

City of Garland

Personnel Department Guidelines for:

Employment of minors

Federal regulations severely limit the employment of minors. It is our policy and general practice that minors under the age of 16 not be employed by the City. Please be advised that there are a number of restrictions if you hire minors between the ages of 16-18 years of age. The restrictions include occupations where the work performed is considered particularly hazardous. These restrictions include, but are not limited to the following:

- Occupations involving explosives or radioactive substances; woodworking occupations including lath and power sawing machines; power driven hoisting equipment; power driven metal forming, punching, and shearing machines; power driven circular saws, band saws, and guillotine shears; wrecking, demolition, roofing and excavation operations.
- In addition, there are restrictions on the occupation of “*vehicle operator*” and outside vehicle helpers. Minors may operate motor vehicles, which weigh under 6000 pounds, if such driving is restricted to daylight hours and such operation is only occasional and incidental to the minor’s employment. In addition, minors shall not work as an outside vehicle helper in a hazardous occupation (such as picking up trash in highway medians unless closely supervised). To drive a vehicle on a public street, minors must have completed a driver education course, *and* must operate only vehicles with seat belts.

Note: Minors shall not operate vehicles as the *primary* duty of their job, and shall not operate motor vehicles which weigh over 6000 pounds, or heavy equipment such as backhoes, tractors and earth movers.

If you have any questions please contact the Personnel Department.



Directive

Subject HUMAN RESOURCES		Number 1
Issue Date 10/18/95	Revision Date	
Issue Department HUMAN RESOURCES		

Title: PERSONNELADMINISTRATION OBJECTIVES	Approved By Jeffrey B. Muzzy	Page 1 of 3
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DIRECTIVE

The purpose of the City of Garland personnel administration objectives is to establish a high degree of understanding, cooperation, efficiency, and unity among employees through the systematic, uniform application of personnel practices and procedures.

APPLICABILITY

These objectives apply to all City employees.

A person on retainer or under specific contract for service with the City is not considered to be a City employee unless a specific employment agreement has been established to that effect. Persons not covered by a specific employment agreement are not covered by the City of Garland personnel administration objectives.

GENERAL ADMINISTRATION

1. Objectives

The objectives of the City personnel management program, which shall incorporate the City of Garland Personnel Directives shall be:

- 1.1 To promote and increase efficiency, responsiveness to the public, and economy in the City service;
- 1.2 To provide a fair and equal opportunity for qualified persons to enter and progress in City service in a manner that is based on individual merit, fitness and performance as ascertained through the application of equitable and practical personnel management methods;
- 1.3 To maintain recruitment, selection, hiring, promotional and other employment related practices which will enhance the attractiveness of a City career and encourage each employee to give his or her best effort to the City and the public;
- 1.4 To maintain consistent, up-to-date position classification and compensation programs based on the objective evaluation of the relative duties and responsibilities of positions within the City;
- 1.5 To promote high morale among City employees by fostering good working relationships and by providing uniform personnel directives, opportunities for advancement and recognition of employee needs and desires.

2. Amendment and Responsibilities

- 2.1 These objectives and directives may be changed, supplemented or superseded at any time as provided by the City Manager.
- 2.2 With the exception of matters reserved by the City Council, the general and final authority for personnel administration rests with the City Manager.
- 2.3 The Personnel Department has responsibility for developing, administering, and interpreting personnel objectives and directives as they apply to all departments and employees.
- 2.4 City Directives are for internal use only and do not enlarge or diminish an employee's civil or criminal liability in any way. The directives should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of directives, if proven, can only form a basis of disciplinary action.

3. Equal Employment Opportunity Affirmative Action Policy

The City of Garland has been and will continue to be an Equal Opportunity Employer. No applicant for employment or employee will be discriminated against because of race, color, sex, religion, national origin, disability, age or veterans status. The City of Garland will take affirmative action to make sure that all applicants and employees are treated in a nondiscriminatory manner. To carry out this Policy, the City of Garland will endeavor to provide that:

- 3.1 All recruitment, selection, hiring and promotional activities are conducted without regard to any individual's race, color, sex, religion, national origin, disability , age, or veterans status.
- 3.2 Other employment-related practices such as transfers, disciplinary actions, compensation, benefits, training, and social and recreational programs are administered without regard to any individual's race, color, sex, religion, national origin, disability, age, or veterans status.
- 3.3 All City employees shall be informed of the existence of the City's Equal Employment Opportunity/Affirmative Action Policy, these objectives and this directive; and each department shall keep a copy readily available for review by employees.

4. Personnel Files and Reports

The Personnel Department shall maintain the official personnel files for all City employees. Unless otherwise provided by law, the contents of personnel files are confidential and may not be released except for government purposes without the permission of the employee. This shall not prevent the dissemination of statistical or public information concerning employees or their records. An employee may inspect his or her personnel file under procedures prescribed by the Director of Personnel.



GARLAND

Directive

Subject HUMAN RESOURCES		Number 2
Issue Date 10/18/95	Revision Date	
Issue Department HUMAN RESOURCES		

Title: RECRUITMENT AND SELECTION	Approved By Jeffrey B. Muzzy	Page 1 of 6
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DIRECTIVE

The purpose of this directive is to establish policies for the recruitment and selection of City employees.

GENERAL ADMINISTRATION

1. Position Appointment

- 1.1 Regular appointments are of indefinite duration and employment may be terminated by either the employee or the City at any time.
- 1.2 Regular part-time employees are normally scheduled to work no more than nineteen hours per week and are eligible for vacation and holidays on a pro-rated basis contingent upon the number of hours worked.
- 1.3 Regular positions are either Civil Service, which includes Police Officer and Firefighter positions covered by Section 143 of the State of Texas Local Government Code, or General, which includes all positions not covered by Section 143.
- 1.4 Occasional workers are those whose function is to fill in for regular employees during vacations and sickness or to otherwise supplement the regular work force. Occasional workers may not work over 1000 hours per year and receive no employee benefits conveyed to regular employees except as required by law.
- 1.5 A temporary appointment is of limited duration, typically six months or less. The term of appointment is ordinarily specified in advance. Temporary appointments do not include benefits such as health care coverage and vacation which are available to regular full-time or regular part-time employees.
- 1.6 Emergency employees may be hired to perform services required by unforeseen circumstances including replacement of regular employees due to family/medical leave or short term disability. The Personnel Department may act immediately to secure such personnel. Posting an emergency position is not required. An emergency employee may not serve more than twelve weeks in that position.

2. Regular Position Vacancies

When a vacancy occurs, or is anticipated, a personnel requisition must be forwarded to the Personnel Department to initiate the announcement process. If the duties assigned to the position have changed since the position was last reviewed, a position description questionnaire shall also be submitted to Personnel to confirm that the position is properly classified.

3. Job Opportunity Listings

3.1 The Personnel Department shall publicly announce regular position vacancies in the City service, and shall maintain a list of announced vacancies for public inspection.

3.2 The Personnel Department shall publish Job Opportunity Listings on a weekly basis.

3.3 The Internal Job Opportunity Listing (for current employees) and the External Job Opportunity Listing (for the general public) shall specify the department, position title, and pay rate of each available position.

3.4 Both listings shall be prominently displayed on City bulletin boards.

3.5 Position vacancies shall usually appear on the Internal Job Opportunity Listing before being posted on the External Job Opportunity Listing.

3.6 With the approval of the Director of Personnel, position vacancies may be posted on the Internal and External Job Opportunity Listing simultaneously.

3.7 Unless specifically indicated on the Job Opportunity Listings, positions may be filled or removed from the Job Opportunity Listings at any time without notice.

4. Employment Applications

4.1 All applicants shall complete and sign an Application for Employment. The Application for Employment shall contain a statement authorizing past employers and educational institutions to release whatever information is necessary to assess the applicant's qualifications for employment. The Application for Employment shall also contain a release to law enforcement agencies to provide information necessary for the Personnel Department to conduct a drivers license and criminal history check.

4.2 Applications For Employment shall not be accepted by any Department other than the Personnel Department.

4.3 Applications will only be accepted for positions which are currently posted.

4.4 Original Applications For Employment shall not be removed from the Personnel Department without the consent of the Director of Personnel.

5. Applicant Selection

All appointments to City service shall be based on the qualifications of the applicants as determined through a fair, practical, and legal selection process based on identifiable selection criteria, and shall include such items for evaluation as the applicant's level of expertise, range of experience, educational achievements, work history, certification and licensing achievements.

6. Applicant Evaluation

6.1 The Personnel Department shall determine, in conjunction with the department director, the most appropriate means of evaluating applicants against job, legal, Equal Employment Opportunity, and Affirmative Action requirements, in order to determine the individual best qualified to help the City provide quality service to the community.

6.2 Failure of an applicant to provide any information or undergo any examinations necessary to demonstrate his or her qualifications for the position shall result in disqualification from appointment.

6.3 Only applicants who meet the minimum qualifications for a position are eligible for employment consideration unless, in the opinion of the Director of Personnel, no suitable applicants are currently available. In this case, the Director may permit appointment of a person who does not satisfy all minimum qualifications and the employee may be paid less than the minimum of the salary range. The Personnel Director and Department Director shall, with the agreement of the prospective employee, establish a date by which the employee shall satisfy the minimum qualifications. If the employee is hired at less than the minimum of the range, upon meeting minimum qualifications, the employee's salary shall be raised to the minimum of the range. Failure of the employee to meet the minimum qualifications at the established time shall result in the employee's demotion or dismissal.

7. Applicant Disqualification

An applicant for employment shall be disqualified from employment consideration or terminated from employment if: he or she provides false, incomplete or inaccurate information including information requested on employment application documents; has an unacceptable background, criminal history or driving record; commits or attempts to commit a fraudulent or deceptive act during any stage of the selection process; or uses or attempts to use personal or political influence in securing employment or promotion.

8. Employee Probationary Period

- 8.1 Every person entering City service or promoted into a new position under a regular full-time or part-time appointment shall be required to successfully complete a probationary period. Probationary periods for general employees shall encompass the first six months of continuous service. The probationary period for Civil Service employees shall be the first twelve months of continuous service.
- 8.2 An employee's probationary period may be extended up to three months by a Department Director.
- 8.3 Probationary periods shall be deemed complete for administrative purposes only after the proper documentation is received by the Personnel Department.
- 8.4 Probationary employees are entitled to receive official designated holidays while on probation. No sick leave, vacation, or floating holiday benefits will be provided until the probationary period, including any extension, has been successfully completed.
- 8.5 When a probationary dismissal is recommended, the Director of Personnel or designee shall review the recommendation with the Department Director prior to the employee's dismissal.

9. Employee Promotions

The City shall provide promotional opportunities to qualified employees whenever possible.

- 9.1 A "promotion" occurs when an employee moves from one position to another position in a higher pay grade.
- 9.2 The Personnel Department shall review all proposed promotions to ensure compliance with equal employment opportunity and other applicable laws.
- 9.3 If, during the probationary period of a promoted general employee, the employee's performance, conduct, or quality of work does not merit continuation in the higher level job, the employee shall be returned to his or her previous classification and department if such position is available. If no comparable position vacancy exists in the employee's department, the employee may be terminated from city service. Civil Service employees' promotion procedures are outlined in Chapter 143 of the State of Texas Local Government Code.

10. Employee Transfers

Voluntary or involuntary transfers may be made for administrative purposes or in conjunction with the announced selection process, provided the employee is qualified to perform the duties of the position to which the employee is being transferred.

10.1 A "transfer" occurs when an employee moves from one position to another position with the same pay grade.

10.2 When an employee transfers, his or her Performance Appraisal review date shall remain the same.

11. Non-Disciplinary Demotions

11.1 An employee may be demoted at the employee's request. Requests must be made in writing. An employee who voluntarily demotes to a position with a lower pay grade may not be paid more than the maximum of the new grade and may be offered the position at a salary lower than the employee currently earns. Such demotions shall not be considered disciplinary actions.

11.2 The Personnel Department shall review all proposed nondisciplinary demotions to ensure conformance with equal employment opportunity and other applicable laws.

12. Job Reassignment

12.1 In the event an employee sustains an injury on or off the job which constitutes a temporary impairment and which prevents him or her from performing the essential functions of the job, the Personnel Department or Department Director may permanently or temporarily reassign the employee to a vacant equivalent position for which the employee is qualified or; if an equivalent position is unavailable, to a lower salary range position for which the employee is qualified.

12.2 Upon notification by the City Manager or a department director that business necessity or budgetary conditions dictate job reassignment either to ensure performance of essential City functions or to preserve the employment of an employee, the Personnel Director or Department Director may, in lieu of discharge or lay-off, either permanently or temporarily reassign an employee to an equivalent vacant position if such position is available and for which the employee is qualified, or to a lower salary range position for which the employee is qualified.

13. Mentoring

If a department director wishes to temporarily reassign an employee to allow the employee to provide personal mentoring of other employees not normally assigned to the employee; to cross train an employee in another area of the department's operations under the mentoring of a comparably classified or higher classified employee; or to improve the performance of an employee and mentoring is a viable

method of accomplishing this goal, the department director shall recommend the mentoring reassignment to the Director of Personnel who may approve the temporary reassignment of the employee for a period not to exceed twelve months. The employee's position number and classification shall remain unchanged.

14. Response Time Requirements

- 14.1 Employees who are required to respond to emergencies and on-call situations shall respond to calls within forty minutes of being contacted. Failure of an employee to report within this time limit may be cause for disciplinary action which may include termination from employment.
- 14.2 Department Directors shall identify the positions in their department which are subject to Section 14.1 of this Directive and shall notify the employees holding these positions of the response time requirement. Additionally, when a position announcement is requested, departments shall advise the Personnel Department of the response time requirement so that it may be included on the job announcement.
- 14.3 Departments may, with the approval of the Director of Personnel, implement more restrictive emergency response time policies than outlined in this directive if the nature of the position or service requires it.



Subject HUMAN RESOURCES		Number 3
Issue Date 10/18/95	Revision Date	
Issue Department HUMAN RESOURCES		

Title: EMPLOYEE CLASSIFICATION PLAN	Approved By Jeffrey B. Muzzy	Page 1 of 2
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DIRECTIVE

A classification plan for all City positions shall be administered in a manner that is equitable and adheres to basic principles of classification and compensation management.

GENERAL ADMINISTRATION

1. Plan Preparation

1.1 The Personnel Department shall prepare and administer the classification plan for the City based on point-factor job analysis of the duties and responsibilities inherent in all positions.

1.2 Positions shall be allocated to appropriate pay grades based upon objective factors which have been identified and described according to specifically definable criteria and competitive salary information evaluation.

2. Position Reviews

Classification and position reviews shall be conducted in a manner that is fair, equitable, and objective, taking into consideration not only the needs of the individual department, but the needs and requirements of the City as a whole.

3. Responsibilities

3.1 The Department of Personnel shall maintain the City's Classification Plan. This responsibility includes conducting classification reviews, evaluating and classifying new positions, and reviewing the Plan design to ensure equitable position classification.

3.2 The authority to classify positions and assign pay ranges is delegated to the Director of Personnel.

3.3 Department Directors shall assist in the maintenance and administration of the City's Classification Plan by identifying any changes in the organization which include proposed new positions; positions recommended for abolishment; changes that have been, or are to be, made in the duties and responsibilities of any departmental positions; and new departmental duties, assignments, or responsibilities.

4. New Positions

- 4.1 Normally, new positions are created through the budget with an effective date concurrent with the new fiscal year. The creation of new positions during the budget year requires the approval of the City Manager and the City Council by budget amendment.
- 4.2 Requests for new positions must be supported by a complete Position Description Questionnaire and other documentation as required by the Department of Personnel to allow an analysis of proper classification and compensation for the proposed position.

5. Existing Positions

A Department Director may request a review of an existing position to determine whether it is properly classified. The Department of Personnel may also initiate a review of a position or group of positions within a department.

6. Appeal of a Classification Decision

If a Department Director disagrees with the classification assigned by the Department of Personnel, the Department Director may, within two weeks of notification of a classification decision, provide the Managing Director of Human Resources with a memorandum explaining the specific reasons for disagreement. Within two weeks of receipt of the memorandum, the Managing Director will review the classification decision and notify the Department Director and Director of Personnel of the final determination in the matter.



GARLAND

Subject	Number	
HUMAN RESOURCES	4	
Issue Date	Revision Date	
1/1/08	10/01/2021	
Issue Department		
HUMAN RESOURCES		
Approved By		Page 1 of 11
Bryan L. Bradford		

Directive

Title: Employee Compensation and Salary Administration

Sept. 1/20

DIRECTIVE

The compensation philosophy of the City of Garland is based on the commitment to attract and retain a qualified, motivated, diverse workforce that meets the standards of service and excellence required by the City. In support of this goal, the compensation and salary administration policy will strive to:

- Establish compensation levels for positions on the basis of their relative internal worth and external competitiveness within relevant markets
- Reward employees on the basis of work performance
- Establish a compensation policy that is consistent with a City Council approved budget

DEFINITIONS

The following terms are defined for purposes of this directive:

- **Civil Service employee:**
 - Refers to Police and Fire personnel whose employment is covered under Texas Local Government Code, Chapter 143.
- **General employee:**
 - Refers to an "at will" employee whose employment is not covered under Texas Local Government Code, Chapter 143, and falls under one of the following categories:
 - Regular full-time employee:
Refers to an employee who is scheduled to work a minimum of 32 hours per week.
 - Regular part-time employee:
Refers to an employee who occupies a position for an indefinite period of time and is scheduled to work less than 32 hours per week.

- Temporary/Seasonal employee (full-time or part-time):
Refers to an employee who occupies a position for a specified period of time.
- **Post-hire evaluation period:**
 - Refers to the initial six (6) month period of employment and any extension, for all regular full-time and part-time employees and a twelve (12) month period of employment for Civil Service employees.
- **Post-promotion evaluation period:**
 - The post-promotion evaluation period is the initial six (6) month period following a position promotion and any extension, for all regular full-time and part-time employees.
- **Temporary promotion pay:**
 - Temporary additional pay provided to employees who assume the full responsibilities of a higher established position for an interim period of time.
- **Additional duty pay:**
 - Temporary additional pay provided to employees who are required to perform additional duties for a minimum of six (6) weeks and a maximum of six (6) months.
- **Standby pay:**
 - Pay provided to an employee when required to remain in a “work ready” status after normal work hours.
- **Compensatory time:**
 - Compensatory time is time off offered to non-exempt employees for hours worked over 40 in a workweek. Compensatory time is provided in lieu of immediate cash payment. Compensatory time is accrued and used at time and one half.
- **Discretionary time:**
 - Discretionary time is time off offered to exempt employees for hours worked over 40 in a workweek. Discretionary time is similar to compensatory time for a non-exempt employee. However, discretionary time is accrued and used at straight time and is not used for the purpose of computing overtime.
- **Non-exempt employee:**
 - Refers to an employee who *is* covered by the overtime provisions under the Fair Labor Standards Act (FLSA) and is paid overtime or given compensatory time for hours worked in excess of 40 hours per work week.
- **Exempt employee:**
 - Refers to an employee who *is not covered* by the overtime provisions under the Fair Labor Standards Act (FLSA).

GENERAL ADMINISTRATION

1. New Employees

1.1 Initial Compensation

New employees should normally be compensated within the first quartile of the approved salary range with approval from the Department Director.

- 1.1.1 An offer of initial compensation within the first quartile of the salary range requires the approval of the Department Director.
- 1.1.2 An offer of initial compensation within the second quartile of the salary range requires the additional approval of the Human Resources Managing Director.
- 1.1.3 An offer of initial compensation above the midpoint of the salary range requires the approval of the Department Managing Director, Human Resources Managing Director, and the City Manager or City Manager designee.
- 1.1.4 A new employee hired above the minimum of the salary range should be compensated with a salary based upon internal equity, experience, special skills, education, and market demand.

1.2 Post-Hire Salary Adjustment

- 1.2.1 All employees will serve in a post-hire evaluation period of not less than six months.
- 1.2.2 At the conclusion of a post-hire evaluation period, a performance evaluation documenting successful completion or extension of the employee's performance review period is required. The Department Director has the discretion to extend the evaluation period, not to exceed three months.
- 1.2.3 At the conclusion of one year of employment, employees are eligible to receive a performance increase based on the merit-based pay allocations approved for that year. The following merit increase will be prorated based on the number of months since the initial increase.
- 1.2.4 A performance evaluation documenting an employee's performance must be submitted with all performance related increases.

2. Promotion

- 2.1 A promoted employee shall be placed within the first quartile of the new salary range, receiving at least a five percent increase for a one grade promotion and at least a ten percent for a multiple grade promotion. The

Department Director may forego or reduce the minimum increase in the event the employee's current salary exceeds mid-point of the new range.

- 2.2 A promoted employee will serve in a post-promotion evaluation period of not less than six months. At the conclusion of a six month post-promotion evaluation period, a performance evaluation documenting successful completion or extension of the review period should be completed. The Department Director has the discretion to extend the evaluation period, not to exceed three months.
- 2.3 Employees are not eligible for a post-promotion evaluation increase unless agreed upon at time of promotion. Exceptions for post-promotion increases must be approved by the Department Managing Director and Human Resources Managing Director.
- 2.4 If it is determined during or at the end of the post-promotion evaluation period that an employee cannot satisfactorily perform the assigned duties of the position into which he/she promoted into, the Department Managing Director has the discretion to 1) place the employee back into his/her former position, if it is available 2) place the employee in another comparable position, if such a position is available 3) terminate the employee.
- 2.5 At the conclusion of one year in the promoted position, employees are eligible to receive a performance increase based on the merit-based pay allocations approved for that year. The merit increase in the following year will be prorated based on the number of months since the last merit increase.
- 2.6 A performance evaluation documenting the employee's performance must be submitted with the proposed pay increase.
- 2.7 An employee promoted from a non-exempt position to an exempt position is eligible to receive at least a five percent increase for a one grade promotion and at least a ten percent for a multiple grade promotion. However, increases above five percent or ten percent, may be granted to ensure pay equity for the newly promoted employee. Such exceptions require Department Managing Director and Human Resources Managing Director approval.

3. Demotion

- 3.1 An employee receiving a performance based demotion or voluntary demotion will have their compensation evaluated and adjusted as determined by the Department Managing Director and the Human Resources Managing Director.
- 3.2 A promoted employee receiving a performance based demotion or voluntary demotion within the first year after the promotion will receive a reduction in pay equal to the increase received at the time of the promotion.
- 3.3 At the conclusion of the six month post-demotion evaluation period, a performance evaluation documenting successful completion or extension of the review period should be completed.

4. Organizational Re-assignment

- 4.1 An organizational re-assignment occurs when management determines that it is in the best interest of the City to re-assign an employee to another position, due to position abolishment, organizational restructuring, etc. An organizational re-assignment may place an employee in a position that is either in a higher or lower pay grade.
- 4.2 If re-assignment places the employee in a higher pay grade, the re-assignment may be considered as a promotion.
- 4.3 If re-assignment places the employee in a lower pay grade, and the employee's salary exceeds the maximum of the lower pay grade, the employee's salary may be reduced to the maximum of that pay grade and/or that of current incumbents within that classification.

5. Lateral Transfer of Employees

- 5.1 An employee transferring to a position in the same pay grade is not generally eligible to receive a salary increase as a result of the transfer. In situations where an employee transfers into a position that utilizes a significantly different skill set, the employee may receive an increase of up to five percent not to exceed the midpoint of the salary range. This skill set exception must be determined and agreed upon prior to the date of transfer and requires the approval of the Department Director and the Human Resources Managing Director.
- 5.2 At the conclusion of the six month post transfer review period, a performance evaluation documenting successful completion or extension of the review period is required. The Department Director has the discretion to extend the evaluation period, not to exceed three months.
- 5.3 If an employee cannot satisfactorily perform the assigned duties of the position into which he/she transferred, the Department Managing Director has the discretion to 1) place the employee back into his/her former position, if it is available 2) place the employee in another comparable position, if such a position is available 3) terminate the employee.

6. Testing Employees after Promotion or Transfer

Employees who are offered promotion or transfer must pass a drug test as a condition of the promotion or transfer. The drug test may be waived if the employee has passed a drug test within three months of the promotion or transfer.

7. Reclassification

- 7.1 An employee receiving a reclassification to a higher pay grade, shall be placed within the first quartile of the new pay grade, receiving at least a five percent increase for a one grade reclassification and at least a ten percent for a multiple grade reclassification. The Department Director may forego or

reduce the minimum increase in the event the employee's current salary exceeds mid-point of the new pay grade.

- 7.2 An employee receiving a reclassification to a lower pay grade may receive a pay adjustment. If the employee's salary exceeds the maximum of the lower pay grade, the employee's salary may be reduced to the maximum of that pay grade and/or that of current incumbents within that classification.
- 7.3 If an employee's position is reclassified as a result of market conditions and the employee's salary falls above the new range maximum, the employee's salary may be capped with no additional salary increases until the employee's salary falls under the range maximum.

8. Stability Pay

- 8.1 Stability pay shall be provided annually to all regular full-time general employees who have completed at least thirty-six months of continuous service as of December 1 of each year. Length of service computations shall be based on continuous full-time regular City employment based on a formula which begins with 2.5% of \$15,000 for three years of service as of December 1 of each year. The formula will increase by 0.5% of \$15,000 for each additional year of service up to a maximum of 8.5% of \$15,000.
- 8.2 The formula for stability pay yields the following:

Years of Service	Amount
3	\$375
4	\$450
5	\$525
6	\$600
7	\$675
8	\$750
9	\$825
10	\$900
11	\$975
12	\$1050
13	\$1125
14	\$1200
15 or more	\$1275

9. Fair Labor Standards Act

- 9.1 The City conforms to the requirements of the Fair Labor Standards Act (FLSA).
- 9.2 Non-exempt employees covered under FLSA, except Fire Suppression and EMT/Paramedic personnel, whose "hours worked" exceed 40 hours in any work week shall receive compensation or compensatory time at 1.5 times their regular rate of pay.
- 9.3 Fire Suppression and EMT/Paramedic personnel work an average 12-day work period shall receive compensation or compensatory time at 1.5 times their regular rate of pay plus longevity and other extra pay as permitted by law for "hours worked" in excess of 159 in a three week period.
- 9.4 For the purpose of computing overtime, "hours worked" includes:
- Actual hours worked
 - City business and Compensable Training
 - Standby Time
 - Standard Holiday Leave¹
- 9.5 Non-exempt employee overtime compensation shall be paid through payroll or by accrual of compensatory time at the discretion of the supervisor. Compensatory time is limited to a maximum accrual of 120 hours (80 overtime hours worked). Any overtime hours worked in excess of this limit will be paid on the following pay cycle. Upon termination, non- exempt employees will be paid for accrued compensatory time.
- 9.6 Employees who are exempt from the Fair Labor Standards Act may accrue discretionary time up to a maximum of 200 hours for time worked beyond the employee's work schedule. Accrual of discretionary time is on an hour-for-hour basis. *Discretionary time for an exempt employee is similar to compensatory time for a non-exempt employee. However, discretionary time is not used for the purpose of computing overtime.* Upon termination, exempt employees will not be paid for accrued, unused discretionary time.
- 9.7 An employee moving from a non-exempt classification to an exempt classification will be paid for all accrued compensatory time earned as a non-exempt employee. The payment will be made at the employee's non-exempt rate of pay prior to the movement.
- 9.8 When an employee moves from an exempt classification into a non- exempt classification, the employee may retain up to 120 hours of accrued discretionary time which will be placed in their compensatory leave bank. Any hours above 120 will be purged.
- 9.9 A supervisor may require an employee to use accrued compensatory time prior to the use of vacation.
- 9.10 Employees will be paid for hours worked during a shift which includes the change to or from daylight savings time. This may place the employee in an overtime situation for one hour or may result in payment for one hour less

than a usual shift.

- 9.11 The employee's supervisor must approve all overtime prior to being worked. An exception for unapproved overtime may be granted to employees for unforeseen circumstances upon immediate notification to the employee's manager or by the end of the next business day.
- 9.12 Employees returning to work on light duty status are not eligible to work an excess of 40 hours per week until the employee returns to full duty status.
- 9.13 Departments must maintain accurate records that reflect an employee's actual hours worked. Non-exempt employees who do not provide timely documentation of hours worked and the hours are therefore not recorded on time sheets and/or entered into the HR/Payroll System, may not be compensated for unreported hours. Department managers shall be responsible for investigating and resolving any discrepancies in time-entry.
- 9.14 Employees may not use compensatory or discretionary time not yet earned.

10 Standby Pay

- 10.1 Although all city employees are subject to being called to duty after normal working hours, the maintenance of certain essential services requires that individuals be designated and available, on a routine basis, to respond to service calls after normal working hours.
- 10.2 Standby is a designation applied to non-exempt employees who, for a specific period of time, must be available after their normal working hours to perform essential public services upon relatively short notice, usually within 30 minutes. For each period up to 24 hours that an employee is on standby, the employee will receive one hour of Standby Pay plus payment for all actual hours worked in accordance with FLSA. An employee will be considered officially scheduled and designated as standby only when approved by the employee's supervisor. The requirement of carrying a pager, cell phone, or radio is not, of itself, considered standby time. Department managers shall be responsible for ensuring standby pay is recorded in the HR/Payroll system using the standby pay component.
- 10.3 Pay for travel time for those on "stand-by" is only necessitated when an employee is assigned a city vehicle and is on "stand-by" duty. Employees called in who are on stand-by duty should be paid from the time they are called until they return home. The amount of time to credit is the "normal" driving time required to get from the person's residence to the office or work site. Supervisors must determine this for each person for each stand-by situation, as the time will vary from person to person. This pay does not include incidental activities the employee may engage in on the drive to work, or on the way back to their residence.

10.4 Employees otherwise “called-in” who are not on stand-by duty, should be paid on the basis of when they get to work, unless they are required to drive over 25 miles from their residence to the job site, in which case the driving time is compensable.

11 Temporary Promotion Pay

General employees who are temporarily assigned full responsibility for performing duties of a higher classification for more than ten consecutive working days, may be compensated at least at the minimum of the higher pay grade or at an amount determined by the Managing Department Director and Human Resources Director.

Civil Service personnel shall receive payment for temporary duties in a higher classification at the minimum pay for the next higher rank in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

12 Additional Duty Pay

Employees who are required to perform significantly different additional duties for a minimum of six weeks and a maximum of six months may be eligible for additional duty pay of up to five percent (5%) for the duration of the performance of additional duties. If an employee is required to perform significantly different additional duties beyond six months, the Department Managing Director must submit a new position description questionnaire and job evaluation manual to the Human Resources department to have the position reviewed for reclassification. The employee’s pay may be adjusted further if the position is reclassified by two grades or more.

13 Selective Salary Adjustment

A selective salary adjustment may be given to provide equity with internal pay structures and/or external market pay or for employee retention. The adjustment must be approved by the Department Managing Director and the Human Resources Managing Director as well as be supported by appropriate documentation. An increase higher than five percent or above the range midpoint must be approved by the City Manager.

14 Merit Increases

- 14.1 The City has a pay-for-performance philosophy with the intent to distribute merit increases based upon individual performance levels. The City's performance management process is designed to evaluate performance and to provide a basis for merit increase decisions.
- 14.2 Performance evaluations will be conducted annually. The allocation of Council approved compensation increases will occur within the following fiscal year.
- 14.3 Each year, Human Resources will monitor compensation practices through various sources and will develop an overall budget recommendation and merit distribution guidelines. Once approved by City management and the City Council, the merit increases will be distributed to employees based on individual performance levels. It will be the responsibility of supervisors to complete the performance evaluation process with employees in their work group. It will be the responsibility of Department Managing Directors to ensure performance is adequately and consistently evaluated.
- 14.4 Merit increases will be distributed based on individual performance evaluation ratings. Department Managing Directors will ensure the performance evaluation process is applied in a consistent manner within his/her departments.
- 14.5 Employees hired or promoted less than one year prior to the effective date of the City's annual performance evaluation process, are not eligible to participate in the city-wide merit process until they have completed one year of employment with the City or served in the new position for one year.
- 15.5.1 Once an employee completes the one year period from his/her hire date or promotion date, he/she will be eligible to receive a prorated merit increase based on his/her evaluation rating and number of months since the one year date of the hire or promotion.
- 14.6 Employees who receive an overall performance evaluation rating of "unacceptable performance" will be placed on a Performance Improvement Plan (PIP).
- An employee who has been placed on a disciplinary performance improvement plan (PIP) will not receive a salary increase related to performance until the performance improvement plan has been successfully completed and the manager has determined that the employee has demonstrated a level of consistent, acceptable performance beyond the PIP.
 - Any increase following completion of a PIP may be prorated to exclude the PIP period.
 - Employees who receive a rating of less than "expected performance" for two consecutive years may be

recommended for termination.

- 14.7 Merit increase amounts for employees at or above range maximum, or which would take an employee above range maximum, may be paid in a lump sum amount.

15 Market/Pay Structure Adjustments

- 15.1 The City has adopted a market-based pay structure to be responsive to changes in external market conditions. The Human Resources Department will conduct an annual review of the external market. Based on this review, an appropriate adjustment to the salary structure and/or individual salaries may be necessary.
 - 15.2 When a job classification/grade change occurs as a result of market conditions, the salaries of employees in the job classification will be evaluated to determine whether a salary adjustment is required.
 - 15.3 Market adjustment increases will be limited to employees whose salaries fall below the midpoint of the salary range. Human Resources will provide a recommendation regarding increases to the Department Managing Director for review.
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Directive

Subject	Human Resources	Number	5
Issue Date	10/24/95	Revision	09/01/11
Issue Department	Human Resources		
Title	DISCIPLINARY PROCESS		Page 1 of 5

Approved By
William E. Dollar

DIRECTIVE

This Directive generally outlines what is expected of every City employee and the disciplinary or corrective action processes the City may utilize when an employee does not meet expectations or other performance or when conduct problems arise. This directive does not apply to employees directly covered by section 143 of the Local Government Code.

GENERAL ADMINISTRATION

1. "At-Will" Employment

Except for employees directly covered by section 143 of the Local Government Code, or who have a written contract of employment lawfully approved by the Garland City Council, nothing in this Directive, or any other Directive, changes or alters an employee's "at-will" status. As an employee "at-will", either the employee or the City may terminate the employment relationship at any time, for any reason, and with or without cause or notice.

2. Disciplinary Guidelines

It is the responsibility of each employee to maintain a standard level of job performance and conduct that is acceptable to the City. When the performance or conduct of an employee falls below the City's expectations or standards, measures may be taken to address the issue.

The City of Garland supports the use and application of progressive discipline whenever appropriate. While under ideal circumstances the City will utilize progressive discipline, the use of progressive discipline is not required and does not modify an employee's status of "employee at-will" or, in any manner, preclude or inhibit the City from exercising its right to impose disciplinary action as it deems appropriate. In determining what disciplinary action, if any, is appropriate, the City may consider many factors, including the degree or severity of the offense and the employee's work history.

Although disciplinary action may be taken at any time, disciplinary actions may also be considered during performance and/or pay reviews in keeping with the City's pay-for-performance philosophy. For additional information on performance evaluations, please see the *Performance Evaluation HR Directive*.

For additional guidelines for determining individual conduct standards and expectations of the City of Garland employees, please see *Standards of Employee Conduct HR Directive*.

3. Forms of Disciplinary Action

Unsatisfactory job performance and inappropriate conduct may be addressed through any action the City deems appropriate, which in most cases may be one or more of the following actions:

- Counseling (Oral Warning)
- Written Reprimand
- Disciplinary Probation
- Disciplinary Suspension
- Disciplinary Demotion and/or Disciplinary Reduction in Pay
- Disciplinary Termination of Employment

Human Resources should be consulted before a supervisor imposes disciplinary action other than oral counseling or written reprimand.

3.1 Counseling (Oral Warning)

Oral counseling may be utilized by a supervisor whenever it is deemed appropriate, which may include addressing minor policy, procedural, or conduct violations. Minor policy, procedural, or conduct violations typically would not involve actions that could endanger the health or welfare of any employee or citizen, or significantly impact the overall operations of a department. Supervisors are encouraged to make/keep a note of the oral counseling.

3.2 Written Reprimand

A written reprimand may be utilized whenever it is deemed appropriate, which may include addressing serious policy, procedural or conduct violations, or instances where an oral warning for a violation has already been given. A written reprimand may be utilized by a supervisor with the approval of the department's director.

Written reprimands should be presented to, and reviewed with the employee. The employee should be given a copy of the written reprimand. The employee should be instructed to sign an acknowledgement evidencing receipt of the written reprimand. A copy of the written reprimand should be forwarded to Human Resources for placement in the Human Resources employee file.

3.3 Disciplinary Probation - Performance Improvement Plan

Disciplinary probation may be utilized by a Managing Director or designee whenever it is deemed appropriate, which may include addressing a situation where the employee's performance and/or conduct do not meet City performance expectation(s). A Performance Improvement Plan (PIP) should be part of an employee's disciplinary probation. Supervisors shall notify the employee of the conditions of the probation utilizing the PIP form or another document approved by Human Resources. The employee should be given a copy of the PIP. The employee should be instructed to sign an acknowledgement evidencing receipt of the PIP. A copy of the PIP should be forwarded to Human Resources for placement in the Human Resources employee file.

3.4 Disciplinary Suspension

A disciplinary suspension with or without pay may be utilized by a Managing Director or designee in consultation with Human Resources whenever it is deemed appropriate, which may include addressing situations where prior disciplinary action has been given for previous violations. Requests for a suspension exceeding five (5) City business days shall be approved by the City Manager or designee.

3.5 Disciplinary Demotion and/or Disciplinary Reduction in Pay

Demotion, and/or reduction in pay, either temporary or ongoing, as forms of disciplinary action may be utilized by a Managing Director or designee whenever it is deemed appropriate. All disciplinary demotions and/or reductions in pay must be reviewed and discussed with the Human Resources Managing Director or designee prior to implementation.

3.6 Acknowledgement of Receipt of Written Disciplinary Documents

When a written reprimand, disciplinary probation (PIP), or other written disciplinary documents are utilized, the employee should be instructed to sign a copy of the disciplinary document(s). The employee's signature does not indicate agreement with the action taken, but is simply an acknowledgement that the employee has received a copy of such document.

An employee's refusal to sign an acknowledgement that they have received a written disciplinary document should be recorded on the written disciplinary documentation before placing such document in the employee file. Such refusal is insubordination and will be dealt with as the City deems appropriate under the circumstances, which might include disciplinary action up to and including termination of employment.

3.7 Disciplinary Termination

As stated above, not all terminations are for disciplinary reasons as the City may terminate an employee at any time for any reason, with or without cause or notice. However, a disciplinary termination is usually a termination for cause and may result whenever it is deemed appropriate, which may include situations where an employee fails to correct unsatisfactory job performance or engages in inappropriate conduct. A disciplinary termination may also result without any prior disciplinary actions having been taken against the employee depending on the circumstances.

Disciplinary terminations shall be approved by the Managing Director or designee and shall be submitted for review by the Human Resources Managing Director or designee prior to the termination.

The department shall notify the employee that termination of employment has been recommended and should, if appropriate, generally indicate the reasons, if any, for the termination.

An employee who is subject to a disciplinary termination shall be given the opportunity to provide a written explanation of why he/she should not be terminated.

4. Disciplinary Action Appeal

An employee who has received a disciplinary action of a suspension or greater may appeal such action in accordance with the procedure listed below. An appeal is limited to a review of:

- the employee's conduct that led to the disciplinary action,
- whether the employee can demonstrate that the disciplinary action is being taken for an unlawful reason,
- whether the employee can demonstrate mitigating circumstances exist which suggest disciplinary action other than as proposed or taken.

4.1 Disciplinary Action Appeal Procedure

4.1.1 When an employee who has received a disciplinary action wants to appeal such action, the employee shall first discuss the concern with the supervisor initiating the disciplinary action within five (5) City business days of receiving the disciplinary action. The supervisor, with the assistance of Human Resources, should respond in a timely manner.

4.1.2 If the supervisor initiating the disciplinary action is not the Department Director, Managing Director, or City Manager and the supervisor's response does not resolve the employee's concern, the employee shall then discuss the concern with the Department Director. To do so, the employee shall provide the Director with a written description of the specific nature of the appeal, within five (5) City business days of receiving the supervisor's response. The Department Director should respond in a timely manner.

4.1.3 If the supervisor initiating the disciplinary action is not the Managing Director, or City Manager and the Department Director's response does not resolve the employee's concern, the employee shall request a meeting with the employee's Managing Director. The request must identify the specific nature of the appeal, be in writing, and must be filed with the Managing Director within five (5) City business days of receiving the response from the Department Director.

4.1.4 If an appeal reaches the Managing Director, the Managing Director should meet with the employee to discuss the appeal, and shall, whenever practical, strive to issue a written determination on the appeal within five (5) City business days of meeting with the employee.

The Managing Director's decision is conclusive and not subject to further appeal under this Directive, unless:

- the disciplinary action involves a suspension without pay, demotion, or reduction in pay, or
- the employee has, in his/her request for appeal to the Managing Director sufficiently alleged that the disciplinary action is being taken for an unlawful reason.

4.1.5 If an employee receives a disciplinary suspension without pay, demotion, reduction in pay, or has sufficiently alleged that the disciplinary action is being taken for an unlawful reason and is not satisfied with the decision of

the Managing Director, the employee may appeal the decision to the City Manager. The appeal must be filed in writing with the City Manager within five (5) City business days of receiving the response from the Managing Director. The City Manager or designee will meet with the employee to hear the appeal and to the extent the City Manager or designee deems appropriate the City Manager or designee may interview other persons and review documents in deciding the appeal.

The City Manager or designee will issue a decision on the appeal as soon as practical.

4.2 Appeal of Disciplinary Termination

An employee who has completed his post hire period and who has been terminated for disciplinary reasons may appeal the disciplinary termination directly to the City Manager, in writing, and in accordance with procedures prescribed in the Notice to Terminated Employees form. This form should be provided to an employee at the time of his/her termination, either in person or by U.S. mail to his/her current address on file with the Human Resources Department.

4.2.1 An appeal of a disciplinary termination may not change the City's normal process for terminating individuals. Except where prohibited by law, all benefits of terminated individuals who choose to appeal will be discontinued as of the effective date of termination, and reinstated only if the appeal overturns the termination in question.

4.2.2 The City Manager's review is limited to determining whether:

- the employee can demonstrate that the disciplinary action is being taken for an unlawful reason,
- the employee can demonstrate mitigating circumstances exist which suggest disciplinary action other than as proposed or taken, and
- the employee can demonstrate that new information, which was not available to the Managing Director for his/her review in approving the disciplinary action, exists and such information changes the appropriateness of the decision to take disciplinary action.

Note:

The drug and alcohol testing procedures sections of the Corrective Action, Discipline and Appeals HR Directive #5 (prior to the 12/22/10 update) are being developed as a stand-alone directive. These procedures will remain in effect until superseded by a new directive.



GARLAND

Directive

	Subject	Number
	HUMAN RESOURCES	6
	Issue Date	Revision Date
	1/1/08	1/1/2023
Title: Holidays and Leave	Issue Department	
	HUMAN RESOURCES	
	Approved By	Page 1 of 23
	Judson Rex	

DIRECTIVE

This directive outlines the allocation and utilization of holiday and leave benefits.

DEFINITIONS

The following terms are defined for purposes of this directive:

- **Approved Alternative Schedule**
 - Refers to any work schedule other than the standard 8-hour per day/40-hour per week schedule.
- **Civil Service Employee:**
 - Refers to Police and Fire personnel whose employment is covered under Texas Local Government Code, Chapter 143.
- **General Employee:**
 - Refers to an "at will" employee whose employment is not covered under Texas Local Government Code, Chapter 143, and falls under one of the following categories:

Regular full-time employee:

Refers to an employee who is scheduled to work a minimum of 30 hours per week.

Regular part-time employee:

Refers to an employee who occupies a position for an indefinite period of time and is scheduled to work less than 30 hours per week.

Temporary/Seasonal employee (full-time or part-time):

Refers to an employee who occupies a position for a specified period of time.

- **Paid Leave Benefit Types:**
 - Personal Leave includes the following: Compensatory/Discretionary Time, Vacation, Personal (Floating) Holiday, or Bonus Holiday(s).

- Standard Holiday Leave - hours allotted to employees for which the City observes as being officially closed for business (Refer to Section 1).
- **Post-Hire Evaluation Period:**
 - Refers to the initial six (6) month period of employment and any extension, for all regular full-time and part-time employees, or the initial 18 month period of employment for Civil Service employees.
- **Shift Schedule**
 - Refers to a work schedule that requires an employee to work either a 10-hour or 12-hour per day standard schedule.

GENERAL ADMINISTRATION

1. Holidays

Standard holidays are defined as days for which the City observes as being officially closed for business.

The following holidays represent the days the City is officially closed:

Standard Holidays

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the Friday after Thanksgiving Day,
- Christmas Day and a working day contiguous to Christmas as designated by the City Manager

The City celebrates a two-day holiday in conjunction with December 25th. The following schedule defines which two days the city will designate as holidays when December 25th falls on each day of the week:

Sunday	Previous Friday and following Monday
Monday	Monday and Tuesday
Tuesday	Monday and Tuesday
Wednesday	Wednesday and Thursday (subject to change)
Thursday	Thursday and Friday
Friday	Thursday and Friday
Saturday	Previous Friday and following Monday

Personal (Floating) and Bonus Holidays

- One personal holiday (8 hours)*
- Up to two bonus holidays (16 hours) - Refer to 1.1.6 for eligibility

*** 9/11 Holiday (Fire Civil Service employees only)**

In compliance with the Texas Local Government Code section 142.0013(c), covered fire fighters shall receive a holiday designated as September 11th in lieu of a personal holiday.

1.1 Eligibility for Holidays

The following applies when a standard holiday occurs for employees:

- 1.1.1 Regular full-time employees who are scheduled to work 2,080 hours per year, shall be eligible for up to 72 standard holiday hours (9 days) per calendar year. All regular full-time employees will receive 72 hours of standard holiday leave regardless of their shift schedule. Employees working approved alternative schedules may use holiday hours in increments of a minimum of one (1) hour.
- 1.1.2 Fire shift personnel who are scheduled to work 2,912 hours per year shall be eligible for up to 120 standard holiday hours per calendar year.
- 1.1.3 Standard holiday hours are pro-rated for employees who are hired after January 1 based on the remaining standard holidays in the calendar year. Part-time employees are eligible for pro-rated holiday hours based on the number of annual hours worked.
- 1.1.4 Once employees have exhausted their total standard holiday hour allotment for the calendar year, (up to 72 or 120), they must use personal leave or leave without pay for any remaining holidays that occur.
- 1.1.5 Personal (Floating) Holiday Hours - All regular full-time City employees are eligible to receive personal (floating) holiday hours every year upon successful completion of the post-hire evaluation period and any extension.
- Employees who are scheduled to work 2,080 hours per Year are eligible for eight (8) personal (floating) holiday hours.
 - Fire Civil Service Shift employees who are scheduled to work 2,912 hours per year are eligible for 12 personal (floating) holiday hours.

- 1.1.6 Bonus Holiday Hours - Regular full-time employees who have completed at least one (1) year of continuous regular employment with the City are eligible for sixteen (16) bonus holiday hours each calendar year if twenty-four (24) or fewer hours of sick leave were used in the prior calendar year.

1.2 Payment for Holidays

When employee work schedules require working on a standard holiday, leave will be charged as follows:

- 1.2.1 Employees who work in positions which have mandatory holiday staffing requirements will be paid for the hours **actually** worked at the employee's regular rate of pay. Holiday hours not taken will be banked and may be taken at a later time at the employee's discretion with supervisory approval.

Non-exempt employees who are **not normally required** to work holidays (including stand-by employees) and who are called to work for an emergency, special activities, or operational requirements on a standard holiday **will be paid for the holiday in addition to** the hours worked. Unless the actual time worked during the holiday week exceeds 40 hours, all time worked on a holiday will be paid at the employee's regular rate of pay.

- 1.2.2 Personal and bonus holiday hours may be taken at the employee's discretion with supervisory approval.

- 1.2.3 Up to four (4) standard holidays (32 hours) may be carried over from one calendar year to the subsequent year if the employee is unable to take the holiday(s) in the year they were originally allocated. As of December 31, any remaining carry over holidays will be forfeited.

- 1.2.3.1 Employees are encouraged to use any holiday carryover hours, prior to using any vacation leave.

- 1.2.4 Personal and bonus holiday hours may not be carried over from one calendar year into a subsequent year.

- 1.2.5 Standard holiday hours, carryover standard holiday hours, personal holiday hours, and bonus holiday hours will not be paid to an employee upon separation of employment.

- 1.2.6 Sick Leave Usage in Conjunction with Holidays

- Employees using sick leave when scheduled to work on a standard holiday may be required to present a valid physician's statement to support the absence.
- Employees using sick leave the day before, the day of, or the day after a standard holiday may be required to present a valid physician's statement to support the absence.
- Failure to provide satisfactory documentation may result in the absence(s) being coded as leave without pay and may subject the employee to disciplinary action. Medical documentation may be submitted to the City Physician in lieu of the employee's supervisor upon employee request and coordination with the City Physician.

1.3 Religious Observances

Employees who wish to observe religious holidays which do not coincide with regularly scheduled official City holidays may use personal leave or may be given time off without pay, as approved by their supervisor.

2. Vacation Leave

2.1 All City employees, excluding Temporary/Seasonal employees, are eligible for paid vacation leave upon completion of the post-hire evaluation period and any extension of that period. Regular part-time employees receive pro-rated vacation leave according to the number of hours worked each week and their years of service.

2.1.1 Transfer, promotion, demotion, and shift change have no effect on a General employee's vacation balance. Vacation balances may be adjusted for Civil Service Fire employees upon change of work shift.

2.2 Employees accrue vacation leave hours incrementally each pay period (refer to the schedule below in 2.3). If during the year on an employee's anniversary date, the total vacation hours accrued changes as a result of reaching an additional year of service, the accrual rate per pay period will increase. The new increased accrual rate will occur during the pay period containing the anniversary date.

2.3 Regular full-time General employees accrue vacation leave according to the following schedule:

Years of Service	Vacation Hours Accrued Annually
0 through 4.99 yrs	80
5 through 5.99 yrs	88
6 through 6.99 yrs	96
7 through 7.99 yrs	104
8 through 8.99 yrs	112
9 through 9.99 yrs	120
10 through 10.99 yrs	128
11 through 11.99 yrs	136
12 through 12.99 yrs	144
13 through 13.99 yrs	152
14 or more yrs	160

2.4 Civil Service employees accrue vacation leave incrementally per pay period in accordance with the following schedule and applicable state laws:

Years of Service	Scheduled to Work 40-Hour Shift Vacation Hours Accrued Annually	Scheduled to Work 56-Hour Shift Vacation Hours Accrued Annually
1 through 8.99 yrs	120	180
9 through 9.99 yrs	128	192
10 through 10.99 yrs	136	204
11 through 11.99 yrs	144	216
12 through 12.99 yrs	152	228
13 or more yrs	160	240

2.5 General employees and Civil Service employees who are scheduled to work 2,080 hours per year may carry over a maximum of 200 hours of earned vacation leave at the end of each calendar year. Any hours of vacation leave that exceed these amounts will be forfeited, effective the end of the last pay period of the year.

2.6 Upon request of an employee's Managing Director, the City Manager may approve carryover for hours in excess of the stated maximum with proper justification provided. This request cannot be made for the same employee in consecutive years unless an exception is approved by the City Manager.

- 2.7 Employees who voluntarily or involuntarily separate from employment with the City while serving in their post-hire evaluation period will not be paid for vacation leave at the time of their separation. Employees who have completed the post-hire evaluation period who separate from the City will be paid for all vacation hours accrued but not used up to the time of separation. Compensation for final vacation leave payout will be calculated at the salary rate in effect for the employee at the time of separation.
- 2.8 Employees who are absent from work for three consecutive work days without approval shall be deemed to have abandoned their job and to have resigned from employment with the City and may not be eligible for a vacation payout.
- 2.9 Employees retiring in the month of December will be eligible to receive full payment of all vacation hours accrued but not used as of the date of retirement.

3. Sick Leave

3.1 Sick Leave Use for Employee Illness

All regular full-time City employees may use available sick leave if unable to work due to personal illness or that of a qualifying family member. For this purpose, family member is defined as the employee's spouse, domestic partner, children or parents.

3.1.1 Refer to HR Directive 4 - Employee Compensation and Salary Administration, Section 9.4 for definition of hours worked for calculation of overtime.

3.1.2 Sick leave may not be carried over from one calendar year to the next for regular full-time General employees.

3.2 Civil Service employees accrue fifteen (15) days per year of sick leave in accordance with applicable state law.

3.3. Regular full-time General employees are eligible, on a calendar year basis, for paid sick leave according to the following schedule.

Years of Service	Sick Leave Hours Accrued Annually
Hire through 5.99 yrs	80
6 through 6.99 yrs	88
7 through 7.99 yrs	96

8 through 8.99 yrs	104
9 through 9.99 yrs	112
10 through 10.99 yrs	120
11 through 11.99 yrs	128
12 through 12.99 yrs	136
13 through 13.99 yrs	144
14 through 14.99 yrs	152
15 or more yrs	160

3.4 Medical Authorization

A Department Director may require an employee to submit medical documentation as a condition of approving sick leave. Submission of medical documentation should be provided within 24 hours or one business day upon request. Medical documentation may be submitted to the City Physician in lieu of the employee's supervisor upon employee request and coordination with the City Physician.

3.5 Improper Use of Sick Leave

Use of sick leave for purposes other than employee/family illness or injury may result in disciplinary action and may result in the leave being coded as "Leave Without Pay." Excessive absences and abuse of sick leave are cause for disciplinary action up to and including termination of employment. An employee who has had more than eight non-contiguous occurrences of sick leave in a twelve month period may be presumed to be abusing sick leave if the leave is not documented by a physician's statements.

3.6 Employees who utilize sick leave due to illness may use the amount of sick leave equal to a normal shift. If the employee works additional hours during the week that total more than 40 hours, the sick leave will not count toward overtime. The hours in excess of 40 will be coded as "extra" time and will be paid at the employee's regular hourly rate rather than an overtime rate.

4. Notification of Leave

During working hours, employees are expected to be at their assigned work stations in order to provide consistent, dependable service to the citizens of Garland.

4.1 Department Managing Directors should establish work schedules which provide for maximum operating efficiency. Employees should be informed, on a timely basis, of any revisions to existing work schedules.

- 4.2 Employees are responsible for personally notifying their immediate supervisor if they will be late to work or absent. Employees who do not call or report in within thirty minutes after their regularly scheduled time for starting work may be counted absent without pay. If, in the interest of efficiency, a managing director wishes to require a shorter than twenty minute notification period for absences or tardiness, he may do so by posting a notice of information to the employees of the required reporting notification period (refer to your Departmental sick leave notification policies).
 - 4.3 Excessive absences, including tardiness, are cause for disciplinary action which may include termination of employment with the City.
5. Family Medical Leave - Please refer to the Family Medical Leave Act (FMLA) Directive #13 for detailed information on requesting family/medical leave.
- 5.1 The City provides Family Medical Leave under the Family Medical Leave Act (FMLA) for employees who have worked for the City for at least 12 months, worked a total of 1,250 hours or more during the preceding 12 month, and meet other eligibility requirements established herein.
 - 5.2 The amount of Family Medical Leave available under FMLA is 12 work weeks during a 12 month period, measured from the date an employee takes the first day of Family Medical Leave. FMLA leave may be used in one block or may be used intermittently, or as part of a reduced work schedule.
 - 5.3 Family Medical Leave is not in addition to other available paid leave. Family Medical Leave runs concurrent with any other eligible paid leave available to an employee. If an employee has exhausted all eligible paid leave prior to the 12 weeks of allowable Family Medical Leave, any remaining leave up to the 12 week maximum Family Medical Leave will be unpaid.
6. Military Leave
- Employees who enter the Armed Forces will be granted a leave of absence and reinstatement into the same or similar position in accordance with the terms and conditions provided for under Federal and Texas laws.
- 6.1 Regular full-time employees who are required to attend military training programs (including voluntary training), or who are called to active duty are entitled to Military Leave. Up to 120 hours (180 hours for fire shift personnel) or paid leave is available.

6.2 An employee preparing to take Military Leave will, if allowed by law, furnish copies of military orders or other appropriate documentation to the Department Director and Benefits Manager prior to the anticipated departure date.

6.3 Any employee requiring Military Leave for a period in excess of 120 working hours (180 hours for fire shift personnel), will be given a Military Leave of Absence without pay for the duration of the leave period if a written statement is submitted by the employee at the time the Military

7. Voting Leave

When necessary to vote in public election, regular full-time employees may take up to one hour of voting leave. Employees should schedule voting leave through their supervisor at least two days in advance of the election.

8. Court Leave

8.1 Immediately upon employment, any regular, full-time employee called to jury duty, or who appears before or participates in any civil or criminal court proceeding required by virtue of City employment, will be granted leave from work and will receive regular pay without deduction for fees remitted through the court. Employees may not use Court Leave for civil actions they initiate or are involved in as an individual (other than as a city employee) or to appear in criminal court as a defendant. Employees may use Court Leave if they are compelled to testify as a witness in civil or criminal court proceedings.

8.2 On the first work shift on which employees return to work, the employee should immediately present the supervisor with a written document from the court clerk to verify how many days were served.

9. Funeral/Bereavement Leave

9.1 Regular full-time employees are eligible for funeral/bereavement leave.

9.1.1 Regular full-time employees may be granted up to 24 hours of paid leave each calendar year to attend the funeral or attend to any of the details surrounding the death of an immediate family member to include a husband, wife, mother, step-mother, mother-in-law, father, step-father, father-in-law, sister, brother, son, daughter, step-children, grandparent or any legally designated dependent.

9.1.2 Regular full-time employees may be granted up to 8 hours each calendar year of paid leave in order to attend the funeral of extended family members.

9.1.3 Fire Department shift employees may be granted up to 36 hours paid funeral leave per calendar year for a death in the immediate family and 12 hours for extended family members.

10. Personal Leave of Absence

The City Manager may authorize a regular full-time employee to take leave without pay for up to six months if the leave is in the best interest of the City and the employee, and the employee has completed at least twelve continuous months of service to the City.

10.1 Notification and Approval

An employee who has need of a leave of absence without pay from the City should, if under practicable circumstances, request the leave in writing (Leave of Absence form) from his or her Department Managing Director at least thirty days prior to the date the leave would commence. Once a written request has been provided, the Department Managing Director must submit the request, along with a recommendation, to the City Manager. A position vacancy created by an approved leave of absence may be filled temporarily with approval of the affected Department's Managing Director and the Human Resources Managing Director.

10.2 Employee Benefits

All benefit accruals will cease during an unpaid personal leave of absence. A leave of six months or less will not be considered a break in service and will not affect the employee's eligibility for benefits based on length of service. Contributions to the Texas Municipal Retirement System will stop during the unpaid leave and the time will not be applied toward eventual service retirement. Employees may continue previously payroll deducted benefits through direct payments to the City for continued coverage. Rates for health and dental coverage while on personal leave of absence will be at current COBRA rates to include both City and employee contribution.

11. Voluntary Separation

11.1 Employees rehired within six months of their termination may be eligible to receive leave accruals and stability pay benefits at the same rate prior to their termination.

11.2 Employees rehired within six months of their termination will receive an adjusted date of hire.

12. Long Term Disability

12.1 Eligibility

All regular full-time and Civil Service employees may enroll in the City Long Term Disability (LTD) plan upon employment or during open enrollment. Employees participating in the LTD Plan may be eligible for LTD after exhausting all accrued sick leave, vacation, STD or injury leave benefits, satisfying the 180 day elimination period, and upon application and approval of LTD.

12.2 Coordination of Benefits

12.2.1 Monthly benefits payable under this policy shall be reduced by:

- Any amounts paid or payable under the disability or retirement provisions of the Social Security Act (including any payments for eligible dependents), and
- Any Worker's Compensation or any Occupational Disease Act or Law, and
- Any benefits the employee receives or is eligible to receive under the Texas Municipal Retirement System, and
- Any other disability or other income benefits provided by the City

12.2.2 Employees are responsible for applying for benefits under the Social Security Act as soon as they are eligible to file for benefits. Failure to make reasonable efforts to obtain benefits under the Social Security Act may result in a reduction or denial of benefits under the City's LTD Program.

12.3 Employment Status

12.3.1 Employees shall be terminated from employment with the City of Garland after exhausting all paid or approved unpaid leave or upon approval of LTD benefits, whichever occurs first.

12.3.2 If, while on LTD, an individual's health improves enough to allow return to active employment, reemployment may be considered. If a position is offered for which the individual is qualified and he/she refuses the appointment, their long term disability benefits may be terminated.

12.4 Health Benefit Continuation

Employees approved for LTD may continue their health, dental and vision coverage through the City of Garland in accordance with COBRA provisions and rates. Employees approved for LTD who are eligible to retire and do so upon termination of employment or prior to expiration of COBRA benefits, may be eligible for health and dental coverage in accordance with current retiree benefit provisions.

12.5 LTD application packets may be obtained from and returned to the Benefits Manager.

13. Injury Leave and Limited Duty

13.1 Use of Injury Leave and Limited Duty

13.1.1 Injury Leave is available while an employee is unable to work as a result of a job related injury or illness. Injury Leave may be with or without pay as determined by this Directive. While an employee is on Injury Leave, the employee retains active employment status and will receive the same or equivalent position upon returning to work.

13.1.2 Limited Duty is available when the employee is unable to perform the regular job functions as a result of a job related injury or illness. Limited Duty is paid at the employee's regular hourly rate of pay. While an employee is on Limited Duty, the employee retains active employment status and will receive the same or equivalent position upon returning to work.

13.2 Eligibility

13.2.1 The maximum combined amount of Injury Leave and Limited Duty available to an employee is as follows:

13.2.2 General Employees who have completed the post-hire evaluation period may be eligible for up to 1040 hours of any combination of Injury Leave and/or Limited Duty per work related injury.

13.2.3 General Employees who have not completed the post-hire evaluation period may be eligible for up to 160 hours of any combination of Injury Leave and/or Limited Duty. The Department Director may request an extension beyond the 160 hours to the Risk Management office.

13.2.4 Civil Service Employees are eligible for up to one year of Injury Leave in accordance with Civil Service Statutes.

13.3 Any Injury Leave and/or Limited Duty arising from, or related to, a previous injury or occurrence, and occurring within 90 calendar days of return-to-work without restrictions, shall be considered a continuation of the original Injury Leave and/or Limited Duty for purposes of calculating the maximum Injury Leave and/or Limited Duty time period.

13.4 Coordination of Injury Leave and Limited Duty

- 13.4.1 Employees on Injury Leave and/or Limited Duty will continue to accrue Sick and Vacation Leave, if eligible, and continue to receive City contributions for benefit plans in which they are currently enrolled.
- 13.4.2 Employees on Injury Leave may not use accumulated Sick Leave, Vacation Leave, Floating Holidays, Bonus Holidays, or Compensatory Leave until the earlier of return-to-work without restrictions, or expiration of all Injury Leave and/or Limited Duty.
- 13.4.3 Use of Injury Leave shall not be cause for carry over of any leave above the maximum carry-over amount established in the City Directives.

14. Injury Leave and Limited Duty Pay

- 14.1 Regular Full-Time and Civil Service employees may be eligible for Injury Leave with pay at 100 percent of base pay according to regularly scheduled work hours, provided the employee meets all of the following requirements:
 - 14.1.1 Employee uses Workers Compensation Network Providers and complies with all Network requirements.
 - 14.1.2 Employee submits an appropriate written statement from the treating physician, containing clear evidence of, and reasons for the employee's inability to work as a result of a job related injury or illness.
 - 14.1.3 Employee maintains communication with their Department and the *CityCare* Clinic regarding follow-up doctor visits, leave, and return to work.
 - 14.1.4 Employee is unable to be placed on Limited Duty that would comply with medical restrictions placed on the employee by the treating physician.
 - 14.1.5 Employee (if not physically or mentally incapacitated) has completed and submitted a timely written accident/injury report on the appropriate City Accident/Injury form.
 - 14.1.6 Employee complies with all City Directives, Policies, and Procedures regarding job related injury or illness, and all laws, rules and regulations of the Texas Workers' Compensation Commission.
 - 14.1.7 Employee complies with all recommended courses of treatment and medical restrictions placed on the employee by the treating physician, while on and off of the job.

15. Injury Leave Without Pay

15.1 Injury Leave for Non-Civil Service employees shall be without pay if the employee does not meet ALL of the criteria set forth in section 15 above, or, upon written request by the employee. Injury Leave without pay does not affect any workers compensation benefits the employee may be receiving.

15.1.1 Part-time and Temporary/Seasonal employees are not eligible for continuation of pay while on Injury Leave.

15.1.2 Violation of medical restrictions, on or off of the job, may result in revocation of paid Injury Leave, Limited Duty benefits, Workers Compensation benefits, and may result in disciplinary action up to and including termination.

15.1.3 When an employee is on Injury Leave without pay, employee benefits and payroll deductions will be handled as follows:

- Employee will continue to accrue Vacation and Sick Leave at the regular accrual rate.
- Employee will be eligible for paid Standard Holidays occurring within the Injury Leave time.
- The City will make minimum TMRS contributions to continue service credit.
- City contributions for benefits plans in which the employee is currently enrolled, will continue if the employee continues to make employee contributions.
- Arrangements must be made through the City and other appropriate entities to make previously deducted payments (i.e. health, dental, LTD, credit union, IRS, child support, etc.)

15.2 While on paid or unpaid Injury Leave an employee may not engage in any other employment, including self-employment activities. Violation of this section shall be cause for disciplinary action up to and including termination of employment.

15.3 While an employee is under medical restrictions placed on the employee by the treating physician, an employee must comply with the medical restrictions while at work or away from work. Failure to comply with medical restrictions at or away from work shall be cause for disciplinary action up to and including termination of employment.

- 15.4 After expiration of Injury Leave, an employee may be allowed to use up to a total of 200 hours of available Vacation and Compensatory Leave upon submission of a physician's statement indicating that the employee may reasonably return to work within that extension. Otherwise, the Vacation and Compensatory Leave will be paid at termination.
- 15.5 If a General employee is unable to return to work after exhausting all eligible leave, the employee may request a Personal Leave of Absence for up to six (6) months from the date of Injury Leave expiration and as described in this Directive. (See benefit continuation while on Personal Leave of Absence.)
- 15.6 If a Personal Leave of Absence is not requested or is requested and not granted, the employee will be terminated from employment after expiration of all available leave.
- 15.7 If a Personal Leave of Absence is requested and granted, and the employee is unable to return to work without restrictions and perform the essential functions of the job upon expiration of the Personal Leave of Absence, the employee will be terminated from employment.
- 15.8 After exhausting the maximum allowable Injury Leave, an employee must work a minimum of 480 hours to be eligible to receive STD Leave.

16. Reasonable Break Time for Nursing Mothers

The City of Garland is a "Mother-Friendly" workplace within the meaning of the Texas Health and Safety Code. The Federal Patient Protection and Affordable Care Act, Section 4207 (Reasonable Break Time for Nursing Mothers), amends the Fair Labor Standards Act (FLSA) to provide a reasonable break time and place for nursing mothers. Under Chapter 165 of the Texas Health and Safety Code, the Texas Legislature recognizes that breast-feeding a baby is an important and basic act of nurture that must be encouraged in the interests of maternal and child health, and family values.

16.1 Definitions

Employee – any full-time, part-time or temporary employee of the City of Garland

Express Breast Milk – to remove breast milk from the breasts either by hand expression or manufactured pump

Lactation Accommodation – reasonable measures provided by the City for its employees to enable an employee who wishes to express breast milk to do so. Examples of a lactation accommodation may include:

- Providing a private space assessable to the mother's work location, either specifically designated and authorized for lactation or; in

alternate situations, a mixed-use space created on an as-needed basis for expressing breast milk.

- A nursing mother should also have access to a nearby clean and safe water source and a sink for hand washing and equipment sanitation.
- Where possible, the City should allow access to a hygienic storage location for the breast milk; alternatively, a mother may provide her own storage, such as an ice chest.
- Consider flexible scheduling to accommodate the employee for the expressing of breast milk.

16.2. General Administration

The City of Garland supports and encourages measures intended to promote the health, safety, and development of newborn babies. Federal and state law now recognizes the importance of providing support in the workplace for mothers who choose to breast-feed their babies. The City will actively promote this requirement by establishing a workplace lactation support program for employees who choose to continue breast-feeding once they return to work.

The following requirements are hereby established:

- A reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has a need to express the milk; and
- A place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by a mother to express breast milk.

The City will not be required to compensate an employee receiving reasonable break time for any work time spent for such purpose. However, if an employee is already entitled to compensated breaks, an employee may use such compensated breaks to express milk. Any time spent expressing milk beyond the allowed compensated breaks will be uncompensated.

16.3 Employee Responsibility

A nursing mother desiring a lactation accommodation after childbirth should notify their supervisor and/or the Human Resources Department as

far in advance as reasonably possible about her intention to express breast milk during the workday.

Employees receiving a lactation accommodation under this directive will be expected to discuss relevant workload or scheduling requirements with their supervisor as needed to continue to meet the business needs of their work groups.

Employees using lactation rooms will be responsible for coordinating usage of the rooms with other mothers who may be using the same rooms.

While the City will provide normal custodial maintenance to lactation rooms, it is the responsibility of mothers using a lactation room to maintain the room in a reasonably clean and orderly manner after use.

16.4 Department Responsibility

Department Directors are responsible for identifying area(s) in their workplaces usable for lactation rooms. In buildings shared by more than one department, the directors of those departments are expected to reach agreement about allocating space for designated lactation room(s). Department Directors will also ensure that their departments provide appropriate responses to mothers who request a lactation accommodation or flexible scheduling for lactation purposes.

Signature: *Judson J. Rex*

Email: jrex@garlandtx.gov








Jan 2023 Revision_HR Directive #6 - Holidays and Leave_Final

Final Audit Report

2023-01-25

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Directive

Title: Performance Evaluation	Subject	Number
	HUMAN RESOURCES	9
	Issue Date	Revision Date
	7/18/97	1/01/08
Issue Department		
HUMAN RESOURCES		
Approved By		Page 1 of 3
William E. Dollar		

DIRECTIVE

The City's Performance Evaluation Program strives to:

- 1) Emphasize accountability for achieving established goals and objectives
- 2) Measure result vs. effort
- 3) Have competencies that are specific for each job family with an automated system
- 4) Have tailored Performance Appraisals that are specific to each job family
- 5) Focus on critical job skills and behaviors
- 6) Allow on-going dialogue between employee and supervisor
- 7) Focus on the creation of development plans that encourage professional growth
- 8) Provide corrective guidance for improved performance
- 9) Generate clearly documented performance reviews

APPLICABILITY

This directive applies to regular full-time and part-time general employees.

DEFINITIONS

- **General employee:**
 - Refers to an "at will" employee whose employment is not covered under Texas Local Government Code, Chapter 143, and falls under one of the following categories:
 - Regular full-time employee:
Refers to an employee who is scheduled to work a minimum of 32 hours per week.
 - Regular part-time employee:
Refers to an employee who occupies a position for an indefinite period of time and is scheduled to work less than 32 hours per week.

GENERAL ADMINISTRATION

1. The City has a pay-for-performance philosophy with the intent to distribute merit increases based upon individual performance levels. The City's performance management process is designed to evaluate performance and to provide a basis for merit increase decisions.
2. Performance evaluations will be conducted annually. The allocation of Council approved compensation increases will occur within the following fiscal year.
3. Regular full-time and regular part-time employees should receive a formal, written performance evaluation at least once every calendar year. Additionally, each employee should meet with his or her supervisor at least once during the course of the year to review his or her performance. Supervisors should meet at least quarterly with employees who have evidence of performance problems to review their performance. Nothing in this directive prohibits more frequent performance evaluations.
4. The Managing Director of Human Resources may develop forms for the evaluation of employees to help facilitate discussions with employees about their strengths and areas which may require improvement.
5. Performance evaluations should be prepared by an employee's immediate supervisor and, when practicable, should be reviewed by the next-higher level supervisor before discussing the contents with the employee.
6. An employee may provide information which causes a change in the overall numerical rating assigned to an employee. Any changes in the rating should be coordinated with the employee's supervisor and department management.
7. A performance evaluation is not normally subject to appeal or grievance. However, an employee may provide a written rebuttal to any portion of his or her performance evaluation by either writing the objection on space provided on the evaluation form or by submitting a memorandum to the employee's supervisor or manager. The memorandum should be attached to the evaluation.
8. Copies of completed performance evaluation forms should be submitted to the Human Resources Department after the review has been discussed with the employee and the employee has signed the form. Because the employee's signature is only intended to show that the employee has received the evaluation, and not that he or she agrees with the contents, an employee should sign the evaluation or have the refusal documented by another supervisor.
9. Allocation of Merit Increases
 - 9.1 Employees hired less than one year prior to the effective date of the City's annual performance evaluation process, are not eligible to participate in the city-wide process until they have completed one year of employment with the City.
 - 9.2 Once an employee completes the one year period from his hire date or promotion date, he will be eligible to receive a prorated

merit increase based on his evaluation rating and number of months since the one year date of the hire or promotion.

10. If, during the evaluation period, an employee has experienced performance problems, but is showing improvement, the supervisor may postpone final consideration of a merit increase up to six months. The supervisor may hold a merit increase in abeyance, contingent on the employee reaching a desired level of performance within the period of postponement. If, at the conclusion of the postponement period, the employee has, in the opinion of the supervisor, shown substantial improvement in performance, the supervisor may award an increase. The employee's total merit increase will be prorated based on the performance rating and the number of months of postponement.
11. Employees who receive an overall performance evaluation rating of "unacceptable performance" will be placed on a Performance Improvement Plan (PIP).
 - 11.1 An employee who has been placed on a disciplinary performance improvement plan (PIP) will not receive a salary increase related to performance until the performance improvement plan has been successfully completed and the manager has determined that the employee has demonstrated a level of consistent, acceptable performance beyond the PIP.
 - 11.2 Any increase following completion of a PIP may be prorated to exclude the PIP period.
 - 11.3 Employees who receive a rating of less than "expected performance" for two consecutive years may be recommended for termination.

12. Performance Evaluations and Extended Leave

- 12.1 Employees who are on paid leave or unpaid Family Medical Leave (per FMLA) when the performance evaluations are to be completed will be eligible to receive a performance evaluation upon their return to work.
- 12.2 Employees must work a minimum of one-half of the evaluation period to receive an annual performance evaluation. The supervisor may elect to postpone the annual performance evaluation and/or prorate the applicable increase to allow sufficient time to evaluate employee performance.
- 12.3 It is the supervisor's responsibility to make reasonable efforts to conduct the annual performance evaluation for the employee in a timely manner and forward the performance evaluation form (and any attachments) to the Human Resources Department.



GARLAND

Directive

Subject HUMAN RESOURCES		Number 10
Issue Date 7/18/97	Revision Date	
Issue Department HUMAN RESOURCES		

Title: Employee Retirement	Approved By Jeffrey B. Muzzy	Page 1 of 2
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DIRECTIVE

Retiring employees are eligible for continuation of certain existing benefits and are eligible for additional benefits. The purpose of this directive is to identify those benefits for which retirees are eligible.

GENERAL ADMINISTRATION

1. Eligibility for Health and Dental Benefit Coverage Retiring employees may continue their health and dental plan benefits at their expense upon retirement. In order to be eligible for this benefit an employee/retiree:
 - 1.1 Must be immediately eligible for regular retirement benefits through the Texas Municipal Retirement System (TMRS), or be eligible for and take, disability retirement through TMRS at the time of employment termination and,
 - 1.2 Must remain continuously covered under any one of the City Health Plans following retirement from the City, regardless of when TMRS retirement benefits are started and,
 - 1.3 Must pay the prevailing rate for the dependent coverage, if applicable, plus any additional amount as specified in the annual open enrollment health benefits information and specific plan documents.

2. Retiree Health Care Coverage Eligible retired employees may elect to continue their health care coverage upon retirement.
 - 2.1 Retiring employees may continue coverage under whatever medical plan they are enrolled in as of the last day of active employment or may change medical plans at the time of retirement as allowed by law and Health Plan Documents. Retirees may subsequently change plans during an open enrollment period.
 - 2.2 Retiring employees may add eligible dependents to any medical plan during an open enrollment period. Retirees may add eligible dependents after City retirement as allowed by law and Health Plan Documents.
 - 2.3 After a retiree's death, the surviving spouse and eligible dependents may elect to continue coverage. The spouse or dependents must apply in writing to the Personnel Department within thirty one days of the date of the covered retiree's death.

2.4 The terms, conditions, and contribution rates payable for continued coverage for retirees, surviving spouses or dependents may be revised at any time with thirty days notice to the retiree. Notice is considered given when a written notice is mailed to the last known address of the retiree or surviving spouse.

3. Health Maintenance Organizations (HMO's)

HMO benefits are available to retirees living within the service area of the applicable HMO and as outlined in the HMO's policies.

4. Coordination With Social Security/Medicare

After attaining age 65, a retiree must make prompt application for Medicare Part A and Part B. The City of Garland remains the primary payer only until age 65, after which the City becomes secondary to Medicare.

5. Life Insurance

The term policy the City provides for regular full-time employees may be converted to a private policy upon proper application with the company providing the coverage. The retiree assumes all responsibility for applicable premium payments. Optional Life Insurance which was purchased by an employee while employed by the City may also be continued after retirement.



Directive

Title: Alternative Recognition	Subject	Number
	HUMAN RESOURCES	12
	Issue Date	Revision Date
	6/1/07	1/01/08
	Issue Department	
	HUMAN RESOURCES	
	Approved By	Page 1 of 3
	William E. Dollar	

DIRECTIVE

Alternative recognition refers to methods for compensating employees without making base salary adjustments. Non-traditional forms of compensation are increasingly important to the City as a function of tightening budgets. As the City endeavors to retain good employees, reward and encourage excellent employee performance, and minimize the impact of financial rewards on payroll, development of guidelines that enable this approach is required. This directive provides a framework for alternative compensation for employees. The intent is to deliver to departments flexibility in compensation options while operating within Constitutional and statute provisions (specifically, Article III, Section 53 of the Texas Constitution, which precludes retroactive payment of salary bonuses, supplements, or other salary increases by municipalities).

GENERAL ADMINISTRATION

1. Application

An approved program with specific award criteria must exist before an award may be given under this directive. Departments may take advantage of existing city-wide programs, or may create their own program(s) to recognize excellent employee performance. Department specific programs must be reviewed by the Human Resources Department, with final approval by the City Manager or designee.

2. Award Categories

The intent behind alternative recognition programs is to recognize, encourage, and reward employees who deliver exceptional service or who work on mission-critical projects beyond the normal scope of their job (as defined in the Employee Reward & Recognition (R&R) Program – Departmental Recommendations and Guidebook).

Categories include:

- Customer Service
- Health & Safety
- Community Service
- Employee Development
- Innovation
- Productivity
- Other

3. Scope

- 3.1 Eligibility to receive alternative recognition/pay under specific categories must be met in full.
- 3.2 All regular, full-time and part-time employees are eligible to participate in the alternative recognition program.
- 3.3 Funds associated with alternative recognition programs must be approved in the annual budget.
- 3.4 All items of expenditure shall be correctly charged to the distribution code that most appropriately reflects the type of expenditure being made. If an appropriate distribution code does not exist for a department in the budget, the department shall contact Budget to request that the appropriate code be established.
- 3.5 Recognition awards that consist of gifts of cash, gift certificates, and other items that are readily converted to cash are considered taxable compensation and shall be paid through the City's payroll system and include appropriate deductions required by law.
- 3.6 An employee who receives an award under an alternative compensation program is directly responsible for ensuring that applicable taxes are accurately reflected on the employee's paycheck and income taxes.
- 3.7 Taxable alternative compensation must be reported by departments to Finance using the Alternative Compensation Form. Any discrepancies must be reported to the Finance Department.
- 3.8 Non-monetary awards of nominal value (not to exceed \$25) are not subject to tax and do not require reporting to payroll.
- 3.9 The award allocated to an employee may only be awarded once at the department level for any one given action. Actions recognized at the departmental level are eligible to be recognized and awarded at the City level.

4. Allowable Expenditure Items

- 4.1 Paid time off not deducted from a leave bank (also known as administrative leave).
- 4.2 Merchandise awards such as a hat, T-shirt, portfolio/binder, certificate or plaque.
- 4.3 Gift certificate award such as for a restaurant, movie, retail merchandise, or theme park.
- 4.4 Informal activities such as luncheons or departmental gatherings.
- 4.5 Any other award deemed appropriate and reasonable by the Department Managing Director.
- 4.6 One time lump sum of money.
- 4.7 Additional compensation for a limited, specific duration that enhances the City's retention and recruitment of employees and rewards accomplishments of organizational objectives.

5. Approval Process

Proposed alternative recognition programs must be sent to Human Resources via the ***Rewards and Recognition Program Approval Form*** for review.

- 5.1 Proposed programs must include the following information:
 - 5.1.1 Purpose of the program
 - 5.1.2 Service or achievement delivered by covered employees and the benefits to the City of such services or achievements
 - 5.1.3 Type of alternative recognition being considered
 - 5.1.4 Criteria for employee participation in the program
 - 5.1.5 Criteria for award/recognition
 - 5.1.6 Procedures or guidelines for program administration
 - 5.1.7 Expected duration
- 5.2 Proposed plans received by Human Resources will be forwarded to the City Manager or designee for final approval.
- 5.3 Approved plans will be subject to periodic review.



GARLAND

Subject	Family and Medical Leave Act 1993	Number	13
Issue Date		Revision	
Issue Department	Human Resources		
Title	Family and Medical Leave	Approved By	Page 1 of

Directive

Title	Family and Medical Leave	Approved By	Page 1 of
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Directive under review.

Please contact HR at GarlandHR@GarlandTX.gov or call 972-205-2475.





GARLAND

Directive

Title Pandemic Response Directive	Approved By William E. Dollar	Page 1 of 5
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Subject Human Resources	Number 14
Issue Date 09/25/2009	Revision
Issue Department Human Resources	

DIRECTIVE

This Directive provides citywide Human Resources guidelines for management and employees in the event of a pandemic requiring activation of the City of Garland's Pandemic Continuity of Operations Plans (COOP). The intent of this directive is to protect employees' health and safety as well as limit the impact on the delivery of City services.

GENERAL ADMINISTRATION

A pandemic could disrupt the continuity of essential City services due to significant and sustained employee absenteeism and supply chain interruptions.

In order to effectively deliver essential services, the following **assumptions** will be made:

- The City Pandemic COOP will be activated by the City Manager and/or the Office of Emergency Management (OEM), and/or the City Pandemic COOP Coordinator in response to the potential disruption of operational services as the result of a pandemic emergency.
- This Pandemic Human Resources Directive becomes effective upon activation of the City Pandemic COOP and remains effective for the duration of the activation or until amended.
- City operations will be staffed in priority order based on essential City functions and departmental demands.
- To ensure continuity of operations, departments should plan for alternatives and options due to employee absenteeism and possible disruption in delivery of products and services by outside vendors.
- If the pandemic outbreak is widespread regionally or nationally, assistance from outside governmental organizations may be compromised or limited.
- Employee absenteeism may spike above normal levels due to employee and/or family members illness, as well as school and daycare closings.
- Departments will determine any specialized Personal Protective Equipment (PPE) needed to maintain emergency operations.
- Local government entities may be required to provide services not currently performed, such as supporting people in isolation/quarantine as deemed necessary by the Health Department

1. DEFINITIONS

- 1.1 **Pandemic-** disease outbreak occurring over a wide geographic area and affecting an exceptionally high percentage of the population. A pandemic may come and go in waves, each of which can last up to six to eight weeks.

- 1.2 **Pandemic Influenza-** occurs when a novel influenza virus emerges for which there is little or no immunity in the human population and begins to cause serious illness, then spreads easily person-to-person worldwide.
- 1.3 **Seasonal (common) Influenza-** refers to the periodic outbreak of respiratory illness that can be transmitted person-to-person in the fall and winter. Most people have some immunity, and a vaccine is typically available.
- 1.4 **Social Distancing** – actions taken to limit person-to-person contact during the pandemic (i.e., placing moratoriums on hand-shaking, substituting teleconferences for face-to-face meetings, staggering breaks, etc.)

2. **COMMUNICATION**

One of the key elements in responding to any emergency situation, including a pandemic, is effective and timely communication.

The City core communication goals are:

- 2.1 Provide clear, consistent, and ongoing communication to employees and the public.
- 2.2 Ensure communication is being delivered by the appropriate authorized City personnel and in accordance with the City's Communicable Disease Crisis Communication Plan, as provided in the Comprehensive Emergency Management Plan (CEMP) and the City Pandemic COOP Plan.
- 2.3 All questions received from the public or outside agencies should be referred to the Managing Director or his designee, who, in turn will provide the City Manager and Public and Media Affairs Manager with a concise written or verbal report of the exchange of information.
- 2.4 Pre-plan departmental communication to include, but not be limited to:
 - 2.4.1 What, when, and how information will be communicated
 - 2.4.2 Roles and responsibilities
 - 2.4.3 Possible effect of the communication on staffing
 - 2.4.4 Provisional changes to assignments/administration

3. **DEPARTMENT PANDEMIC COOP RESPONSE PLANNING**

- 3.1 Due to the possibility that a pandemic may severely impact the Department's ability to perform mission responsibilities, Departments should develop and maintain continuity plans as directed by the Continuity Planning Directive.
- 3.2 Employees should be familiarized with specific departmental procedures that have been put into place related to essential service continuity, service suspensions, closures, and means of communication.

4. **STAFFING**

To ensure continuity of City operations during an extended pandemic, departments, including Human Resources, may simplify processes and administration in order to meet staffing and operational needs/requirements. Departments will be responsible for modifying work assignments and shift schedules to minimize interruption of critical essential services. Managing Directors and Department Heads should develop such scheduling to be prepared for emergency situations.

4.1 Overtime

During the pandemic, employees may be required to work overtime hours. Approval of overtime work will continue to be observed.

4.2 Employee Re-Assignment and Work Schedules

During a pandemic, employees may be reassigned or transferred to a different position or shift, as deemed necessary by Management in order to maintain essential services.

The effects of the Pandemic COOP and/or this Directive will confer no new privilege, right of appeal, transfer, promotion, reclassification, compensation, or other right of position or status that is otherwise not part of the established City of Garland directives, policies and procedures.

4.3 Telecommuting

Telecommuting is an acceptable form of alternate work scheduling when deemed practical and is permitted by the City of Garland policies and directives. Managing Directors should identify those critical essential jobs that lend themselves to telecommuting during the Pandemic COOP activation.

Pre-establishing eligibility is recommended for any employee approved for telecommuting so that the time for activating/utilizing this alternative work plan can be minimized. Departments should ensure those employees identified for telecommuting meet all requirements and criteria set forth in the City Directive for Telecommuting (see IT Directive #, Telecommuting Program).

4.4 High Risk Personnel

Personnel considered at high risk for medical complications from infection may request special accommodations in work environment, duties, or locations for the duration of the Pandemic COOP activation period or until immunity is acquired through vaccination or illness. High Risk staff are those employees meeting specific medical conditions, as recognized by the Garland Health Authority. Examples of high risk conditions may include: pregnancy, immunosuppressed individuals, and asthmatics.

4.5 Temporary Agencies

Departments may need to utilize temporary employees if unable to deliver critical essential services. The City of Garland Human Resources Department has existing agreements with a number of temporary agencies from which temporary employees can be requested.

Under no circumstances will the City eliminate background checks and drug testing for any individual working at any position in the organization.

Departments should work proactively with Human Resources to anticipate temporary staffing needs during the COOP activation. Advanced emergency planning should be considered since pools of temporary agency staffs may be depleted due to increased hiring because of the pandemic. Positions requiring specialized training, certifications, and licenses should be identified as these jobs may be difficult to fill.

5. **PUBLIC HEALTH EMERGENCY POLICIES**

In the event of a pandemic COOP activation, it may be necessary to require employees to follow certain medical procedures, practices, and assessments outside the scope of their normal duties. Should this occur, the Garland Health Department will be the lead agency and employees will be expected to comply with all emergency operating procedures and recommendations deemed necessary and issued by the Health Department.

6. **INFECTION CONTROL**

Each department should make an assessment of its work environment to determine the occupational exposure levels based on the type of work employees perform and degree of exposure to infection. Employee risk will vary depending on whether their jobs require them to come in close proximity with large numbers of people or with people known to be infected with the pandemic virus. This assessment should be included in the department's pandemic continuity plan.

6.1 **Infection Control Plan**

Departments and employees shall follow all provisions of the Garland Pandemic Infection Control Plan and Department Pandemic COOP control measures to minimize employees' and the public's potential exposure to the disease. Employees are also encouraged to follow safeguards at home.

6.2 **Controlled Access to Buildings**

In the event of a pandemic, it may be necessary to restrict and control access to public buildings to a single point of entry. Security badges/cards to City buildings may be restricted or disabled temporarily to control access in and out of City workplaces to prevent spread of disease.

6.3 **Administrative Leave for Infection Control**

To deter spread of the virus, if an employee is physically able to come to work, but instructed not to report to duty or instructed to leave early by management, he/she will be paid for time missed.

7. **COMPULSORY MEDICAL LEAVE**

In the event that an employee reports to work with symptoms of flu, or develops such symptoms while at work, the employee will be sent home to minimize the spread of infection to other staff and the public. Employees and management will follow the sanitization and return-to-work procedures as outlined in the City's Pandemic Infection Control Plan.

Employees demonstrating flu-like symptoms will be sent home, and shall not return to work until the employee is without fever for at least twenty four (24) hours without the use of fever-reducing medication. Ill employees may be sent home whether or not they have sufficient paid leave time accrued to cover the absence.

8. **STAFF REFUSAL TO WORK**

During a pandemic outbreak, some employees may become concerned about reporting to work, for fear of exposure to themselves or their families. Reasonable efforts and/or accommodations to educate employees and to minimize concerns of exposure risks on the job are encouraged.

However, with the expected high levels of sickness absence during a Pandemic, it is expected that all employees who are well, and do not have dependent care conflicts, report for work. Instances of employees refusing to report to work with no reasonable grounds will be treated as unpaid unauthorized absence and will be subject to disciplinary actions as set forth in existing Human Resources directives.

9. **LEAVE USAGE/APPROVED LEAVE CANCELLATION**

Employees are able to use sick leave, vacation, discretionary time, compensatory time, and other available paid leave such as Personal Holiday, Bonus Holiday, etc. if absent due to personal or family illness during the Pandemic COOP activation. For employees who are absent due to extended personal or family illness during a Pandemic activation, FMLA may apply.

Employees are able to use vacation, discretionary time, compensatory time, and other paid leave such as Personal Holiday, Bonus Holiday, etc. to provide dependent care during the Pandemic COOP activation.

Modifications to the leave use policy may be developed and outlined by Human Resources as deemed necessary to insure continuity of operations during the Pandemic COOP activation period.

The City reserves the right to temporarily suspend or cancel leave of well personnel should their services be required to maintain delivery of critical essential job functions.

Scheduling issues surrounding leave usage and cancellation will be resolved by Managing Directors and Department Heads. During the Pandemic COOP activation, management decisions regarding leave usage will be considered final and not subject to appeal.

10. **BENEFITS**

As long as an employee remains in "pay status", continuation of benefits should not be affected. Employees should plan for alternate sources of medical care in the event of closure or reduced accessibility to:

- CityCARE Clinic
- Primary Care Physicians
- Urgent Care Facilities (i.e. Care Now, Prima Care)
- Hospital Emergency Rooms
- Local Pharmacies

The City's Employee Assistance Program (EAP) will be a resource to aid and assist employees and family members during the pandemic crisis.



GARLAND

Directive

Title EQUAL EMPLOYMENT OPPORTUNITY	Approved By William E. Dollar	Page 1 of 2
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Subject Human Resources	Number 15
Issue Date 09/13/10	Revision
Issue Department Human Resources	

DIRECTIVE

This Directive describes the equal employment practices for the City of Garland and its commitment to fair employment with an inclusive workforce.

DEFINITIONS

The following terms are defined for purposes of this Directive:

Disability means an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Unlawful Discrimination means unfavorable treatment of an employee or applicant based on race, color, religion, sex, national origin, Disability, age, Sex (wages), Genetic Information, veteran status, or any other protected classification without a legitimate and lawful business reason for doing so.

Genetic Information means information about:

- Genetic tests of an employee or an employee's family members, or
- Any disease, disorder, or condition of an employee's family members (i.e. an employee's family medical history).

Reasonable Accommodation means a change, that does not impose an undue hardship on the City's operations, in the work environment (or in the way things are usually done) to help a person with a Disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Sex (wages) discrimination refers to discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENERAL ADMINISTRATION

The City of Garland is committed to a policy of equal opportunity in all aspects of its relations with applicants and employees. Employment, promotion, compensation, opportunities for training and enrichment, discipline, and other conditions of employment are determined without regard to race, color, religion, sex, national origin, Disability, age, Sex (wages), Genetic Information, veteran status, or any other protected classification unless there is a lawful and legitimate business reason for doing so.

1. Complaints of Discrimination

An employee who engages in unlawful discrimination will receive disciplinary action up to and including termination of employment.

- 1.1 If an employee feels he/she is the victim of Unlawful Discrimination, or if the employee has knowledge of unlawful discrimination, he/she shall immediately bring it to the attention of his/her supervisor. If, for any reason, the employee does not feel comfortable discussing the matter with the supervisor, the employee shall report the problem to either the employee's Department Director, Managing Director, or the Human Resources Managing Director, or, if any of those individuals is the subject of the complaint, the City Manager or City Attorney. The Human Resources Managing Director or designee should promptly investigate all reports of Unlawful Discrimination. If the investigation reveals Unlawful Discrimination has occurred, the City shall take appropriate remedial and/or disciplinary action.
- 1.2 If any affected employee is not satisfied with the handling or results of the investigation, the employee shall request a meeting with the City Manager by promptly notifying the City Manager, in writing, of the specific nature of the employee's dissatisfaction with the handling or results of the investigation and the grounds for such dissatisfaction.
- 1.3 It is the City's intent that an individual making a report of Unlawful Discrimination shall not be retaliated against for making such report. An employee who believes retaliation has occurred shall report the problem to either the employee's Department Director, Managing Director, or the Human Resources Managing Director, or, if any of those individuals is the subject of the complaint, the City Manager or City Attorney. An employee found to have retaliated against an individual for making a complaint of Unlawful Discrimination or for participating in such an investigation will receive disciplinary action up to and including termination of employment.

2. Applicants and Employees with Disabilities

Upon request, the City will, to the extent reasonably possible, attempt to accommodate individuals with known disabilities in the application, hiring, and employment process. Reasonable Accommodation is available upon request to all qualified applicants and employees, if the accommodation does not create an undue hardship for the City, and can be provided without posing a substantial or imminent safety risk. Applicants and employees with disabilities requiring accommodations should make such requests for Reasonable Accommodation in writing to the Human Resources Department.

If any affected employee is not satisfied with the handling or results of his/her request for Reasonable Accommodation, the employee shall request a meeting with the City Manager by promptly notifying the City Manager, in writing, of the specific nature of the employee's dissatisfaction with the handling or results of his/her request and the grounds for such dissatisfaction.

3. Equal Opportunity

The City of Garland will take action to ensure equality of opportunity in all aspects of employment, and ensure that all applicants and employees are treated in a lawful manner.

4. Reporting Legal Compliance

The City will comply with the reporting and filing of all EEO and Affirmative Action reports as required by federal, state, and local laws.



GARLAND

Directive

Title
WORKPLACE HARASSMENT

Subject	Number
Human Resources	16
Issue Date	Revision
09/13/10	
Issue Department	
Human Resources	
Approved By	
<i>William E. Doffar</i> William E. Doffar	

DIRECTIVE

The purpose of this Directive is to establish guidelines for a harassment free workplace, and set forth procedures to be followed when addressing and processing harassment complaints.

GENERAL ADMINISTRATION

The law prohibits harassment on the basis of race, color, religion, sex, national origin, disability, age, genetic information, or any other classification protected by Jaw. The Jaw also prohibits harassment based on opposition to discrimination or participation in complaint proceedings. The City of Garland will not tolerate unlawful harassment in its workplace whether committed by an employee, a vendor, a member of the public or elected official. Additionally, the City will not tolerate retaliation against anyone who complains of harassment or who participates in an investigation. All employees, including supervisors and managers, who commit any act of unlawful harassment, will receive disciplinary action up to and including termination of employment.

1. When based on an individual's race, color, religion, sex, national origin, disability, age, genetic information, or any other classification protected by Jaw; prohibited harassment includes, but is not limited to the following: offensive jokes, slurs, defamatory language, name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or bullying, offensive objects or pictures, and interference with work performance. Prohibited harassment also includes sexual harassment.
 - 1.1 Sexual harassment includes, but is not limited to, unwelcome sexual flirtation, touching, advances or propositioning; verbal or written abuse of a sexual nature; graphic suggestive comments about an individual's dress or body; sexually degrading words describing an individual; requests for sexual favors; and other verbal, written or physical conduct of a sexual nature when:
 - 1.1.1 Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
 - 1.1.2 Submission to or rejection of such conduct is used as the basis for employment or the continuation of employment;
 - 1.1.3 Such conduct has the purpose of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.
2. If an employee is the subject of unlawful harassment, or if the employee has knowledge of unlawful harassment, he/she shall immediately bring it to the attention of his/her supervisor. If, for any reason, the employee does not feel comfortable discussing the matter with the supervisor, the employee shall report the problem to either the employee's Department

Director, Managing Director, or the Human Resources Managing Director, or, if any of those individuals is the subject of the complaint, the City Manager or City Attorney. The Human Resources Managing Director or designee should promptly investigate all reports of harassment. If the investigation reveals prohibited or unlawful harassment has occurred, the City shall take appropriate remedial and/or disciplinary action.

3. If any affected employee is not satisfied with the handling or results of the investigation, the employee shall request a meeting with the City Manager by promptly notifying the City Manager, in writing, of the specific nature of the employee's dissatisfaction with the handling or results of the investigation and the grounds for such dissatisfaction.
4. It is the City's intent that an individual making a report of unlawful harassment shall not be retaliated against for making such report. An employee who believes retaliation has occurred shall report the problem to either the employee's Department Director, Managing Director, or the Human Resources Managing Director, or, if any of those individuals is the subject of the complaint, the City Manager or City Attorney. An employee found to have retaliated against an individual for making a complaint of unlawful harassment or for participating in such an investigation will receive disciplinary action up to and including termination of employment.



GARLAND

Directive

Subject	Human Resources	Number	17
Issue Date	12/22/2010	Revision	02/28/2014
Issue Department	Human Resources		
Title	STANDARDS OF EMPLOYEE CONDUCT	Approved By	William E. Dollar
			Page 1 of 6

William E. Dollar

DIRECTIVE

This Directive is in addition to and supplements other, more specific directives which together establish guidelines for employee conduct and set forth the City's general expectations regarding its employees.

GENERAL ADMINISTRATION

1. General Expectations of Professional Conduct

The City of Garland expects all employees to contribute to a productive work environment by performing their responsibilities and conducting themselves in a professional, competent, safety-conscious, and ethical manner. The City expects all employees to treat coworkers, supervisors, officials, and members of the public with respect.

This Directive provides guidelines and examples for employees to follow regarding acceptable conduct at work, and is not intended to be all-inclusive. Inappropriate or unacceptable work performance and conduct may be addressed according to the *Disciplinary Process HR Directive*.

2. Conflict of Interest

Each employee is hired and compensated by the City for the conscientious performance of assigned functions and work. Such duties involve business relationships with persons, organizations, and entities both inside and outside the City. An employee should always act (i) in accordance with the law, (ii) to avoid actions which would cast the City or the employee in a bad light, and (iii) to scrupulously avoid transactions or situations in which his/her own interests conflict, or could be construed to conflict, with those of the City.

The City respects the rights of employees to engage in and carry on activities outside their employment with the City which (i) are legal, (ii) do not interfere with the performance of their assigned duties, (iii) do not involve misuse of City influence, resources, or assets, and (iv) do not involve risk to the City's good reputation. In keeping with these general principles:

- 2.1 Employees must avoid all potential conflicts of interest or situations that give the appearance of a conflict of interest. A conflict of interest exists when:

- 2.1.1 The private interest of a City employee (or an immediate family or household member or someone with whom the employee has an intimate relationship) materially interferes, in any way – or even appears to materially interfere – with the duties performed by the employee or with the interests of the City as a whole.
- 2.1.2 An employee takes actions or has interests that may make it difficult to perform his/her work objectively and effectively.
- 2.1.3 An employee or a member of his/her immediate family receives improper personal benefits as a result of his/her position with the City.
- 2.2 Employees shall not represent any person or organization, other than the City, in any formal or informal capacity before the City, including its boards, commissions, committees, subcommittees, or any other agency concerning a project for which the person has or has had responsibility as an employee.

3. Employee Participation in Local Political Activities

Except as otherwise provided by law, the following restrictions on political activity apply to City of Garland employees:

- 3.1 Employees shall not use their positions with the City to campaign for or against any candidate for public office.
- 3.2 Employees shall not use work hours or any work location, either temporary or permanent, where an employee performs any work-related duties to solicit or receive any subscription, contribution, or political service not directly related to their work for the City. Employees may not circulate petitions or campaign literature on behalf of any issue for public vote or any candidate for public office during work hours.
- 3.3 Employees shall not seek or hold an appointive or elective City of Garland office of public trust, or any public office where service would constitute a direct conflict of interest with their City employment, with or without remuneration, except as permitted by formal ordinance.

4. Employee Solicitation

- 4.1 Except for official City business, the solicitation or acceptance of funds/gifts shall not be permitted of or by any City employee or members of the public, when such funds or items of value could reasonably be construed as an attempt or offer to secure privilege or influence. This section is not intended to forbid the acceptance of common business courtesies such as business lunches.
- 4.2 The distribution or posting of printed material which is not related to City business is prohibited.

5. Release of Official Information and Communication with Parties to Litigation

- 5.1 All employees have a responsibility to avoid unnecessary disclosure of non-public information maintained by the City. Confidential information maintained or handled by the City should not be discussed with anyone outside the organization except as may be required or otherwise permitted by law, or in the normal course of the City's operations. Examples of some types of confidential information maintained by the City include material contained in or related to: (i) juvenile records, (ii) regulatory and enforcement activities, (iii) competitive matters, (iv) customer information, (v) health records, and (vi) public safety and security.
- 5.2 The City employs specific individuals within the City's organizational structure with the responsibility to handle the release of public, non-confidential information. Should an employee receive a request for information that the employee believes may involve matters that are confidential or otherwise protected by law, the employee should immediately forward the request to the appropriately designed public information officer or the City Attorney's office to be handled in accordance with City procedures and applicable law.
- 5.3 In the event that an employee receives a subpoena or a request (formal or informal) that an employee testify or otherwise communicate with a party or its representative in a matter concerning the City of Garland, the employee shall immediately notify his supervisor who will in turn, notify the City Attorney's office of the nature of the request. In the event that a subpoena has been served, the employee shall immediately forward a copy of the subpoena to his supervisor and the City Attorney's office.

This section does not apply to instances in which the testifying employee is an adverse party in a suit or other adversarial proceeding against the City.

6. Personal Appearance

- 6.1 All City employees, regardless of work location and the presence or absence of public contact, are expected to maintain an appearance, including dress and hygiene, that is appropriate for the employee's business unit and/or work environment.
- 6.2 Specific dress code requirements may be defined by each department. These requirements must be in writing and reviewed by the Human Resources Managing Director prior to implementation.

7. Outside Employment

- 7.1 Full-time employment with the City of Garland is considered primary employment. If an employee wishes to accept outside (supplemental) employment with another employer, the employment must be approved by the employee's Department Director and the Human Resources Managing Director. Requests involving outside employment of Department Directors and Managing Directors must be approved by the City Manager.
- 7.2 The outside (supplemental) employment request must be submitted via the Outside Employment Request form.

- 7.3 Part-time employees must advise their immediate supervisor of the nature of any outside employment.
- 7.4 No employee shall engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance as a City employee.
- 7.5 Approval of outside employment may be withdrawn at any time when such outside employment is determined to be detrimental to the City or to an employee's performance.

8. Resignation

An employee may resign from City employment at any time by submitting a written resignation to his/her department supervisor. It is considered customary to give two weeks notice of resignation whenever possible.

9. Use of Tobacco Products and Electronic Nicotine or Vapor Delivery Devices

The use of tobacco products and electronic nicotine or vapor delivery devices is prohibited inside all facilities and buildings owned, leased or occupied by the City, and in City vehicles.

A "tobacco product" is defined as: Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, but is not limited to, cigarettes, cigarette tobacco, cigars, pipe tobacco, roll-your-own tobacco, and smokeless tobacco (dip/chew). An "electronic nicotine or vapor-delivery device" shall mean any device that allows a user to inhale nicotine or vapor, or that is capable of delivering nicotine in a vapor form, such as an electronic cigarette or a vapor cigarette.

Employees are not entitled to a break during the workday to use tobacco products or electronic nicotine or vapor delivery devices, but may use tobacco products and electronic nicotine or vapor delivery devices outdoors in designated areas during their normal break or lunch period.

Employees are encouraged to take advantage of smoking cessation courses offered through the City.

10. Other Guidelines for Appropriate Conduct

Employees' conduct reflects on the City of Garland. Consequently, employees are encouraged to observe the highest standards of professionalism at all times. The following are types of behavior and actions that the City considers inappropriate or unacceptable. This list is not intended to be all-inclusive.

- 10.1 Violation of the Texas Penal Code or other criminal law as currently adopted or amended, except minor violations, many of which may be classified as

Class C Misdemeanors; or conviction of or confession to any offense, regardless of classification, which is inconsistent with the safe or efficient operation of the City or of the employee's department.

- 10.2 Carrying or possessing at any location where an employee performs any work-related duty, other than those locations and under such conditions where such prohibition is specifically restricted by section 52.061 of the Texas Labor Code, a weapon that the employee is not required or specifically permitted to possess in the normal course of fulfilling the employee's duties.

Possession of an ordinary concealed handgun license is not considered "specifically permitted" for purposes of this subsection.

- 10.3 Carrying or possessing a weapon in any vehicle owned or leased by the City a weapon that the employee is not required or specifically permitted to transport or store in the normal course of fulfilling the employee's official duties.
- 10.4 Disclosure of confidential or proprietary information to an unauthorized person.
- 10.5 Use of City's confidential or proprietary information for personal or non-City related purposes.
- 10.6 Engaging in behavior or conduct unbecoming of a public servant to include disrespectful, immoral, or offensive conduct.
- 10.7 Engaging in reckless behavior or conduct that demonstrates extremely poor judgment.
- 10.8 Failure to observe safety rules.
- 10.9 Failure to report illegal actions or material violations of City Directives by other employees to an appropriate supervisor.
- 10.10 Falsification of or refusing to provide factual information concerning accidents involving City vehicles, employees, property, or other accidents which relate directly to the City.
- 10.11 Falsification, alteration, or omission of material information on personnel, insurance, or other official City records or documents.
- 10.12 Fighting, horseplay, practical jokes, or other disorderly or disruptive conduct.
- 10.13 Incompetence or failure to meet the standards of job performance.

- 10.14 Inducing or attempting to induce any employee of the City to commit an illegal act or an act prohibited by City Directives.
- 10.15 Insubordination, including refusal or failure to perform assigned duties; neglect of duty; refusal to obey lawful orders of supervisors.
- 10.16 Refusal or failure to comply with written directives, policies, procedures, or orders of the employee's department or the City.
- 10.17 Making materially false or dishonest statements or accusations.
- 10.18 Malicious mischief, or the abuse, misuse, destruction, abandonment, or damage of property, tools, facilities, or equipment belonging to other employees, members of the public, or the City.
- 10.19 Removing, appropriating/reappropriating, or receiving, without proper authorization, the property of employees, members of the public, or the City.
- 10.20 Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees.
- 10.21 Attempting to do, or doing bodily injury to an employee or any other person, except as required or authorized by the nature of the employee's position.
- 10.22 Unauthorized absence, misuse of or misrepresentation about work absences, or failure to provide a credible reason for unauthorized absence.
- 10.23 Violation of any City Directive or other conduct inconsistent with the interests of the City of Garland.



GARLAND

Directive

Title
WORKPLACE VIOLENCE

Human Resources

Issue Date

09/13/10

Issue Department

Human Resources

Approved By

William E. Dollar
William E. Dollar

Number

18

Revisor

Page 1 of 2

DIRECTIVE

The purpose of this Directive is to address the issue of potential violence in the workplace in order to prevent workplace violence when it is foreseeable, and to set forth procedures to be followed when such violence has occurred.

This Directive supports the City of Garland's endeavor to provide a safe working environment that is free from acts of Workplace Violence committed by or against City of Garland employees. All threats of violence are taken seriously.

Definitions

The following terms are defined for purposes of this Directive:

Threats or Acts of Violence – Threats or Acts of Violence include conduct which: (1) the employee knows or should reasonably believe that the victim will regard as offensive or provocative; and (2) implies, threatens, or intimates injury to persons or damage to property, that is sufficiently severe, offensive, or intimidating as to alter the conditions of employment, or to create a hostile, abusive, or intimidating work environment for employees, customers, or business associates.

Workplace- The Workplace is any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, City vehicles, buildings and the surrounding perimeters, including parking lots.

Workplace Violence – Workplace Violence means any Threat or Act of Violence occurring in the Workplace, regardless of the relationship between the City and the individual involved in the incident. Workplace Violence does not include lawful conduct which is Justified.

Justified – Conduct may be Justified under the following circumstances: (1) if the employee reasonably believes the conduct is required or authorized by law, by the judgment or order of a competent court or other governmental tribunal, or in the execution of legal process; or (2) the employee reasonably believes the conduct is immediately necessary to avoid imminent and unlawful harm.

Reportable Actions - Reportable Actions include any Workplace Violence against an employee or by an employee.

GENERAL ADMINISTRATION

1. Parameters

- 1.1 Employees who commit Workplace Violence or who violate this Directive will be dealt with as the City deems appropriate under the circumstances, which may include disciplinary action up to and including termination of employment.

- 1.2 The City of Garland may pursue the prosecution of anyone who engages in Workplace Violence. The City intends to hold perpetrators of Workplace Violence accountable. This Directive encourages all City employees to be aware of Workplace Violence and its impact.
- 1.3 Appropriate action should be taken when Workplace Violence appears likely to occur (i.e., the aggressive employee or perpetrator may be instructed to leave the Workplace and may not be permitted to return without authorization). Employees are prohibited from committing Workplace Violence. The following list of conduct, while not all inclusive, provides some examples of conduct that could be considered Workplace Violence:
 - Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
 - Hitting or shoving an individual with any part of one's body and/or object;
 - Threatening to harm an individual or his/her family, friends, associates, or their property;
 - The intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Garland or another employee.

2. Responsibilities

- 2.1 Any employee who is aware of Workplace Violence against or by an employee has a responsibility to report the conduct to his/her supervisor, a member of management, Human Resources, or if appropriate, law enforcement.
- 2.2 For imminent dangerous situations, the employee should immediately contact the police by dialing 911 as soon as he/she can safely do so. A supervisor, a member of management, or Human Resources should be contacted as soon as safely possible.
- 2.3 All reported incidents involving Workplace Violence will be investigated by the appropriate officials, which may include designated personnel within the Human Resources Department, the involved department, or the Police Department.
- 2.4 If any affected employee is not satisfied with the handling or results of the investigation, the employee shall request a meeting with the City Manager by promptly notifying the City Manager, in writing, of the specific nature of the employee's dissatisfaction with the handling or results of the investigation and the grounds for such dissatisfaction.
- 2.5 Records of reported threats and/or incidents involving employees and/or City facilities should be maintained by the Human Resources Department, the involved department, or the Police Department, as applicable.
- 2.6 Managers and supervisors of the City of Garland should participate in training regarding identifying, preventing, and dealing with Workplace Violence as provided by the City.



GARLAND

Subject	Number	
HUMAN RESOURCES	19	
Issue Date	Revision Date	
10/1/2021		
Issue Department		
HUMAN RESOURCES		
Approved By		Page 1 of 2
Bryan L. Bradford		

Directive

Title: Tuition Reimbursement

Bryan L. Bradford

DIRECTIVE

The City of Garland strives to establish total rewards that both attract and retain needed talent. In support of this, the city provides tuition reimbursement to regular full-time employees to encourage continued growth and professional development in the following areas:

- Completion of credit-earning curriculum from an accredited college or university
- Completion of credit-earning curriculum from an accredited technical or skilled trades program

Tuition reimbursement limits and program guidelines will be reviewed each year as part of the city's annual budgetary process.

Non-credit earning professional certification or general job-related courses must be approved and funded by the employee's department professional development funds.

DEFINITIONS

- **Regular Full-time Employee**
 - Refers to both general and Civil Service employees who are scheduled to work a minimum of 32 hours per week and have completed their initial post-hire probationary period and related extensions.
- **Accredited**
 - Refers to colleges, universities, technical or skilled-trades programs providing credit-earning curriculum certified by an Institutional Accrediting Agency as recognized by the United States Department of Education.

GENERAL ADMINISTRATION

1. Reimbursement Limits
 - 1.1 Regular full-time employees may receive reimbursement of up to a maximum of \$3,000 per calendar year for tuition and qualifying

expenses.

- 1.2 Reimbursement will be based on the adopted maximum allowable limit at the time of course initiation.
- 1.3 Reimbursement is limited to tuition, books and mandatory fees.
- 1.4 Supplies and other expenses shall not be reimbursed.
- 1.5 Employees may only request reimbursement for expenses for which they are financially liable. Costs covered by grants, scholarships or other monetary sources which reduce the employee's financial obligation are not eligible for reimbursement.
- 1.6 Employees attending courses through the aid of student loans may be eligible for tuition reimbursement in accordance with this directive by submitting appropriate payment documentation.


2. Reimbursement Criteria

- 2.1 Undergraduate and graduate-level participants may be reimbursed for a course grade of "C" or better.
- 2.2 Employees taking pass-fail courses may be reimbursed only for courses passed.
- 2.3 Upon successful completion of the course, employees who have met the reimbursement criteria must submit the following within 45 days of course completion:
 - 2.3.1 tuition reimbursement request form
 - 2.3.2 proof of pending or completed payment of tuition, books and related fees
 - 2.3.3 grade report showing minimum passing requirements
- 2.4 Coursework must be related to current or future city employment.

3. Additional Guidelines

- 3.1 Tuition reimbursement is subject to city and all applicable state and/or federal guidelines.
- 3.2 Falsification of reimbursement requests is subject to disciplinary action, up to and including termination of employment.



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Human Resources	20
Issue Date	Revision Date
7/25/2022	
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Human Resources	
Title: Contingent Worker Staffing Guidelines	Approved By  BB
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DIRECTIVE

The City of Garland may utilize contingent workers on a temporary, seasonal or contractual basis to meet operational needs.

APPLIES TO

This Directive applies to all City departments and all City employees.

GENERAL ADMINISTRATION

1. Types of Contingent Workers

Contingent workers provide services temporarily, on an as-needed basis, and may be paid directly by the City via payroll (City Temps), under a defined contract, Personal Services Agreement or outsourced through an external staffing agency. They are often hired to complete a specific project, rather than accepting an ongoing, open-ended workload as a regular employee does.

Examples of contingent workers include:

- Independent Contractors or Consultants
- Paid Interns
- Seasonal workers hired for a specific program or event
- Temporary workers outsourced through a staffing agency or other third party
- Temporary workers paid directly by the City (City Temps)

2. Schedule Considerations

- a. Contingent workers are scheduled based on departmental need and can work an unspecified amount of hours, within operating budget limitations.

3. Compensation and Payment Considerations

- a. The following contingent workers are paid directly by the City via payroll:
 - i. Paid Interns
 - ii. Seasonal workers hired for a specific program or event
 - iii. Temporary workers paid directly by the City (City Temps)
- b. The following contingent workers are paid by the City via accounts payable:

- i. Independent Contractors or Consultants
 - ii. Temporary workers outsourced through a staffing agency or other third party
- c. All hours worked by contingent workers paid via the City's payroll will follow the Fair Labor Standards Act (FLSA) guidelines for minimum wage and overtime compensation for weekly hours worked in excess of 40.
 - i. Non-exempt contingent workers who exceed 40 hours in a workweek will be paid overtime compensation. Compensatory time accruals are not allowed for this purpose.
 - ii. Exempt contingent workers are paid based on an agreed salary and are not eligible for discretionary benefit accruals.
 - iii. Regardless of exemption, City-paid contingent workers will follow adopted position and salary grade guidelines.
- d. Additional fees (mark-up) may be required to retain services of contingent workers outsourced through a staffing agency, which is billed to and payable by the requesting department.

4. Contingent Worker Benefits

- a. Contingent workers, paid through the City's payroll, are not eligible for employee health, leave or other benefits including participation in the Texas Municipal Retirement System* or Lincoln 457(b) plans.
 - i. **Employees must join TMRS if they are employed in a permanent, full-time position that normally requires 1,000 hours of work in a year. The City determines eligibility for covered employees based on the 1,000-hour rule. Seasonal or temporary employees are NOT eligible for TMRS participation.*
- b. Contingent workers outsourced through an agency may be eligible for additional benefits, based on hours worked. Qualification for these benefits is solely determined and managed at the discretion of the agency.

5. Requesting a Contingent Worker

- a. All requests for contingent workers require the approval of a director or above prior to placement.
- b. Contingent workers may be requested by completing a [Temporary Staffing Request Form](#) or contacting Human Resources (HR). HR will assist with recruitment, suggesting pay rates, position options and completing the hiring process. In addition, HR may partner with external staffing agencies, if requested.
- c. Expenses for contingent workers are allocated from departmental operating budgets.

- i. Expenses for contingent workers paid directly by the City via payroll are typically allocated to personnel salaries.
- ii. Staffing agency temps, consultants and contractors are allocated to a designated operating expense.

6. Contingent Worker Screening & Training Requirements

- a. All workers, regardless of placement source, must meet certain screening requirements which may include:
 - criminal background check
 - employment eligibility verification
 - drug and alcohol screening
 - motor vehicle report
 - other department-specific guidelines, including, but not limited to
 - Criminal Justice Information System (CJIS)
 - North American Electric Reliability Corporation (NERC)
 - Texas Cybersecurity Act
- b. Regardless of worker source, departments must follow applicable City guidelines for screening, training, facility and technology access and related guidelines.
- c. Deviations from these guidelines require the approval of a Managing Director or above.

OTHER CONSIDERATIONS

Independent Contractors or consultants providing certain professional services may be retained by completing a Personal Services Agreement (PSA).

- Personal Services Agreements are managed through the City's purchasing process.
- To qualify, individuals must meet IRS independent contractor guidelines prior to placement.

DEFINITIONS

- **Compensatory time:**
 - Compensatory time is time off offered to non-exempt employees for hours worked over 40 in a workweek. Compensatory time is provided in lieu of immediate cash payment. Compensatory time is accrued and used at time and one half.
- **Discretionary time:**
 - Discretionary time is time off offered to exempt employees for hours worked over 40 in a workweek. Discretionary time is similar to compensatory time for a non-exempt employee. However, discretionary time is accrued and used at straight time and is not used for the purpose of computing overtime.
- **Exempt employee:**
 - Refers to an employee who is not covered by the overtime provisions under the Fair Labor Standards Act (FLSA).

- **Non-exempt employee:**

- Refers to an employee who *is* covered by the overtime provisions under the Fair Labor Standards Act (FLSA) and is paid overtime or given compensatory time for hours worked in excess of 40 hours per work week.

RESPONSIBILITIES

Directors and above are responsible for management and guidance for contingent workers. A review of this and related directives is recommended for existing contingent workers and prior to requesting additional placements.

Signature

Bryan Bradford

Bryan Bradford (Sep 15, 2022 16:05 CDT)

09/15/2022

Bryan L. Bradford, City Manager






For Signature- Contingent Worker Staffing Guidelines

Final Audit Report

2022-09-15

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