime Control and Prevention District Board may impose more stringent requirements concerning purchasing and payment authorization requirements.

3. For projects, such as construction, Purchasing will assign a project number so that expenses incurred may be tracked for future reference.

### **Section 23.13 Purchasing Card Policy**

The Purchasing's Office primary function is to make purchases of goods and services in the most cost effective manner. The purpose of the Purchasing Card program is to provide authorized City employees ("cardholders") with an efficient and controllable method of making designated and authorized small dollar purchases. The card will be issued in the employee's name and the City of Watauga clearly marked on the card. Cards will be issued only to eligible employees and is to be used only for official authorized city purchases. The success of the Purchasing Card program and its continuing use depends on your cooperation and participation.

Purchases will be limited to pre-authorized small dollar purchases and for travel-related expenses. The card is to be used only for official city purchases.

#### **Cardholder responsibilities:**

- Cardholder must use the Purchasing card for legitimate business purposes only.
- Cardholder must maintain the Purchasing card in a secure location at all times.
- Cardholder must not allow other individuals to use their Purchasing card.
- Cardholder must adhere to the purchase limits, restrictions and policy of the Purchasing card.
- Cardholder must review all merchant receipts and ensure it is without sales tax and resolve problems immediately. The City of Watauga is exempt from sales tax.
- Cardholder must obtain all receipts, authorizations, and budget coding for all transactions and turn into the Purchasing Office for reconciliation as requested.
- Cardholder must assist Purchasing in resolving disputes or billing errors.
- Cardholder must not accept cash in lieu of a credit to the Purchasing card.
- Cardholder agrees not to split a purchase to circumvent the limitations of the Purchasing card, Purchasing policies, or state law provisions.
- Cardholder agrees not to use another cardholder's card to circumvent the purchase limit assigned to either cardholder or the limitations of the Purchasing card.
- Cardholder must immediately report a lost or stolen card to the Purchasing Office.
- Cardholder must return the Purchasing card to the Purchasing Office upon transferring departments within the City or upon termination with the City of Watauga.
- Cardholder must report any erroneous transactions to the Purchasing Office.
- Cardholder must complete the Credit Card Charge Receipt Form and attach charge receipt to form for each transaction. Completed forms must be submitted to the Purchasing Office when requested.

#### **The Purchasing Office is responsible for the Purchasing Card program. Responsibilities of the Purchasing Office include:**

- Purchasing Office is the main contact between the card issuer and the City of Watauga.
- Purchasing Office will submit completed applications to the card issuer and take initial receipt of the Purchasing card.
- Purchasing Office will provide training to cardholders.
- Purchasing Office will handle disputed charges/discrepancies.
- Purchasing Office will receive, review and reconcile the Purchasing card statement.
- Purchasing Office will review usage of the Purchasing card data.

- Purchasing Office will ensure that lost or stolen cards have been closed by the card issuer.

### **Requirements for Receiving a Purchasing Card**

Before receiving a Purchasing card, employee is required to sign the City of Watauga Purchasing Card Agreement. By signing the agreement, employee indicates that he/she understands the intent of the program and will comply with all guidelines of this program as well as all other City of Watauga Policies relating to the expenditures of funds.

### **Purchasing Card Maintenance and Closure**

All contact with the card issuer for set up, maintenance and closure will be handled by the Purchasing Office.

The Purchasing Office is required to close an account if a cardholder: (a) moves to a new position in which a Purchasing card is not required, (b) terminates employment, or (c) for any of the following reasons which will also subject the cardholder to disciplinary action in accordance with the City of Watauga Policies:

- Purchasing card is used for personal or unauthorized purposes.
- Purchasing card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulation pertaining to the City of Watauga.
- Cardholder allows the card to be used by another individual.
- Cardholder splits a purchase to circumvent the limitations of the Purchasing card or state laws.
- Cardholder uses another cardholder's card to circumvent the purchase limit assigned to either cardholder or the limitations of the Purchasing card.
- Cardholder fails to provide the required receipts and documentation.
- Cardholder fails to provide, when requested, information about any specific purchase.
- Cardholder does not adhere to all Purchasing card policies and procedures.

### **Purchasing Card Use**

The card works just like a personal credit card, except all charges are paid in full by the City of Watauga. It is to be used only for the purchase of pre-authorized small dollar purchases and for travel-related expenses.

The City of Watauga requires that certain types of merchants be blocked from Purchasing card use. Among these are entertainment, beer and wine stores, gambling establishments, and cash transactions. Transactions are blocked at the point-of-sale level.

All purchases made on the Purchasing card are for City business only. The card is not a personal line of credit.

The card may not be used to pay spouse/family expenses incurred while traveling except those that normally cannot be separated for payment such as hotel room. Only City business expenses are allowable and personal expenses should be paid separately by the cardholder.

All unauthorized purchases must be resolved in an appropriate method so that the City does not bear the cost. Resolutions will be handled in the following methods:

- Cardholder will return the unauthorized item to the merchant for credit on the card account, and submit the credit receipt as part of the statement cycle remittance.

- If the item cannot be returned, the cardholder will be required to submit payment for the full amount of the purchase to the City. If payment is not received, the amount of the purchase will be deducted from the cardholder's paycheck.
- In addition, an unauthorized purchase may subject the cardholder to disciplinary action and/or revocation of card privileges.

### **Account Number Security and Storage**

Cardholders should always treat the City of Watauga Purchasing card with at least the same level of care as one does their own personal credit cards. The card should be maintained in a secure location and the card account number should be carefully guarded. The only person entitled to use the card is the person whose name appears on the face of the card. The card may not be lent to another person for any reason.

All other documentation concerning the Purchasing card will be maintained by the Purchasing Office.

### **Cardholder Liability**

The Purchasing card is a corporate charge card and will not affect personal credit. It is each cardholder's responsibility to ensure the card is used within the guidelines of this program. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to management, and disciplinary action in accordance with City Policy relating to disciplinary action and termination.

### **Lost, Stolen or Misplaced Purchasing Cards**

Report lost or stolen cards immediately to the Purchasing Office.

### **Erroneous Declines**

There may be certain situations when a merchant receives a decline message when processing Purchasing card transactions. If the cardholder feels this decline is in error contact the Purchasing Office for assistance. If the purchase is being made outside of normal business hours, the cardholder must find an alternate payment method.

### **Credits**

Merchants must issue a credit to the card account for any item or service they have agreed to refund. **Under no circumstances should a cardholder accept cash in lieu of a credit to the card account.**

### **Disputes and Billing Errors**

In the case of an error, first contact the merchant and try to reach an agreement. Most disputes can be resolved in this manner. If cardholder is unable to reach an agreement contact the Purchasing Office on any disputes and billing errors for assistance.

### **Sales Tax**

The City of Watauga is exempt from most forms of sales tax. Even though the card will state that we are tax exempt, it is the responsibility of the cardholder to remind all merchants of our tax-exempt status. All cardholders must carry with them a tax-exempt certificate verifying our status in the event a merchant requires such verification. These certificates are available from the Purchasing Office. If tax is included, the cardholder will be responsible for ensuring the merchant is reimbursing the tax amount. If the cardholder does not show a good faith effort to avoid paying sales tax, the cardholder will then be responsible for

reimbursing the City for the tax. An exception to this rule is sales tax at eating establishments, hotels, airlines and other travel related merchants, when traveling, as these charges are difficult to have removed.

### **Audit Assistance**

Periodic audits will be performed to assure compliance with the guidelines of the Purchasing card program and City policies.

### **Documentation**

Supporting documentation in the form of a credit card receipt and credit card charge receipt form must accompany each transaction. The receipt must display the date of purchase, merchant name, itemized descriptions, cost and tax exempt status. If a receipt is lost, the cardholder must attempt to obtain a copy of the receipt from the merchant. Cardholders who repeatedly lose receipts will be subject to card revocation.

As a public entity, the City is expected to be able to demonstrate to the public that it has spent their tax dollars wisely. All participants in the Purchasing card program are responsible for insuring purchases made with the card will withstand the scrutiny of the press, public and audits.

Therefore, the cardholder must make sure he/she has adequate documentation, including a clear explanation of exactly what the purchase is for.

## **ARTICLE XXIV ACCOUNTS PAYABLE (DISBURSEMENTS)**

### **Section 24.1 Accounts Payable Policy**

According to State of Texas law, vendors are required to be paid within 30 days of the invoice date. The City will make every effort to take prompt payment discounts where offered. In order to comply with this State requirement, it is important to follow established procedures.

All invoices should be sent to the Finance Department directly from vendors. If an invoice is inadvertently sent to a department other than Finance, it should be sent directly to the Finance Department. A purchase order should have been already created which will be matched with the invoice and packing slip during the payment process.

### **Section 24.2 Receiving Report**

When goods or services are ordered through the issuance of a purchase order, the white copy of the purchase order must be signed by the Department Head and forwarded to the Finance Department. This receiving report must be completed and signed by the appropriate Department Head upon acceptance of delivery of the ordered item and submitted to Finance before payment is made to a vendor. If the goods and services received is different than that indicated on the receiving report, then the necessary changes should be made on the report and initialed. There are spaces for two signatures on the receiving report. One space is for the Department Head signature authorizing payment. This space must be signed to authorize payment. The other space is for the person who actually received the merchandise if it is someone other than the department head. Once the receiving report is completed it should be sent Finance. **All receiving reports and other requests for payment should be submitted to the Finance Department no later than 9 a.m. on the Wednesday preceding a Friday accounts payable date if payment is desired that Friday.**

### **Section 24.3 Procedures**

Once the Finance Department receives an invoice, the receiving report should be reviewed to ensure both documents are consistent and that the receiving report has been signed to authorize payment. The department responsible for placing an order is also responsible for ensuring the receiving report and invoice are consistent.

Once the Finance Department is satisfied that the receiving report and the invoice are in agreement, payment of the invoice shall be scheduled according to the payment due date on the invoice or other established payment schedule. If there is no payment due date, payment should be made within 30 days of the invoice date or the date on which the receiving report was signed, whichever is later. The invoice should also be checked for discount terms for early payment and for late payment penalties, with payment scheduled to take advantage of discounts and to avoid penalties.

Once a voucher preparation date is established by the Finance Department, the invoice, receiving report and Finance's copy of the purchase order should be filed according to the date assigned. Upon payment the voucher and supporting documentation are to be filed alphabetically by vendor and chronologically within the vendor file, with the most recent voucher on top.

## **ARTICLE XXV BUDGET ADJUSTMENTS**

### **Section 25.1 Budget Adjustment Policy**

During the course of the year it may be necessary to make budget adjustments from one account to another. These transfers are authorized in Section 9.04(D) of the City Charter in as much as the transfers are within a department, division or office. Upon written request from the City Manager, the City Council may by ordinance transfer appropriations from one department to another department.

Transfers from personnel services accounts to non-personnel services accounts must have the approval of the City Manager or his/her designee.

All budget transfers within a department require the approval of the City Manager or his/her designee.