City of Rockport

CITY COUNCIL REGULAR MEETING AGENDA
TUESDAY, MARCH 11, 2025 - 6:30 PM
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

Mayor Tim Jayroe
Mayor Pro Tern (Ward 4) Andrea Hattman
Councilmember (Ward 1) Stephanie Rangel
Councilmember (Ward 2) Matt Anderson
Councilmember (Ward 3) Brad Brundrett
Vanessa Shrauner, City Manager

Notice is hereby given that the Rockport City Council will hold a Regular Meeting on Tuesday, March 11, 2025, at 6:30 PM. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. The live stream link to view the meeting is https://rockporttx.portal.civicclerk.com/.

The City Council welcomes citizen participation and comments at all City Council Meetings on an Agenda item or any subject matter.

Written comments submitted bv 3:30 p.m. on the day of the meeting.

- Complete the Speaker Card - locate the card online (**https://rockporttx.gov/FormCenter/Citizen-Participation-Form-7/Citizen-Participation-Form-52**)
- Written Comments received by the deadline will be read.

Sign up in person.

- Speaker's cards are located at the entrance of the meeting room and must be delivered to the City Secretary before the meeting begins.
- Any citizen with handouts should provide them to the City Secretary before the meeting. If you wish the City Council to receive your handouts for the meeting, please provide 8 copies; if not, the City Council will receive your handouts the following day.

Rules for Citizen Participation.

- Speakers will be limited to three minutes.
- While civic public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for discussion. An announcement will be made based on the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for the Executive Session.

Notice is hereby given that other elected or appointed officials may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. No action or minutes will be taken by such in attendance.

This facility is wheelchair-accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours before this meeting. Please get in touch with the City Secretary's office at (361) 729-2213, ext. 225, or FAX (361) 790-5966 or email sgoodwin@rockporttx.gov for further information. Braille is not available.

I. CALL TO ORDER AND ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CITIZENS TO BE HEARD

Speaker participation instructions are provided in writing at the beginning of the agenda. NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting, and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042 has not been posted on the agenda.

IV. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

1. Recognition of Captain Nathan Garcia and his 16 years of service with the City of Rockport. Captain Garcia is retiring with his last day being March 14. (Nathan Anderson, Police Chief)

V. CONSENT

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless pulled at the request of a member of the City Council.

2. Consider the approval of the City Council Regular Meeting Minutes for February 24, 2025 (Shelley Goodwin, City Secretary)

3. Consider the approval of the Rockport Police Department employee Firearms Purchase Agreement (Nathan Anderson, Police Chief)

VI. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

4. Request to rezone the property located at 1859 FM 2165; also known as 35.8 acres out of Tracts 1, 2, 3, 22, & 23, C H Moore Subdivision
i. Hold a public hearing to receive comments for or against the rezoning request
ii. Consider the approval on second and final readings on Ordinance 1967 amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District); for property located at 1859 FM 2165; also known as 35.8 acres out of tracts 1, 2, 3, 22, & 23, C H Moore Subdivision; to R-2 (2nd Single Family Dwelling District), repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. (Carey Dietrich, Director of Community Development & Building)

5. Consider the approval of the first of two readings of Ordinance 1966 amending Ordinance 1948, which adopted the 2024-2025 Budget beginning October 1, 2024, and ending September 30, 2025; repealing all prior Ordinances in conflict herewith; providing for publications and providing for an effective date (to appropriate restricted deposits received for the Law Enforcement Officer Standards and Education (LEOSE) Fund). (Diane Pedersen, Financial Management Analyst)

6. Consider the approval on second and final reading of Ordinance 1965 canceling the May 3, 2025 General Election for the City of Rockport, Texas and declaring two unopposed candidates for City Councilmember Ward 1 and 3 as elected; requiring posting of this Ordinance at each polling place

in accordance with State Law; requiring the issuance of a Certificate of Election to each candidate; providing a severability clause; and providing an effective date. (Shelley Goodwin, City Secretary)

7. Consider the approval on second and final reading of Ordinance 1964 repealing the City of Rockport Code of Ordinances, Chapter 40 "Employees", Article I, "Personnel Policy"; Providing for findings of fact, repealer, severability, compliance with open meetings act and providing for an effective date. (Kaycee Eddins, HR Manager)

8. Consider the approval of Resolution 2025-10R adopting an updated Personnel Policy Manual for the City of Rockport as set forth in Exhibit A, attached and incorporated herein, providing for the incorporation of premises; and providing an effective date. (Kaycee Eddins, HR Manager)

9. Consider the approval of Resolution 2025 -11R of the City of Rockport, Texas, authorizing the award of Administrative/Project Delivery Service Provider Contracts(s) for the Hazard Mitigation Assistance (HMA) Grant Projects being allocated through Texas Department of Emergency Management (TDEM) to be awarded to GrantWorks, Inc. (Kimberly Henry, Assistant to the City Manager)

10. Consider the approval of Resolution 2025-12R of the City of Rockport, Texas, authorizing the award of Professional Service Provider Contract(s) for te Hazard Mitigation Assistance (HMA) Grant Project being allocated through Texas Department of Emergency Management (TDEM) be awarded to Ardurra Engineering Services. (Kimberly Henry, Assistant to the City Manager)

VII. OTHER ACTION ITEMS AND UPDATES

11. Receive an update provided by Lloyd Gosselink on Texas Senate Bill 6 which was introduced in response to the December Capacity, Demand, and Reserve (CDR) report. (Robbie Sorrell, Director)

VIII. CITY MANAGER'S UPDATE

IX. CITY COUNCIL REPORT

The City Council will report/update on activities in respective Wards, and all committee assignments. No formal action can be taken on these items at this time.

X. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to:
Note 1: Texas Government Code § 551.071, Consultation with Attorney
Note 2: Texas Government Code § 551.072, Real Property
Note 3: Texas Government Code § 551.074, Personnel Matters
Note 4: Texas Government Code § 551.076, Security
Note 5: Texas Government Code § 551.087, Economic Development Negotiations
Note 6: Texas Government Code § 551.089, IT Security
Note 7: Texas Government Code § 551.0745, Personnel Matters Affecting County Advisory Board
The City Council will consider the following items in Executive Session. The Council may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Council announces that the item will be considered during Executive Session.

12. Discussion of Concho Drainage Project and Ongoing Navigation District Discussions [(1)] (Vanessa Shrauner, City Manager)

13. Discussion on City Hall construction [(1)] (Vanessa Shrauner, City Manager)

14. Financial Management Analyst [1 and 3] (Vanessa Shrauner, City Manager)

15. Pending litigation PUC Docket No. 55942, Petition of Ratepayers Appeal of the City's Water and Wastewater Rates [1] (Vanessa Shrauner, City Manager)

XI. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in the Executive Session as necessary.

XII. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 11:05 a.m. on March 7, 2025, on the bulletin board of the City of Rockport Service Center, 2751 S. H. 35 Bypass, Rockport, Texas 79382.

Shelley Goodwin, TRMC/CMC
City Secretary

AGENDA MEMO

DEPARTMENT: Police
TO: Mayor and City Council
FROM: Nathan Anderson, Police Chief
MEETING DATE: March 11, 2025 **CATEGORY**: Presentation

CAPTION:
Recognition of Captain Nathan Garcia and his 16 years of service with the City of Rockport. Captain Garcia is retiring with his last day being March 14.

SUMMARY:

BACKGROUND:

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:
None

APPROVAL/REVIEW:

Nathan Anderson, Police Chief — Date: March 04, 2025

Shelley Goodwin, City Secretary — Date: March 05, 2025

Vanessa Shrauner, City Manager — Date: March 06, 2025

City of Rockport
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, FEBRUARY 24, 2025 - 4:30 PM
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

City Councilmembers Present:
Mayor Tim Jayroe
Councilmember (Ward 1) Stephanie Rangel
Councilmember (Ward 2) Matt Anderson via Zoom
Councilmember (Ward 3) Brad Brundrett

City Councilmembers Absent:
Mayor Pro Tem (Ward 4) Andrea Hattman

City Staff Present:
Vanessa Shrauner, City Manager
Art Rodriguez, City Attorney (Zoom)
Bob Argetsinger Director of Information Technology
Lee Brown, Director of Communications Center
Nathan Anderson, Police Chief
Ryan Picarazzi, Interim Public Works Director
Kimberly Henry, Assistant to the City Manager
Carey Dietrich, Director of Community Development
Robbie Sorrell, Director of Finance
Shelley Goodwin, City Secretary

I. CALL TO ORDER AND ROLL CALL
Mayor Jayroe called February 24, 2025, Regular Meeting to order at 4:32 p.m. and announced that a quorum had been met.

II. EXECUTIVE SESSION
The City Council will recess its open meeting and reconvene in Executive Session pursuant to:

Note 1: Texas Government Code § 551.071, Consultation with Attorney
Note 2: Texas Government Code § 551.072, Real Property
Note 3: Texas Government Code § 551.074, Personnel Matters
Note 4: Texas Government Code § 551.076, Security
Note 5: Texas Government Code § 551.087, Economic Development Negotiations
Note 6: Texas Government Code § 551.089, IT Security

1. Discussion on Tax Increment Reinvestment Zone #1 Board interviews (7)

2. Discussion of Concho Drainage Project and Ongoing Navigation District (1)

Mayor Jayroe announced that the City Council will go out of Regular Meeting into Executive Session at 4:32 p.m.

Mayor Jayroe announced that the City Council will go out of the Executive Session and into the Regular Meeting at 8:07 p.m.

III. BUSINESS ITEM
The City Council did not take any action or provide any directions.

IV. PLEDGE OF ALLEGIANCE
Mayor Jayroe led the Pledge of Allegiance to the United States flag.

V. CITIZENS TO BE HEARD
No one wished to speak.

VI. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION
No ceremonial matters were presented.

VII. CONSENT

3. Consider the approval of the City Council Minutes for the following meetings:
i. February 11, 2025, City Council Regular Meeting
ii. February 13, 2025, City Council Joint Workshop with Aransas County Commissioners

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve the Consent Agenda Items 3. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

VIII. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

4. Consider the approval on the first of two readings of Ordinance 1964 repealing the City of Rockport Code of Ordinances, Chapter 40 "Employees", Article I, "Personnel Policy"; providing for findings of fact, repealer, severability, compliance with open Meetings act and providing for an effective date.

Kaycee Eddins, Human Resource Manager, stated currently the Personal Policy is in the Code of Ordinances and should be a policy. She stated in order to remove the Personal Policy out of the Code of Ordinances the City Council has to appeal the Ordinance. She noted she will bring a Resolution at the next meeting for approval of the amended Personal Policy.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve the first of two readings of Ordinance 1964 repealing the City of

Rockport Code of Ordinances, Chapter 40 "Employees", Article I, "Personnel Policy"; providing for findings of fact, repealer, severability, compliance with open meetings act and providing for an effective date. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

5. **May 3, 2025 City of Rockport General Election**
   i. **Consider the acceptance of the Certificate of Unopposed Candidates for the City of Rockport**
   ii. **Consider the approval on the first reading of Ordinance 1965 canceling the May 3, 2025 General Election for the City of Rockport, Texas and declaring two unopposed candidates for City Councilmember Ward 1 and 3 as elected; requiring posting of this Ordinance at each polling place in accordance with State Law; requiring the issuance of a Certificate of Election to each candidate; providing a severability clause; and providing an effective date.**

Shelley Goodwin, City Secretary, stated with only the incumbent for City Council Ward 1 and Ward 3 filing for Place on the Ballot the May 3rd General Election can be canceled. She noted the Certificate of Unopposed Candidates will also need to be approved as well as Ordinance 1965 on first reading.

6. **Consider the approval on the second and final reading of Ordinance 1963, amending the City of Rockport Code of Ordinances Chapter 98 "Traffic and Vehicles," Article III "Speed" Section 98-51 and 98-61, and amending Appendix T-33; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Nathan Anderson, Police Chief, stated Key Allegro HOA requested to leave Bay Shore Drive at 30 mph.

The City Council discussed request and thanked the Police Chief for working with the HOA.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve the second and final readings of Ordinance 1963, amending the City of Rockport Code of Ordinances Chapter 98 "Traffic and Vehicles," Article III "Speed" Section 98-51 and 98-61, and amending Appendix T-33; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

7. **Consider the approval of Resolution 2025 - 08R of the City of Rockport, Texas, appointing the Mayor as the Chief Executive Officer and authorized representative to and in all matters in connection with the FEMA Hazard Mitigation Assistance (HMA) Grant Project and Committing the City to provide matching funds to secure and complete the FEMA Hazard Mitigation Grant.**

Kimberly Henry, Assistant to the City Manager, reviewed the FEMA Hazard Mitigation Assistance (HMA) Grant Project and noted the City Council to commit to the 25% grant match. She stated this grant would be for two projects: Shell Ridge Drainage Improvements and Citywide Sedimentation Ponds.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve Resolution 2025 - 08R of the City of Rockport, Texas, appointing the Mayor as the Chief Executive Officer and authorized representative to and in all matters in connection with the FEMA Hazard Mitigation Assistance (HMA) Grant Project and Committing the City to provide matching funds to secure and complete the FEMA Hazard Mitigation Grant. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

8. **Consider the approval of Resolution 2025 - 09R of the City of Rockport, Texas, authorizing the award of Administrative/Project Delivery Service Provider Contract(s) for the 2025 Community Development Block Grant (CDBG) Downtown Revitalization Program being allocated through the Texas Department of Agriculture (TDA) be awarded to Langford Community Management Services.**

Kimberly Henry, Assistant to the City Manager, stated the City is assisting with a grant application for the Downtown Revitalization. She noted after scoring the RFP, staff is recommending that the administrative of the grant be awarded to Langford Community Management Services.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve Resolution 2025 - 09R of the City of Rockport, Texas, authorizing the award of Administrative/Project Delivery Service Provider Contract(s) for the 2025 Community Development Block Grant (CDBG) Downtown Revitalization Program being allocated through the Texas Department of Agriculture (TDA) be awarded to Langford Community Management Services. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

9. **Consider the approval of the Resolution 2025-06R appointing members to the Tax Increment Reinvestment Zone (TIRZ) #1 Board of Directors for the City of Rockport, Texas.**

Vanessa Shrauner, City Manager, stated the City Council held interviews during Executive Session

Motion: Upon a motion made by Councilmember Rangel and a second by Councilmember Brundrett to approve the Resolution 2025-06R appointing Kevin Baker, Noel Byrne, Mark Wagnon, and Katy Jackson to the Tax Increment Reinvestment Zone (TIRZ) #1 Board of Directors for the City of Rockport, Texas. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

IX. OTHER ACTION ITEMS AND UPDATES

10. Consider the approval of Construction Change Directive #6 with Teal Construction related to the new City Hall project.

Kimberly Henry, Assistant to the City Manager, explained the difference between a Change Order and a Change Directive. She reviewed the list of the Change Orders and Change Directives:

Submitted Bid/Award	$16,380,000.00	
CO1 - Value Engineering	-$900,000.00	7/8/22
Change Order 2	-$32,175.87	7/14/22
Change Order 3	-$25,477.96	2/24/23
Change Order 4	+$11,648.00	4/28/23
Change Order 5	+$81,856.24	6/27/23
Change Order 6	+$10,196.34	8/8/23
Change Order 7	+$787.73	10/24/23
Change Order 8	+$5,584.00	1/23/24
Change Order 9	+$205,481.56	4/15/24
Change Directive 1	+$124,735.31	5/28/24
Change Directive 2	-$1,561.10	7/12/24
Change Directive 2.1	0.00	8/6/24
Change Directive 3	+$10,327.91	9/10/24
Change Directive 4	+$7,590.00	10/22/24
Change Directive 5	+$48,498.63	11/12/24
Change Directive 6	0.00	pending
Construction Funding:	**$15,925,490.79**	

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve the Construction Change Directive #6 with Teal Construction related to the new City Hall project. The City Council voted on roll:

Mayor Jayroe	aye
Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

The motion to approve passed unanimously; four (4) for and none (0) against. The motion passed unanimously.

11. Receive an update provided by Lloyd Gosselink on ERCOT's Capacity, Demand, and Reserve (CDR) Report

Robbie Sorrell, Director, noted that the City had received a letter from Lloyd Gosselink, stating that the most recent CDR predicts a summer energy supply shortfall of peak demand by 6.2% in 2026, increasing to a shortfall of 32.4% by 2029. This is driven largely by expected data centers and crypto miners landing on the ERCOT grid. Incredibly, peak summer demand is expected to increase from 82,964 MW in 2025 to 137,111 MW by 2029.

X. CITY MANAGER'S UPDATE

12. City Manager Monthly Update

Vanessa Shrauner, City Manager, reviewed the City Manager Monthly Update and noted it would be available on the City website. She highlighted the Public Safety Communication call volume and the Police Department's recent accreditation.

XI. CITY COUNCIL REPORT

Councilmember Rangel thanked everyone for their support, and she looks forward to representing them for an additional 4 years.

Councilmember Anderson thanked everyone who helped plan the Mardi Grad parade and event.

Councilmember Brundrett thanked the Fleet Department for the parade float for the Mardi Grad parade. He also reminded everyone of the following upcoming events:

March 8, 2025	Whooping Crane Strut
March 6, 2025	Fulton Oysterfest

XII. ADJOURN

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel adjourn the February 24, 2025, City Council Regular Meeting at 8:30 p.m.

_____
Tim Jayroe
Mayor

_____
Shelley Goodwin, TRMC/CMC
City Secretary

AGENDA MEMO

DEPARTMENT: Police
TO: Mayor and City Council
FROM: Nathan Anderson, Police Chief
MEETING DATE: March 11, 2025 **CATEGORY**: Action Item

CAPTION:
Consider the approval of the Rockport Police Department employee Firearms Purchase Agreement

SUMMARY:
The Rockport Police Department would like formal approval by the council accepting the Firearms Purchase Agreement, allowing employees to purchase firearms and firearms accessories on a buyback program.

BACKGROUND:
The Rockport Police Department, along with the city Finance Department, has had a long-standing practice of allowing officers to purchase firearms and firearms accessories on a buy-back program.

FUNDING SOURCE:
One hundred percent of the purchases are refunded by employees.

FUNDING IMPACT:
There is no funding impact.

STAFF RECOMMENDATION:
Staff recommends approval of the Firearms Purchase Agreement form.

STRATEGIC INITIATIVES:

ATTACHMENTS:
1. DUTY PURCHASE AGREEMENT

APPROVAL/REVIEW:
_____ Date: March 04, 2025
Nathan Anderson, Police Chief

Shelley Goodwin, City Secretary

Date: March 05, 2025

Vanessa Shrauner, City Manager

Date: March 06, 2025

FIREARMS PURCHASE AGREEMENT

WHEREAS, the City of Rockport, Texas (the "City") through the Rockport Police Department (the "Police Department") understands that the Police Department's fundamental duties include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality, and justice;

WHEREAS, the Police Department further understands that in performing these duties, its officers may also encounter dangerous situations, including individuals with lethal weapons;

WHEREAS, the Police Department seeks opportunities to improve its fundamental duties including safeguarding lives and property and finds that providing Officers with additional firearms furthers the goal of safeguarding the citizens of Rockport, thereby serving a public purpose;

NOW THEREFORE, the City and Click or tap here to enter text., **Employee #**Click or tap here to enter text. (the "Officer"), in consideration of the mutual covenants and conditions contained herein, promise and agree to as follows:

1. **Purchase Agreement. –** The Officer has completed a Field Training Program and has been released for full-time duty with the Police Department. Both parties understand that this agreement allows the Officer to purchase a **Personal Owned Firearm and/or Firearm Accoutrements** in accordance with the Police Department's Firearms Purchase Program policy, Policy 6.6. The City will pay the cost of the firearm and/or firearm accoutrements, and the Officer will reimburse the City for the cost of the firearm and/or firearm accoutrements through a payroll deduction in the total amount of **$**Click or tap here to enter text. per this purchase agreement**.**

2. **Firearm and/or Firearm Accoutrements Purchased.** – The firearm and/or firearm accoutrement(s) purchased under this purchase agreement is a Click or tap here to enter text. (pistol, rifle, a suppressor, etc.) from Click or tap here to enter text.. The item is specifically described as follows:
   Make: Click or tap here to enter text.
   Model: Click or tap here to enter text.
   Serial Number: Click or tap here to enter text..

3. **Payroll Authorization. –** The Officer authorizes the City to deduct the cost of the firearm and/or firearm accoutrements, from each of his/her bi-weekly paychecks until the debt is paid in full. The City will withhold the sum of **$**Click or tap here to enter text. per pay period from the Officer's paychecks until the total amount of **$**Click or tap here to enter text. is paid in full. This deduction will start with the Click or tap to enter a date. paycheck. **($50 per pay period for purchases from $500 to $999, $75 per pay period for purchases from $1000 to $1499, and $100 per pay period for purchases at the $1500 maximum.)**

4. **Outstanding Balances. –** If the Officer's employment is terminated for any reason or the Officer leaves the City prior to this debt being paid, the City will deduct the remaining balance from any benefits or pay owed to the Officer by the City. If there are insufficient benefits or pay to cover the remaining debt, the Officer agrees to pay the outstanding balance including applicable taxes from his personal finances. If the Officer is

unable to pay the balance owed on the firearm and/or firearm accoutrements within two (2) weeks of termination from or leaving the City, the Officer understands that he will relinquish ownership of the firearm and/or accoutrements and transfer ownership of the firearm and/or firearm accoutrements to the City. Any payments made by the Officer shall be forfeited and will not be refunded or reimbursed.

5. **Term or Termination. –** The term of this agreement shall be until the City is paid in full by the Officer or the Officer ends his or her employment with the city. Both parties understand that this agreement may be terminated for any reason by the City. The Officer understands and accepts that if this agreement is terminated by the City, he may forfeit his financial investment in the firearm and/or firearm accoutrements. Both parties understand that all policies of the Police Department shall be followed regarding the use of the firearm and/or firearm accoutrements purchased under this agreement, including, but not limited to, use of force and firearms qualification.

6. **Use of Firearm and/or Firearm Accoutrements. –** Both parties agree and understand that the purchase of such firearm and/or firearm accoutrements requires the Officer to meet qualification standards set by the Police Department's policies and have the firearm and/or firearm accoutrements accessible and ready while on duty, thereby providing the City with a return benefit of a public purpose in ensuring the safety of its citizens. Officers also agree that the weapon will not be sold or modified; nor will the Officer discontinue carrying the item(s) while employed by the Police Department without approval from the Chief of Police.

7. **RELEASE AND INDEMNIFICATION. – THE OFFICER AGREES TO RELEASE, INDEMNIFY, AND HOLD HARMLESS THE CITY AND ITS OFFICIALS, AGENTS AND EMPLOYEES AGAINST AND FROM ANY AND ALL CLAIMS WHICH THE OFFICER, HIS HEIRS, EXECUTORS, OR ASSIGNS, OR ANY THIRD PARTY MAY NOW OR AT ANY TIME IN THE FUTURE HAVE ARISING FROM ANY CAUSE OR IN ANY MANNER CONNECTED WITH THIS AGREEMENT.**

City Manager	**Date**	**Police Officer**	**Date**

Approved:

RPD Range Master	**Date**
Chief of Police	**Date**
Received in Finance: _____ **Initials**	**Date**

AGENDA MEMO

DEPARTMENT: Building & Development
TO: City Council
FROM: Carey Dietrich, Director of Community Development & Building
MEETING DATE: March 11, 2025 **CATEGORY**: Action Item

CAPTION:
Request to rezone the property located at 1859 FM 2165; also known as 35.8 acres out of Tracts 1, 2, 3, 22, & 23, C H Moore Subdivision
i. Hold a public hearing to receive comments for or against the rezoning request
ii. Consider the approval on second and final readings on Ordinance 1967 amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District); for property located at 1859 FM 2165; also known as 35.8 acres out of tracts 1, 2, 3, 22, & 23, C H Moore Subdivision; to R-2 (2nd Single Family Dwelling District), repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUMMARY:
Property owner, James Shaw of Pearl Street Land Holdings, LLC, proposes to construct public streets, drainage, and utilities for a single family residential subdivision with lots ranging in size from 5,700 SF to larger. An R2 zoning is required for lots less than 7,000 SF.

BACKGROUND:
A public notice regarding this item was published in The Rockport Pilot in the Thursday, February 6, 2025, edition and mailed out to fifteen(15) property owners within a 200-foot radius of the property. One letter For and No Letters Against the request has been received at this time.

Please see the accompanying zoning change request application and Section 118-7 of the Code of Ordinances for detailed information.

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:
Recomjends the approval of the Ordinance on first reading.

STRATEGIC INITIATIVES:

ATTACHMENTS:

1. 4 - Action Item 1859 FM 2165
2. Ordinance - 1859 FM 2165

APPROVAL/REVIEW:

Carey Dietrich, Director of Community Development & Building — Date: March 06, 2025

Shelley Goodwin, City Secretary — Date: March 06, 2025

Vanessa Shrauner, City Manager — Date: March 06, 2025

CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

A. REQUESTING: Rezoning [x] Conditional Permit [ ]

Planned Unit Development (P.U.D.) by Conditional Permit [ ]

B. ADDRESS AND LOCATION OF PROPERTY 1859 FM 2165, ROCKPORT

C. CURRENT ZONING OF PROPERTY: R-1

D. PRESENT USE OF PROPERTY: UNDEVELOPED / AG USE

E. ZONING DISTRICT REQUESTED: R-2

F. CONDITIONAL USE REQUESTED: _____

G. LEGAL DESCRIPTION: (Fill in the one that applies)

- Lot or Tract _____ Block _____
- Tract 35.8 ACRES OUT OF TRACTS 1, 2, 3, 22 & 23 of the C.H. MOORE Survey as per metes and bounds (field notes attached)
- If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____
THE HIGHLANDS

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 35.81 ACRES

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT: (Please be specific)

LAND OWNER PROPOSES TO CONSTRUCT PUBLIC STREETS, DRAINAGE, AND UTILITIES FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH LOTS RANGING IN SIZE FROM 5700 SF TO LARGER.

K. OWNER'S NAME: (Please print) PEARL STREET LAND HOLDINGS, LLC (JAMES SHAW)

ADDRESS: 630 BROADWAY

CITY, STATE, ZIP CODE: SAN ANTONIO, TX 78215

PHONE NO JSHAW@CARABINSHAW.COM

L. REPRESENTATIVE: (If Other Than Owner) MATT FARNSWORTH

ADDRESS: P.O. BOX 2367

CITY, STATE, ZIP CODE: ROCKPORT, TX 78381

PHONE NO 361-386-0295

NOTE: Do you have property owner's permission for this request?

YES X NO _____

M. FILING FEE:

REZONING	$150.00 + $10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	$200.00 + $10.00 PER ACRE
P.U.D. REVISION	$200.00 + $10.00 PER ACRE
CONDITIONAL PERMIT	$150.00 + $10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: _____
(Owner or Representative)

(FOR CITY USE)

Received by: _____ Date: _____ Fees Paid: $_____

Submitted Information (_____accepted) (_____ rejected) by: _____

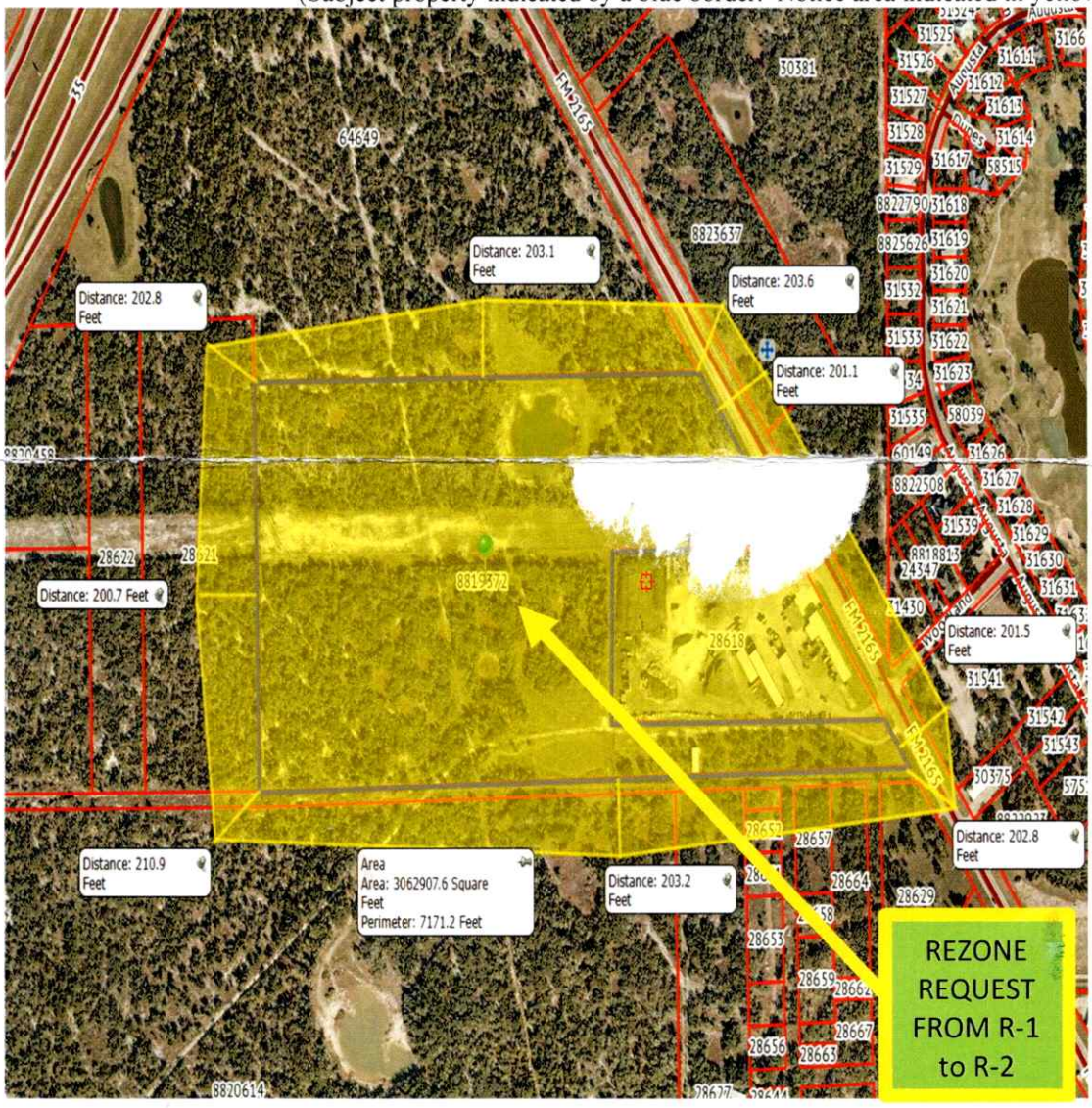
If rejected, reasons why: _____

Receipt No. _____

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
8819372	Pearl Street Land Holdings LLC ATTN	1859 FM 2165	875 E Ashby Ste 1100	San Antonio	Tx	78212
28620	AEP Taxas Central CO ATTN: Tax De	1941 FM 2165	P O Box 16428	Columbus	OH	43216
28618	Aransas County	1931 FM 2165	2740 Highway 35 N	Rockport	Tx	78382
30381	Fabian Molina	2024 FM 2165	6001 Pinehurst Dr	Corpus Christi	Tx	78413
8823637	Hossein and Hamed Mostaghasi	1988 FM 2165	4833 Saratoga Blvd # 423	Corpus Christi	Tx	78413
64649	Christus Spohn Health System	2029 FM 2165	P O Box 3666	Corpus Christi	Tx	78404
28621	Julie Ivey	C H Moore Rd Rockport	P O Box 1501	Port O Conner	Tx	77982
8820614	Pearl Street Land Holdings LLC ATTN	1013 Rowe St	875 E Ashby Ste 1100	San Antonio	Tx	78212
28627	Michael Henderson	1857 - R FM 2165	1205 E Tern Ln	Rockport	Tx	78382
28652	Patrica Robins	W of FM 2165 Rockport	400 Georgia CT OFC	Towson	Md	21201
28657	Albert Johnson	W of FM 2165 Rockport	602 E Market St	Rockport	Tx	78382
28664	Alsulu Properties LLC	W of FM 2165 Rockport	602 E Market St	Rockport	Tx	78382
28629	Edward & Mischelle Sample	1853 FM 2165	5101 Royalton Dr	Corpus Christi	Tx	78413
31541	Church Of Jesus Christ	111 Woodland Dr	Tax Adm Div 546-3173 50 E Nort	Salt Lake City	Ut	84150
31430	Michael Geer Jr	104 Woodland Dr	112 Woodland Dr	Rockport	Tx	78382
	Josh Dowling	Planning and Zoning Commi	102 N Santa Clara Drive	Rockport	TX	78382
	Rocky Gudim	Planning and Zoning Commi	1016 S. Magnolia St.	Rockport	TX	78382
	Ruth Davis	Planning and Zoning Commi	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	Tx	78382
	Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	Tx	78382

Location Map of Proposed Change of Zoning Request

(Subject property indicated by a blue border. Notice area indicated in yellow.)



FAQ

Why am I receiving this notice?

Texas law requires that property owners within 200 feet of a zoning request be notified of the possible change to the property.

What do I do now?

It is your right to either object or support the proposed request. If you wish to do so, simply fill out this letter and return it to the City of Rockport by mail:

ATTN:
Building Department
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

If you have any questions regarding this notice, please contact Carey Dietrich, Community Planner, at **361-790-1125, ext. 226**.

City of Rockport
Building & Development Department
2751 S.H. 35 Bypass
Rockport, TX 78382

FIRST-CLASS

US POSTAGE PITNEY BOWES

ZIP 78382
02 7H
0006090064

$ 000.69⁰

FEB 07 2025

Fabian Molina
6001 Pinehurst Dr
Corpus Christi, Tx78413

SITUS ADDRESS: 2024 FM 2165

7841382726

CITY of ROCKPORT, TEXAS

Est. 1870

PUBLIC HEARING

Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, March 3, 2025, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, March 11, 2025, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone the property located at 1859 FM 2165; also known as 35.8 acres out of Tracts 1, 2, 3, 22, & 23, C H Moore Subdivision to R-2 (2nd Single Family Dwelling District), currently zoned R-1 (1st Single Family Dwelling District)

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of March 3, 2025, and the City Council Agenda of March 11, 2025, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to https://rockporttx.gov/MyAccount/?from=Url&url=%2FFormCenter%2FCitizen-Participation-Form-7%2FBoard-and-Commission-Comment-Participati-56 , or if attending the meeting in person register at the meeting before the meeting begins. Using the same form, citizens can also provide written comments to the City Planner by 3:00 p.m. on the day of the Planning & Zoning Commission meeting or to the City Secretary by 4:00 p.m. on the day of the City Council meeting. The comments will be read and summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at the Public Hearings. For further information on this request, please contact the Building Department at (361) 790-1125.

CITY OF ROCKPORT, TEXAS
/s/ Shelley Goodwin, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

Aff. Stacy

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: FABIAN S. MOLINA

Address: _____ City/State: _____

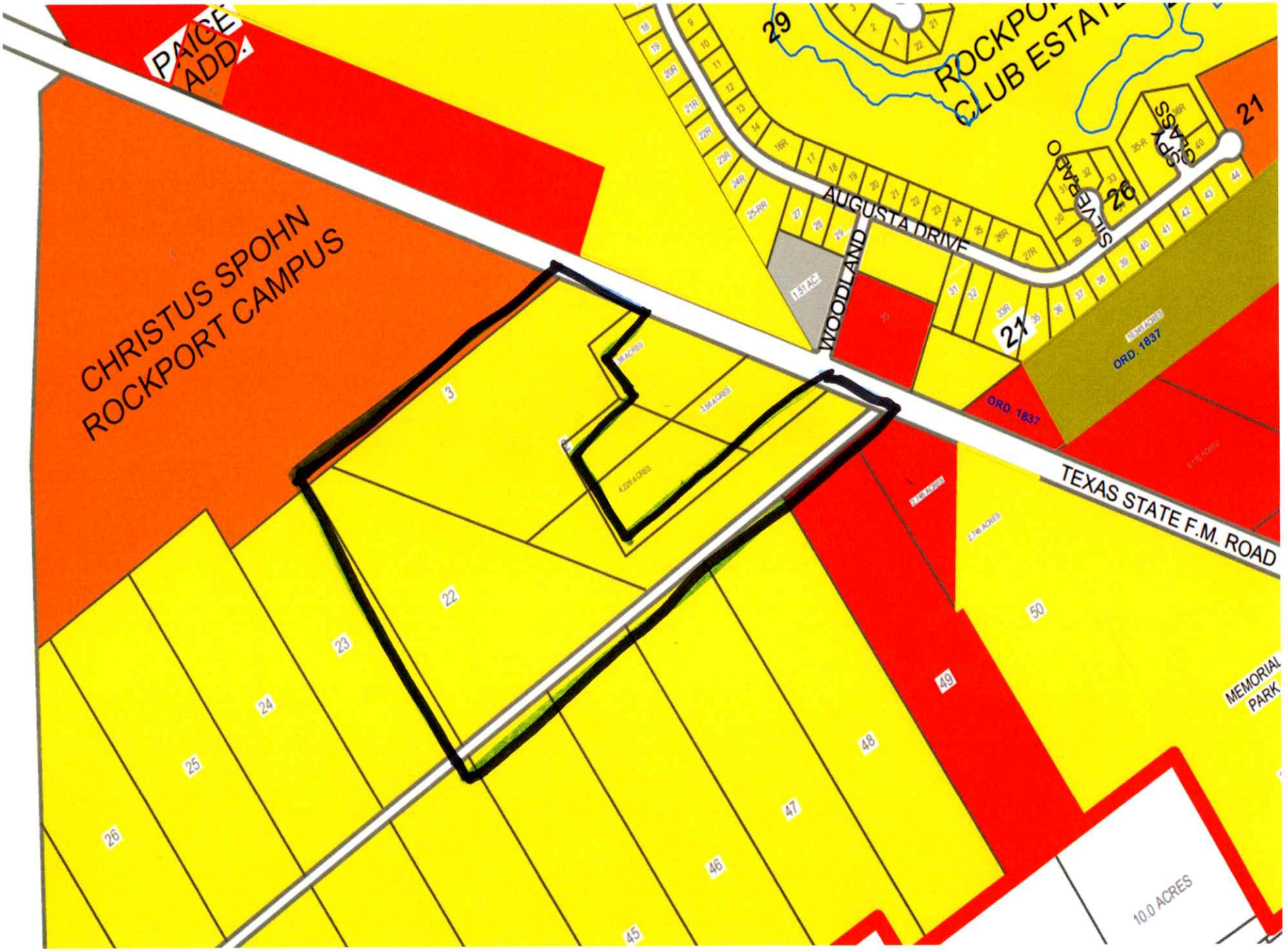
(✓) IN FAVOR ( ) IN OPPOSITION Phone: 361) 765-8618

REASON:

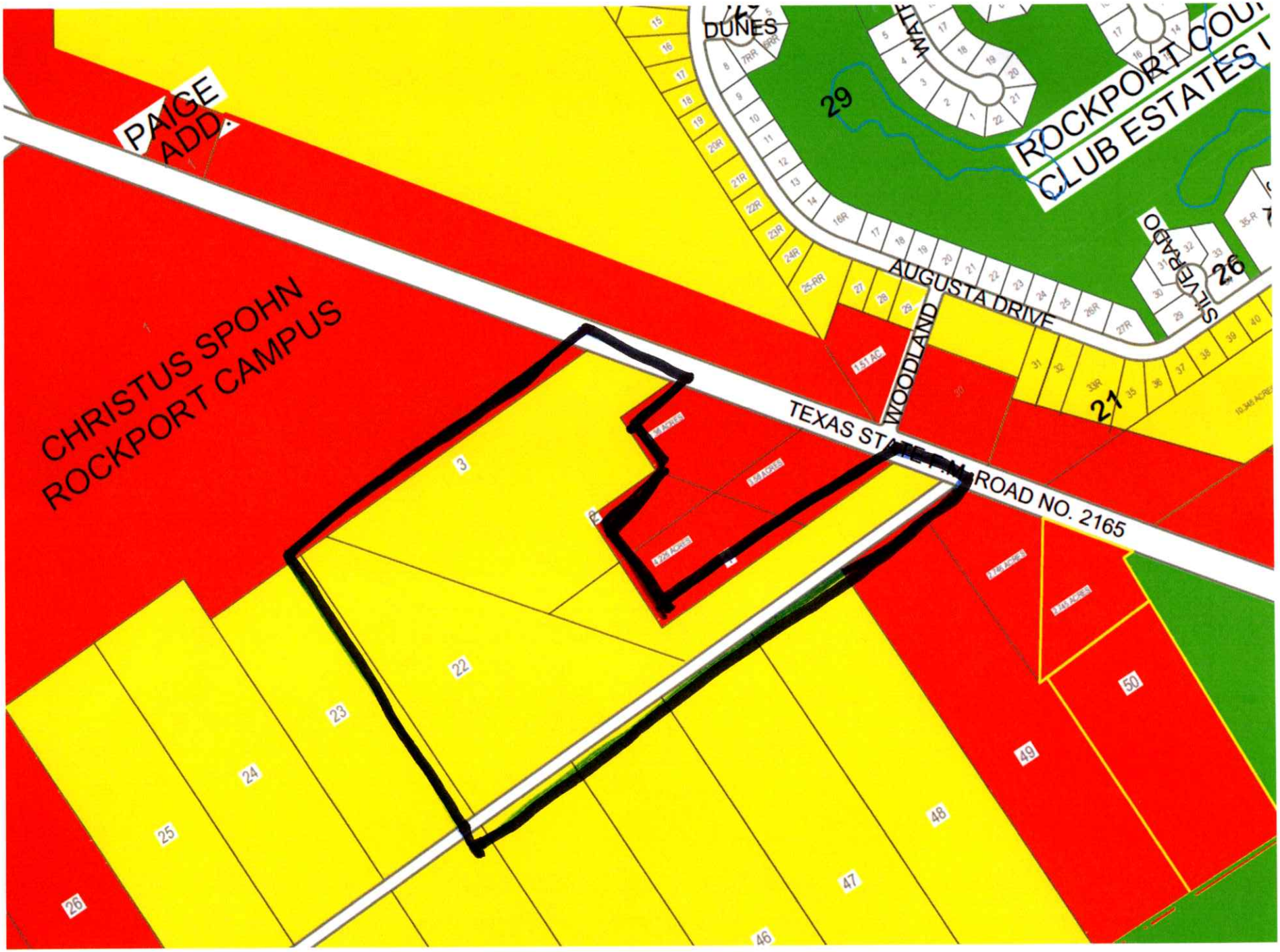
Fabian S Molina
Signature

See map on reverse side.

Zoning Map - S4150 Moore Farm Tracts LOT PT OF 1 - 3 & 22 - 23 ACRES 35.81



Future Land Use Map - S4150 Moore Farm Tracts LOT PT OF 1 - 3 & 22 - 23 ACRES 35.81



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM R-1 (1ST SINGLE FAMILY DWELLING DISTRICT); FOR PROPERTY LOCATED AT 1859 FM 2165; ALSO KNOWN AS 35.8 ACRES OUT OF TRACTS 1, 2, 3, 22, & 23, C H MOORE SUBDIVISION; TO R-2 (2ND SINGLE FAMILY DWELLING DISTRICT), REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS a request to re-zone property was received in the office of the Building Department, Rockport, Texas; and

WHEREAS, On February 7, 2025, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's webpage www.cityofrockport.com; and

WHEREAS, on February 7, 2025, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on February 6, 2025, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on March 3, 2025, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on March 3, 2025, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to Approve this request to re-zone property, located at 1859 FM 2165, to R-2 (2nd Single Family Dwelling District) to allow development of a 2nd single family subdivision and

WHEREAS, on March 11, 2025, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT TEXAS:

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 1859 FM 2165, City of Rockport, Aransas County, Texas; be changed from R-1 (1st Single Family Dwelling District) to R-2 (2nd Single Family Dwelling District).

SECTION 2 - REPEALER

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this ordinance, are hereby repealed.

SECTION 3 - SEVERABILITY

It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 4 - EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption by second and final reading.

APPROVED on first reading this the 11th day of March, 2025.

CITY OF ROCKPORT, TEXAS

_____
Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, City Secretary

APPROVED, PASSED and **ADOPTED** on second and final reading, this _____day of _____2025.

CITY OF ROCKPORT, TEXAS

_____
Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, City Secretary

AGENDA MEMO

DEPARTMENT: Finance/Utility Billing
TO: Mayor and City Council
FROM: Diane Pedersen, Financial Management Analyst
MEETING DATE: March 11, 2025 **CATEGORY**: Ordinance

CAPTION:
Consider the approval of the first of two readings of Ordinance 1966 amending Ordinance 1948, which adopted the 2024-2025 Budget beginning October 1, 2024, and ending September 30, 2025; repealing all prior Ordinances in conflict herewith; providing for publications and providing for an effective date (to appropriate restricted deposits received for the Law Enforcement Officer Standards and Education (LEOSE) Fund).

SUMMARY:
Awarded $4,188.05 in LEOSE Funds for the FY2025 to pay for training for police officers.

BACKGROUND:
These funds were budgeted in the Adopted Budget for $2,000.00, and we were awarded $4,188.05, so $2,188.05 will need to be appropriated to pay for the police officer training.

FUNDING SOURCE:
Additiional grant proceeds received.

FUNDING IMPACT:
This award will be recorded iin General Fund revenues, and the training expenses will be recorded in the General Fund in Department 611 Police Administration.

STAFF RECOMMENDATION:
Staff recommends approval of the appropriated funds for the training of police officers.

STRATEGIC INITIATIVES:

ATTACHMENTS:
1. Budget Amendment #3 Ordinance 3-4-25-1
2. LEOSE Funds to be Appropriated 3-3-2025

APPROVAL/REVIEW:
_____ Date: March 04, 2025
Robbie Sorrell, Director

Shelley Goodwin, City Secretary

Date: March 05, 2025

Vanessa Shrauner, City Manager

Date: March 06, 2025

ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS AMENDING ORDINANCE NO. 1948 WHICH ADOPTED THE 2024-2025 BUDGET BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 10, 2024, Council approved Ordinance No. 1948 establishing the original budget for 2024-2025, and

WHEREAS, the City will be receiving $4,188.05 in LEOSE Funds for FY 2025 to pay for training for police officers and the City had budgeted only $2,000.00 in LEOSE Funds. The City will need to appropriate the additional $2,188.05 in LEOSE Funds for FY 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1.
For municipal purposes, to appropriate additional LEOSE Fund monies and amend the General Fund budget to reflect the increase in LEOSE Funds.

Fund: 01- General
Consolidated Resources vs Expenditure Summary

	FY 22-23 Actual	FY 23-24 Budget	FY 23-24 Projected	FY 24-25 Adopted
General Fund Resources				
Use of Reserves - 1919 Crescent	$ -	$ 540,981	$ -	$ 80,000
Peace Officer Training	$ -	$ -	$ -	$ 2,188
Total Resources	$ 12,782,926	$ 14,054,621	$ 13,517,779	$ 15,021,457
General Fund Expenditures				
Transfer to CIP Amendment #1-1919 Crescent				$ 80,000
Transfer to Travel & Training Amendment #3 LEOSE				$ 2,188
Total Expenditures	$ 12,609,571	$ 14,054,621	$ 13,470,274	$ 15,021,457
Resources Over (Under) Expenditures	$ 173,354	$ 0	$ 47,504	$ (0)

SECTION 2.

All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 3.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 4.

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code

SECTION 5.

This Ordinance shall become effective upon adoption by the second reading by the Rockport City Council.

APPROVED on first reading the ____ day of March 2025.

CITY OF ROCKPORT, TEXAS

_____

Tim Jayroe,
Mayor

ATTEST:

_____

Shelley Goodwin, City Secretary

RE: Peace Officer Allocation

Stefanie Garcia
To Diane Pedersen
Cc Nathan Anderson

Reply | Reply All | Forward

Mon 3/3/2025 10:21 AM

You forwarded this message on 3/3/2025 10:34 AM.

'es, that appears to be our LEOSE funding for 2025. It should be added to new line item PD-Admin 6114004.

'hank you!

Stefanie Garcia
Administrative Lieutenant
Rockport Police Department
714 E Concho St, Rockport, TX 78382
361) 790-1134 Office
361) 463-9441 Cell
garcia@cityofrockport.com

Texas Identification Number	Mail Code	Payment Number	Payment Type	Paying Agency	Total
17460020005	004	149915737	WT	902	2303.68

Document Number	Invoice Number	Invoice Description	Invoice Amount	Interest Amount
9P250578	PEACE OFF ALL	PEACE OFF ALLOC GR	2,303.68	0.00

Texas Identification Number	Mail Code	Payment Number	Payment Type	Paying Agency	Total
17460020005	004	1934113	DD	902	1884.37

Document Number	Invoice Number	Invoice Description	Invoice Amount	Interest Amount
9P250508	PEACE OFF ALL	PEACE OFFICER ALLOC	1,884.37	0.00

AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor and City Council
FROM: Shelley Goodwin, City Secretary
MEETING DATE: March 11, 2025 **CATEGORY**: Ordinance

CAPTION:
Consider the approval on second and final reading of Ordinance 1965 canceling the May 3, 2025 General Election for the City of Rockport, Texas and declaring two unopposed candidates for City Councilmember Ward 1 and 3 as elected; requiring posting of this Ordinance at each polling place in accordance with State Law; requiring the issuance of a Certificate of Election to each candidate; providing a severability clause; and providing an effective date.

SUMMARY:
The City Council is required to accept the Certification of Unopposed Candidates and the Ordinance canceling the May 3, 2025 election.

BACKGROUND:
The City Secretary must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the Mayor. The City Council must accept this certificate, and issue an ordinance declaring the election canceled and the unopposed candidates elected.

The Election Code states the first day to cancel May 3, 2025. The General Election is February 21, 2025. The Ordinance canceling the election will need a separate vote. A copy of the ordinance canceling the election will be posted on Election Day at each polling place that would have been used in the election.

The Canvass Period is May 6, 2025, to May 14, 2025. I recommend issuing the Certification of Elections and administering the Oath of Offices at the May 13, 2025, City Council Regular Meeting.

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:

1. Unopposed Candidate Certificate
2. cancelling_general_election_May_3_2025

APPROVAL/REVIEW:

_____ Date: March 04, 2025

Shelley Goodwin, City Secretary

_____ Date: March 06, 2025

Vanessa Shrauner, City Manager

CERTIFICATION OF UNOPPOSED CANDIDATES
FOR THE CITY OF ROCKPORT

CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA LA CIUDAD DE ROCKPORT

To: Mayor Jayroe
Al: Presidente Jayroe

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 3, 2025.

Como autoridad responsable de la preparación de la boleta electoral oficial, por la presente certifico que los siguientes candidatos son únicos para elección a un cargo en la elección programada para el 3 de mayo de 2025.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s)	Candidate(s)
Councilmember Ward 1	Stephanie Rangel
Councilmember Ward 3	Brad Brundrett

Shelley Goodwin, City Secretary

February 19, 2025

ORDINANCE NO. 1965

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS, CANCELING THE MAY 3, 2025 GENERAL ELECTION FOR THE CITY OF ROCKPORT, TEXAS AND DECLARING TWO UNOPPOSED CANDIDATES FOR CITY COUNCILMEMBER WARD 1 AND 3 AS ELECTED; REQUIRING POSTING OF THIS ORDINANCE AT EACH POLLING PLACE IN ACCORDANCE WITH STATE LAW; REQUIRING THE ISSUANCE OF A CERTIFICATE OF ELECTION TO EACH CANDIDATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 11, 2025, the City Council of the City of Rockport, Texas held a second reading ordering a General Election be held on May 3, 2025, for the purpose of electing Councilmember for Ward 1 and Ward 3, each to serve for a regular four (4) year term; and

WHEREAS, pursuant to the Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City's General Election has expired; and

WHEREAS, Section 2.053, Texas Election Code, authorizes the City Council, by ordinance, to declare each unopposed candidate elected to office and cancel the election; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that

Stephanie Rangel	**Councilmember Ward 1**
Brad Brundrett	**Councilmember Ward 3**

are unopposed for election to the Councilmember offices; and

WHEREAS, the City Council hereby finds and determines that said candidates whose names are to appear on the ballot in said election are unopposed, there are no declared write-in candidates, and no propositions to appear on the ballot for said election; and

WHEREAS, under these circumstances, the City Council desires to declare the candidates elected to office and cancel the General Election as authorized by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. That Pursuant to Section 2.053(b), Texas Election Code, the General Election that was previously called for May 3, 2025, for the purpose of electing Councilmember Ward 1 and Councilmember Ward 3 each to serve for a regular four (4) year terms, shall not be held and is hereby canceled.

SECTION 2. That in accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall be issued a certificate of election no sooner than six (6) days after May 3, 2025:

Stephanie Rangel	**Councilmember Ward 1, four year term expiring May 4, 2029**
Brad Brundrett	**Councilmember Ward 3, four year term expiring May 4, 2029**

SECTION 3. That the City Secretary hereby is directed to cause a copy of this Ordinance to be posted on Election Day at each polling place that would have been used in the election. The Mayor for the City of Rockport, Texas, is directed to issue a Certificate of Election to each of the above-named Councilmembers, no sooner than six (6) days after May 3, 2025. Each person elected must qualify for the office in the manner provided by the Texas Constitution and laws of the State of Texas.

SECTION 4. That it is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of the ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

SECTION 5. That this ordinance shall take effect immediately from and upon its final passage, as the law in such cases provides.

APPROVED ON FIRST READING on February, 2025.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS ON SECOND AND FINAL READING ON THIS DAY OF *MARCH*, 2025.

By: _____
Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

_____
Art Rodriguez, City Attorney

AGENDA MEMO

DEPARTMENT: Human Resources
TO: Mayor and City Council
FROM: Kaycee Eddins, HR Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Ordinance

CAPTION:
Consider the approval on second and final reading of Ordinance 1964 repealing the City of Rockport Code of Ordinances, Chapter 40 "Employees", Article I, "Personnel Policy"; Providing for findings of fact, repealer, severability, compliance with open meetings act and providing for an effective date.

SUMMARY:
The Personnel Policy was previously passed by Ordinance, and should have been passed by Resolution. Before we can present and approve any updates, the Ordinance needs to be repealed to remove the personnel policy from the Code of Ordinances.

BACKGROUND:
In 2002 the City of Rockport adopted its personnel policy by Ordinance 1212 and since then all updates have also been passed by Ordinance. The personnel policy does not however need to be part of the Code of Ordinances, since it is a policy and not a law. Staff has been working on bringing the current personnel policy up to date with current laws and needs, however, before we can present the updates to Council, we need to make the correction and repeal the Ordinance, to remove it from the Code of Ordinances. Once the Repeal has been approved, staff will then be bringing the requested updates before council to be adopted by Resolution.

FUNDING SOURCE:
None

FUNDING IMPACT:
No Budget Impact

STAFF RECOMMENDATION:
Staff recommends approval.

STRATEGIC INITIATIVES:

ATTACHMENTS:
1. Repealing Ordinance No. EE Handbook 1.27.25

APPROVAL/REVIEW:

_____ Date: March 06, 2025

records records, Human Resources

_____ Date: March 06, 2025

Shelley Goodwin, City Secretary

_____ Date: March 06, 2025

Vanessa Shrauner, City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS, REPEALING THE CITY OF ROCKPORT CODE OF ORDINANCES, CHAPTER 40 "EMPLOYEES," ARTICLE I, "PERSONNEL POLICY"; PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, COMPLIANCE WITH OPEN MEETINGS ACT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockport ("City Council") previously adopted its Personnel Policies as Chapter 40, Article I, Sections 40-1 through 40-6, of the City of Rockport Code of Ordinances; and

WHEREAS, the City of Rockport, Texas' ("City") Personnel Policies provide for employee compensation, benefits, discipline and attendance, as required by the City Charter of the City of Rockport, Texas, and

WHEREAS, periodic review and amendment of such policies is a best practice helping to provide sound human resources management to the City and ensures compliance with state and federal law; and

WHEREAS, the City Council has investigated and determined that the Personnel Policies could benefit from review and revision; and

WHEREAS, since its adoption and publication by codified ordinance, Council has determined that it would be preferable to modify, amend and otherwise adopt and replace the Personnel Policies Manual via Resolution, rather than by Ordinance, necessitating repeal of Chapter 40, Article I, Sections 40-1 through 40-6 in its entirety;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. **FINDINGS INCORPORATED**. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. ORDINANCE NO. 1212 REPEALED. City of Rockport Chapter 40, Article I, Sections 40-1 through 40-6 is hereby repealed in its entirety. The effective date of the repeal in this Section is immediate and effective on the approval of this repealing ordinance. Such repeal shall not adversely affect any previous personnel actions pending or occurring before the effective date of the repeal of this Ordinance.

SECTION 3. SEVERABILITY Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 4. PROPER NOTICE AND MEETING It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by the Rockport City Council, County of Aransas, State of Texas, on the following dates:

FIRST READING: _____, 2023

SECOND READING: _____, 2023

CITY OF ROCKPORT, TEXAS

_____
Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, TRMC/CMC
City Secretary

APPROVED AS TO FORM:

_____
Art Rodriguez
City Attorney

AGENDA MEMO

DEPARTMENT: Human Resources
TO: Mayor and City Council
FROM: Kaycee Eddins, HR Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Resolution

CAPTION:
Consider the approval of Resolution 2025-10R adopting an updated Personnel Policy Manual for the City of Rockport as set forth in Exhibit A, attached and incorporated herein, providing for the incorporation of premises; and providing an effective date.

SUMMARY:
The original Personnel Policies Manual, City of Rockport Employee Handbook, was passed by ordinance, and has been repealed to remove it from the Code of Ordinances since it is policy, not law. The Handbook, with changes, will, therefore, need to be approved by Resolution.

BACKGROUND:
The City of Rockport Employee Handbook, was established in 2002, but has only had minor updates in the years since. Staff has been working over the last 2 years to update, correct, and bring the Handbook current. Staff along with the City Human Resources attorney, have updated the Employee Handbook in the following ways: to correct wording, typos and punctuation; clarify current policies that were not worded clearly; to bring the handbook current with current laws, regulations, and practise; and to update/add a few new policies as recommended by leadership. There have been many changes in state and federal employment law over the last decade that needed to be reflected in our policies, as well as noted discrepancies and areas that needed clarifying. However, there are many changes that are simply corrections to verbiage and punctuation. The Draft Employee Handbook, with recommended changes, is attached to this item.

FUNDING SOURCE:
None.

FUNDING IMPACT:
No Impact.

STAFF RECOMMENDATION:
Staff recommends approval as presented.

STRATEGIC INITIATIVES:

ATTACHMENTS:

1. Employee Handbook Resolution for Rockport 1.27.25
2. 00_Combined Handbook_redlined draft

APPROVAL/REVIEW:

_____ Date: March 06, 2025
records records, Human Resources

_____ Date: March 06, 2025
Shelley Goodwin, City Secretary

_____ Date: March 06, 2025
Vanessa Shrauner, City Manager

CITY OF ROCKPORT, TEXAS
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS ADOPTING AN UPDATED PERSONNEL POLICIES MANUAL FOR THE CITY OF ROCKPORT AS SET FORTH IN EXHIBIT "A", ATTACHED AND INCORPORATED HEREIN; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IV, City Administration, Section 4.07, Personnel System, Subsection 2.07 (1), of the City Charter of the City of Rockport, Texas provides that personnel rules shall be prepared by the City Manager and presented to the City Council, which may adopt them by ordinance, with or without amendment.

WHEREAS, the City Council finds that updating and amending the Personnel Policies Manual allows the City to better govern City employment matters; and

WHEREAS, The City Council has previously repealed the Personnel Policies as were contained in Chapter 40, Article 1, Sections 40-1 through 40-6, Code of Ordinances, City of Rockport, Texas, and now desires to adopt its Personnel Policies Manual by resolution; and

WHEREAS, the revised personnel policies and guidance as set forth in the updated Personnel Policies Manual for the City of Rockport, as set forth in its entirety in **Exhibit "A",** a copy of which is attached hereto and incorporated for all purposes, is in the best interest of orderly government and serves the best interests of the employees and the citizens of Rockport.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. **Adoption of Personnel Policies Manual**. That this Resolution of the City Council of the City of Rockport adopting the City of Rockport Personnel Policies Manual, attached hereto as **Exhibit "A"** and incorporated herein in its entirety, is hereby approved.

SECTION 3. This Resolution shall take effect immediately from and after its passage.

PRESENTED AND PASSED by the City Council of the City of Rockport, Texas, this the ____ day of March, 2025.

_____
Lowell Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, City Secretary

EXHIBIT "A"
PERSONNEL POLICIES MANUAL OF THE CITY OF ROCKPORT, TEXAS

EMPLOYEE HANDBOOK

City of Rockport

2751 S.H. 35 Bypass

Rockport, Texas 78382

Personnel Policy

Employee Handbook

Section I

Adopted by City Council on April 23, 2002

Ordinance 1212

Amended Section:

40-63(3) on December 14, 2004 - Ordinance 1313

40-65(a)(2) on August 28, 2007 - Ordinance 1397

40-61(b); 40-61(c); 40-65(a)(1) on September 27, 2011 - Ordinance 1551

40-43 on January 08, 2019 - Ordinance 1744

40-62(e) on January 14, 2020 - Ordinance 1775

PERSONNEL POLICY

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DIVISION 1. GENERALLY

Section 40-1 Purpose

(a) Efficiency in the operation of the City of Rockport depends upon the effective utilization of its employees. This responsibility belongs to all supervisors of the City of Rockport. ~~Each supervisor is in a true sense a "personnel" manager.~~

(b) The purpose of these policies is to bring into the service of the City a high degree of understanding, cooperation, efficiency and unity which comes through systematic application of good procedures in personnel administration and to provide a uniform policy for all employees with all the benefits such a program ensures. The basic objectives of these policies are:

(1) To promote and increase efficiency, effectiveness and economy in the service of the City.

(2) To provide fair and equal opportunity to all qualified applicants to enter City employment ~~on the basis of~~ based on demonstrated qualifications, merit and fitness as determined through fair and practical methods of recruitment and selection.

(3) To provide a program of recruitment, advancement and retention which will make employment with the City attractive as a career and encourage each employee to render his or her best services to the City.

(4) To promote high morale among City employees by providing a good working environment, uniform personnel policies, opportunity for advancement and consideration for employee needs and desires.

(5) To provide a uniform plan of evaluation and consistent, up-to-date position classification and compensation plan based on relative duties and responsibilities

Section 40-2 Equal Employment Opportunity Policy

(a) *Equal Opportunity.* It is the policy of the City of Rockport to ensure equal employment opportunities. Discrimination against any person in recruitment, examination, appointment, training, evaluation, promotion, discipline, pay or any other aspect of personnel administration, because of the political or religious opinions or affiliations, membership or non-membership in employee organizations, or because of race, color, national origin, marital status, sex (gender), sexual orientation, age, ~~handicap~~ physical or mental disability or other non-merit factors, is prohibited.

(b) *Civil Rights of All Employees.*

(1) The City of Rockport recognizes the right of every employee to work in an

environment that is free of racial, ethnic, age and/or sexual harassment and intimidation. The City will not tolerate any form of racial, ethnic, age or sexual harassment ~~either physically or verbally~~. Employees and supervisors are to take ~~A~~any and all steps necessary to prevent such conduct ~~are to be taken by employees and supervisors~~. It is the duty of every supervisor and Department Head, as well as the City Secretary, City Manager and the Council to ensure that harassment and/or intimidation is not permitted or tolerated in the ~~work place~~workplace.

~~(2) If any employee is the victim of harassment or intimidation, or observes such conduct, he or she is to report it promptly and directly to a Department Head or the City Manager. The City Manager is to be informed immediately~~ Should ~~if a Department Manager receives a complaint or a report of discrimination, harassment or intimidation, they are to immediately inform the City Manager. An investigation into any complaint or report that may be deemed as reasonable shall be initiated immediately.~~

~~(3) *Complaint Procedure*. If an employee feels he or she has been the victim of discrimination, harassment or intimidation or has observed conduct that could be construed as harassment, discrimination or intimidation, the employee should promptly report it verbally to the Department Head or the City Manager. The report should state specific details of the incident(s) and a description of what happened.~~

~~(4) Corrective action will be taken against any employee taking part in any form of racial, ethnic, age or sexual harassment or intimidation. This includes, but is not limited to, unwelcome sexual advances to any employee or the making of remarks or jokes known to be offensive to any employee because of his or her sex(gender), sexual orientation, race, age, and/or physical or mental disability handicap. Harassment also includes use of slurs, inappropriate requests and other verbal, graphic or physical conduct.~~

~~*Confidentiality*. In no event will information concerning a complaint~~complaint, ~~or a report of harassment be released by the City to a third party or to anyone who is not directly involved in the investigation, with the exception of specific requirements of the Texas Commission of Law Enforcement (TCOLE). Specifically, information will not be released to an affected employee's family, the news media, or a prospective employer seeking a reference. The purpose of this provision is to protect the confidentiality of an employee who files a complaint or reports a potential violation, and to protect the reputation of any employee wrongfully charged with a violation. The City may need to share information concerning a complaint with potential witnesses as part of its investigation of the complaint and may also be legally compelled by a court or government agency to disclose information concerning a complaint~~.

~~(5)~~(2) See Workplace Harassment (Division 3, Section 40-49, pg. 28-31)

Section 40-3 Applicability

This Employee Handbook ~~Personnel Policies Manual~~ applies to all City employees. An "employee" is any person hired by the City. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that effect. City Council Members; Board, Committee and Commission Members; professionals that include, but are not limited to, Municipal Court Judges,

attorneys, engineers, architects, auditors, etc. are not considered to be City ~~employees.~~ employees. The principals of the Equal Employment Opportunity Commission shall also apply to interactions with vendors, contractors, officials, and customers equally. The City Charter supersedes all provisions in this Handbook ~~Manual~~ if there is a conflict between the policies contained in this Employee Handbook ~~Manual~~ and the City Charter.

Section 40-4 Dissemination

All employees shall be informed of the existence of these policies and each department head shall keep a copy available for reference by his or her employees. Employee Handbooks ~~Personnel Policies Manuals~~ outlining the general personnel policies of the City will be furnished to all employees for their personal use and reference. The City of Rockport shall require that all employees sign a statement that they have been furnished a copy of the Employee ~~Handbooka Personnel Policies Manual outlining~~Handbook outlining these policies. It shall be the employee's responsibility to become thoroughly familiar with such policies.

Section 40-5 Amendment To Policies

These policies may be amended, supplemented or ~~superceded~~superseded at any time by the City Council. Upon any change, each employee will be given a copy of the revised policy changes in writing for their Employee Handbook ~~Personnel Policies Manual~~. All employees will sign a statement that they have been furnished a copy of the amendment, supplement or notice of ~~supercession~~supersession.

Section 40-6 Administrative Authority

Chapter 4.07 of the City of Rockport Home Rule Charter states:

(a) Personnel rules shall be prepared by the City Manager and presented to the City Council, which may adopt them by ~~resoulution~~ordinance, with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City.

(b) The adopted rules shall provide for the following requirements:

(1) A pay and benefits plan for all City employment positions.

(2) A plan for working hours, attendance policy and regulation, and provision for sick and vacation leave.

(3) Procedures for the hearing and adjudication of grievances.

(4) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system.

(5) A plan for oral and written evaluation annually for all City employees by their immediate supervisor, including evaluation of the City Manager and the City

Secretary by the City Council.

(c) The adopted personnel policies and rules shall be reviewed not less than biennially by the

City Manager; a report of said review, to include proposed changes, shall be submitted to Council for consideration.

DIVISION 2. HIRING POLICIES AND PROCEDURES

Section 40-21 Vacancies

Department Heads shall notify Human Resources~~the Administrative Assistant~~ when job vacancies occur or are projected in their department. The supervisor and department head will review the existing job description to determine if it needs updating prior to posting the vacancy. The department head will then complete the Personnel Requisition process (Appendix A: Position Requisition Preparation and Approval Process Policy) to start the posting of the vacancy.

Section 40-22 Posting of Vacancies

Human ~~The Administrative Assistant will~~Resources will post the job vacancy within the City for three working days to allow current employees the opportunity to advance in the City service. Only after all internal applicants have been reviewed without a hire, will the position be advertised outside the City. The job ~~posting will~~posting will be placed on ~~a board in the front window~~display ~~in of City Hall and on~~ the City ~~at the Administrative Assistant's office. Copies~~website. The ~~of the~~ applicable job description and associated forms will be available along with City Employment applications through the online applicant tracking system accessible through provided links and on the City website. The City Manager or Human Resources may waive the three (3) day internal posting if it is deemed that the internal posting is not necessary for a specific position.

Section 40-23 Applications

When a job vacancy has been posted, copies of the applicable job description, associated forms and City Employment applications will be available ~~from the Administrative Assistant's office~~ through the online applicant tracking system accessible through provided links and on the City website. When no job vacancies exist, no City Employment applications will be available. Completed applications are retained only to meet the requirement of the Records Management Plan; ~~no completed applications are maintained for future employment consideration once the position is filled~~ applications are not maintained for future employment consideration ~~purposes, however, Human~~purposes. Human Resources retains the right to review similar applications for up to six (6) months.

Section 40-24 Selection

Employees are selected solely ~~on the basis of~~ based on their qualifications for the specific position for which they apply. Selections are made without regard to the applicant's political or religious opinions or affiliations, ~~or~~ race, color, national origin, marital status, sex(gender), sexual orientation, physical or mental disability, or other non-merit factors. Age, ~~sex~~ and physical condition~~s~~ shall not be considered in selection except where specific age, ~~sex~~ or physical requirements constitute a *bona fide* occupational qualification necessary for proper and efficient operation and performance of duties.

Section 40-25 Categories of Employment

All employees are categorized as one of the following:

(a) *Full-time employee:* one who is employed for a full-time workweek of forty (40) hours and who is eligible for all City benefits.

(b) *Part-time employee:* one who is employed for a workweek of less than thirty ~~forty~~ (30~~40~~) hours and who is not eligible for all City benefits.

(c) *Temporary employee:* one who is employed for a full-time workweek of up to forty (40)

hours, but less than fifty-two (52) weeks out of a calendar year and who is not eligible for ~~all~~ City benefits.

Section 40-26 Continued Employment

The City of Rockport is an "at-will" employer. Neither length of employment nor categorization as any type of employee shall be construed as to create an expectation of continued employment. At any time the employer, or the employee can terminate the employment relationship.~~, with or without cause~~

Section 40-27 Nepotism

a) For the purposes of this policy the term "relative" or "related" shall include the following relationships: –relationships established by blood (consanguinity), marriage or legal action (affinity). –Examples include the employee's: spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, aunt, uncle, nephew, niece, grandparent, grandchild~~son~~ or cousin. The term also includes domestic partners (a person with whom the employee's life is interdependent and who shares a common residence) and the child ~~a daughter or son~~ of an employee's domestic partner.

b) It is the goal of the City to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts or management disruptions exist. The City ~~agency~~ may allow existing personal relationships to be maintained or employ individuals with personal relationships to current employees under the following circumstances:

   1. Individuals may not work under the supervision of the same manager/supervisor.
   2. They may not create a supervisor/subordinate relationship with a family member;
   3. They may not supervise or evaluate a family member;
   4. The relationship will not create an adverse impact on work productivity or performance;
   5. The relationship may not create an actual or perceived conflict-of-interest;
   6. They may not audit or reviewing in any manner the individual's work.
   7. They may not be employed if a member of the employee's immediate family (spouse, children, parents, grandparents, brothers, sisters, stepfamily members, in-law family members) serves on the agency's Board or any Committee or Council which has authority to review or order personnel actions or wage and salary adjustments which could affect his/her job.

c) No personal employee relationship covered by this policy will be allowed to be maintained, regardless of the positions involved, if it creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest or is prohibited by any legal or regulatory mandate.

d) This policy must be considered when hiring, promoting or transferring any employee. Any existing positions that become related by marriage or other legal means will constitute a freeze

of positions and no promotions will be allowed within the same department.

e) Should relationships addressed within this policy be identified with either candidates for employment or~~,~~ current employees, the matter should be immediately reported to Human Resources and the following policies and procedures will be followed:

1. A determination will be made whether the relationship is subject to the agency's Nepotism policy based on the conditions described above.

2. If the relationship is determined to fall within one or more of the conditions described in this policy Human Resources in consultation with the affected employees, Department Head, and the City Manager will attempt will to resolve the situation through the transfer of one employee to a new position or identifying some other action (e.g., Supervisory reassignment) which will correct the conflict or issue identified. If accommodations are not feasible then, with affected employee suggestions, Human Resources in consultation with the Department Head and the City Manager shall determine which employee must resign in order to resolve the situation.

f) The City ~~agency~~ reserves the right to exercise appropriate managerial judgment to take such actions as may be necessary to achieve the intent of this policy. The City ~~agency~~ reserves the right to vary from the guidelines outlined in this policy to address unusual circumstances on a case-by-case basis.

g) It is the responsibility of every employee to identify to Human Resources their~~any~~ potential or existing personal relationships which fall~~s~~ under the definitions provided in this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment. -

h) See Appendix D Nepotism Chart for more explanation.

~~No person related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the mayor, any city council member or the city manager shall be appointed to any office, position or other services of the City, but this prohibition shall not apply to officers or employees who have been employed by the City continuously for more than six (6) months prior to the election of such member of the council or of the mayor or the appointment of the city manager. In addition, the City Manager shall not approve the appointment to any supervisor's work group, any person who is related within the second degree by affinity or consanguinity to that supervisor.~~

Section 40-28 **~~Residency~~ Required response ~~ment~~ time upon callback**

(a) In order to respond to civil emergencies within a reasonable time period, all employees who reside outside the corporate limits of the City shall reside so as to be able to respond to duty within one (1) hour of notification of the requirement to do so. All employees must comply with this residency requirement within the first six months of employment.

(b) Due to the nature of the position, employees required by their position to be eligible for On-Call Duty shall reside so as to be able to respond within twenty (20) minutes.

(c) Response time for all employees should be inclusive of the following: receiving the call, reacting and preparing to leave, travel time, and arrival.

Section 40-29 Medical Examination

a) As a condition of employment, ~~each~~ applicants applying for positions that meet any of the three criteria below, once offered employment must undergo a medical examination by a licensed facility designated by the City, the cost to be borne by the City. No one shall be employed in these positions unless the medical examiner certifies the applicant is able to perform the essential duties of ~~meets the minimum standards of physical fitness required for~~ the position offered.

1. Does the position require a physical under regulation? ~~i.e. DOT (federal or state), Grants(?),~~ Department of Transportation(DOT), Grant Requirements, LGC (CBA) or FMCSA (CDL Holder), TCOLE, or any other regulatory over site agency?
2. Does the position have specific essential functions that require ~~manual or~~and physical duties that an employee must be able to perform with or without accommodation such as ~~up to thirty percent (30%) of the time, including~~ lifting, pushing, pulling objects over 30 pounds, ability to see color, etc.?
3. Does the position require the employee to drive a City vehicle, or their own as part of their essential duties? ~~driving more than thirty percent (30%) of the time?~~

~~a)~~b) All job descriptions will list any information that is required to determine if the position meets any of the three(3) criteria to determine if a medical examination is required.

Section 40-30 Transfers

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be affected at any time for administrative convenience or necessity, or upon request of the employee to the department head, or if interdepartmental, to the City Manager; provided that the employee is qualified to perform the duties of the position to which the transfer is contemplated. In order to be eligible to transfer into a new position, an employee must have completed the orientation period (Division 3, Section 40-42, Pg9) with at least a satisfactory score, and must not have disciplinary action in the last 6 months. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between classifications or between departments shall become effective following the approval of the City Manager or Human Resources.

Section 40-31 Interviews

(a) *Internal interview process:* When a department wishes to conduct internal interviews, they should interview in a panel format with at least three (3) individuals, one of which should be someone from Human Resources, or their designee, or an individual from a completely different department (preferably

someone of at least management level). The individual cannot be an individual from a sub-department that is under the same main department as the interviewing department. The other two or more individuals can vary. This requirement is ~~may~~ be waived for sworn positions within the Police Department due to legal restrictions.

External Interview process:- External interviews should be conducted in the panel interview format with at least 3 individuals making up the panel.

Section 40-3~~2~~1. Demotions

A demotion is the assignment of an employee from one position to another position having less responsibility or requiring less experience, education, technical or professional expertise, and which

is usually at a lower salary. A demotion may be effected for either a disciplinary or non-disciplinary action. With the approval of the City Manager and if qualified to perform the duties of the lower position, an employee may be administratively demoted at his or her request. Such demotions shall not be considered as disciplinary actions to disqualify the employee involved from consideration for later advancement.

Section 40-332 Termination.

Employment with the City is of an "at-will" nature, meaning the employee may resign at any time and the City may discharge the employee at any time, for any reason or for no reason.

(1) An employee terminating under his or her own will shall provide two weeks written notice to his or her supervisor in order to terminate in good standing. The City Manager may waive any portion of the notice period.

(a) Employees terminating in good standing shall receive payment for any unused vacation time accrued. The personnel records the City maintains on any employee who resigns by giving proper notice shall show that the employee resigned of his or her own accord.

(a) Any employee whose employment is terminated by the City shall not be considered to have terminated in good standingstanding and may be listed as not eligible for rehire. Any employee whose separates employment withis terminated by the City will be paid not later than the sixth business day after termination and employees who terminate in good standing will be paid no later than the next scheduled payday.

(2) Upon an employee's termination, retirement, resignation, or death, the employee shall be paid for accrued vacation leave at the employee's current rate of pay.. Only employees terminated due to gross misconduct will not be paid their accrued leave. The City's personnel record the City maintains on any employee who resigns by giving proper notice shall reflect show that the basis of the employee's termination resigned of his or her own accord.

(b)(a) Only employees who have successfully completed their initial six(6) month orientation period of employment with the City are entitled to the payout prevision upon separation.

(2)(3) An employee failing to report for duty or remain at work as scheduled without proper notification, authorization or excuse shall be considered as absent without leave which constitutes abandonment of duties, except when the failure to notify is due to circumstances beyond the control of the employee. Absence without leave may be considered as an employee's resignation without notice. In such cases, the employee's termination shall not be considered in "good standing."

(3)(4) Layoff

(a) An employee may be laid off because of changes in duties, organizational changes, lack of work or budget cutbacks.

~~(a)~~ Whenever possible, an employee laid off from one City department shall be transferred to a suitable position elsewhere provided said employee has the appropriate job qualifications and job skills and an opening exists in the receiving department. Whenever possible, at least two ~~(~~2) weeks notice shall be given an employee prior to layoff. Layoffs shall be carried out ~~on the basis~~based on of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within City service shall be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary employees shall be laid

off before regular employees performing similar duties. A layoff shall not be considered a disciplinary action.

(b) Employees laid off may be recalled to their job or another similar job in which they meet the minimum job requirements and qualifications in the reverse order of layoff. Employees being recalled shall have precedence over other job applicants. Employees recalled to employment, within six (6) months, shall report to work as instructed.

(c) An employee failing to report back to work shall be considered as having forfeited his or her right to reemployment.

~~(4)~~(5) Incapacity. An employee may be terminated for medical reasons when the employee as an individual is no longer able to perform the minimum essential functions ~~meets the standards of fitness~~ required for the position with reasonable accommodation. ~~A competent physician prescribed by the City Manager shall base a~~ Human Resources may request a fitness for duty certification from a physician to support the finding of incapacity ~~on an individual medical determination~~. Terminations for incapacity shall not be considered disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability leave or other benefits.

~~(5)~~(6) Unsatisfactory Service. An employee may be terminated for unsatisfactory service when his or her ability to handle the duties of the position fall below the desirable standards for continued employment, as supported by performance evaluation records and supporting documentation.

DIVISION 3. EMPLOYEE PERFORMANCE AND RETENTION

Section 40-41 **New Employee Orientation**

(a) Human Resources~~The Personnel and Risk Manager~~ will ensure that all new employees complete a new employee orientation, which typically includes an overview of the following types of information~~. The orientation shall address, as a minimum, the following topics:~~ Employee benefits, minimum standards of job performance and personal conduct, schedule of paydays, procedures for recording work time; introduction to other city employees in the employee's work area; supervisory relationships; minimum required standards of physical fitness; procedures for evaluation of job performance.

(b) All new employees shall be given a thorough orientation about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of both the City and the department within which he or she is to be employed. In addition, the City will obtain information needed for insurance programs, and obtain documents required to determine identity and employment authorization, as required by federal law. ~~determining citizenship status, etc. such as date of birth that was not provided in the application for employment~~. The employee shall also be furnished a copy of the Employee Handbook ~~City Personnel Policies Manual~~ for their personal use and reference ~~at this time and~~ for which the employee, by signature, shall acknowledge receipt of the Manual.

(c) New employees shall be given up to six months to acclimate to the standards required to complete the assigned job, as provided in Section 40-42 below. Supervisors are to inform the new employee of any shortcomings in job performance or personal conduct as they occur. Regular meetings should be held between the new employee and the supervisor (and/or Department Head) so as to assess the employee's progress in learning the required job skills as well as the employee's adaptation to the ~~work place~~workplace and to the existing staff. ~~All employees are "at-will" both during and after the initial six months period.~~See Orientation Period (Section 40-42)

~~Any adverse action (final warning, suspension or termination due to non-performance) must be documented and recorded in the personnel record the City maintains on each employee.~~

Section 40-42 Orientation Period

(a) All new employees hired to fill regular full-time positions must satisfactorily complete an initial performance O~~o~~rientation P~~p~~eriod of **six (6) months.**

The O~~o~~rientation P~~p~~eriod assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period maybe extended for additional training as determined by the supervisor.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain

acceptable standards of conduct in their employment. During the ~~o~~Orientation P~~p~~eriod, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct. However, ~~A~~all employees are "at-will," both during and after the initial six month Orientation Period~~s~~ period. Completion of the Orientation

(b) "Regular" Status Employee Transfer/Promotion Orientation Period

a. Any "Regular" status employee that is transferred/promoted to a new position must complete~~d~~ a six (6) month Orientation period in the new position.
b. The employee must receive ~~complete~~ a Performance evaluation at the end of the six (6) months with at least "satisfactory" rating to continue in the position.
c. All other "Regular" employee provisions apply.

(c) Seasonal/ Temporary Employees

a. Seasonal and temporary full and part-time employees do not serve a performance orientation period ~~and have no right of appeal when terminated at any time~~.

(d) Change in Assignment/Transfer/Promotion/Reassignment during Initial Orientation Period

a. Generally, ~~E~~employees serving in an the O~~o~~rientation P~~p~~eriod may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period.
b. The City Manager may approve a reassignment or transfer in special circumstances; however, the following criteria must be met:
    i. The circumstance must be one deemed urgent, or necessary, by the City Manager.
    ii. The employee must already possess the experience, training, and skill required of the position.
    iii. The employee must have been employed with the City a minimum of thirty (30) days prior to the request and have a good performance recommendation from their current Department Head, since they will not have completed the six (6) month evaluation yet.
    iv. If the transfer, reassignment, or promotion is approved, the employee must complete the original six (6) month orientation period, along with an additional 2 months. This will give time for the employee to be in the new position long enough to receive a fair evaluation at the end of the orientation period.
    v. The employee will still be subject to possible termination if they do not successfully complete the performance evaluation at the end of the orientation period.
c. If an employee is unable to perform the essential functions of their current position, during the orientation period, due to a medical condition, or other condition covered by the ADA, FMLA, or PWFA, the City Manager, upon agreement with all affected parties, may approve a transfer it there is an open position that better fits the employee's abilities with or without reasonable accommodation.

(e) Absences During Orientation Period

a. During the ~~p~~Performance O~~o~~rientation P~~p~~eriod, an employee is eligible to use sick leave for qualifying absences and may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted.
b. During the ~~p~~Performance ~~of the~~ O~~o~~rientation ~~p~~Period, an employee may only use vacation or sick leave ~~for reasons other than an absence~~ due to illness, ~~or~~ injury, or other medical condition, unless they ~~with~~receive prior approval of the Department Head. The request must be submitted two (2) weeks prior to the requested days off. The Department Head retains the right to deny personal days during the Orientation Period, if it would interrupt training, or cause an undue burden on the ~~departmen~~department~~t~~, unless the absence is covered by Workers Compensation, the ADA, or PWFA.
c. Transferred or promoted employees who have been with the City more than 6 months and are

serving in the ~~Performance~~ Oorientation Pperiod due to their transfer or promotion retain eligibility for all types of leave established by City policy.

(f) Orientation Period Evaluation

a. All employees serving in the orientation period shall be trained, in the position and received constructive correction to their performance to assure they have had adequate time to learn the basics of the position and correct any mistakes as they train.
b. At the end of the Orientation Period, the employee will receive a Performance Evaluation by their manager/supervisor, and the department head.
c. The Performance will serve as a recommendation to retain or terminate employment.

(g) Extension to the ~~Performance~~ Orientation Period

a. The ~~P~~performance Oorientation Pperiod may be extended under the following circumstances:
   i. At the end of the six (6) month initial period, the performance orientation period may be extended for up to an additional three (3) months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance.
   ii. If the employee missed a significant number of days during their orientation period due to a condition covered by ADA, FMLA, or PWFA, and the Department Head feels that this caused them to miss key training goals, the Department Head my extend the Orientation period, to give time for appropriate training.
   iii. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed.
   iv. Such extension will be at the sole discretion of the Department Director and the Director of Human Resources.
   v. The employee will still be required to successfully complete the Orientation Period Evaluation at the end of the Extension time in order to move forward.

(h) Successful Completion of Orientation Period

a. Employees have no guarantee of employment either during or after their orientation period.
b. Only employees who meet acceptable performance, conduct, attendance, and other standards during the orientation period will be retained as employees.
c. An employee is granted "regular" status if the employee satisfactorily completes the ~~performance~~ orientation period.

(i) Failure of ~~Performance~~ Orientation Period

a. An employee is considered to have failed the ~~Performance~~ Oorientation ~~p~~Period when it is determined that the employee's ~~fitness~~ability to perform essential funcitons, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position.
b. Failure of the ~~Performance~~ Oorientation Pperiod may occur at any time within the orientation period.

c. A poor/unsatisfactory Performance E~~e~~valuation at the end of the ~~Performance~~ Orientation Period will be deemed as Failure of ~~(Performance)~~ Orientation Period.

d. An employee who does not successfully complete the ~~Performance~~ Oorientation Pperiod will ~~normally~~ be terminated from the City's employment.
   i. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted

employee who fails the ~~Performance~~ O~~o~~rientation P~~p~~eriod may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s).

e. Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period.

f. All such documentation must be reviewed by the Director of Human Resources before an employee serving in the orientation period can be terminated.

Section 40-4~~3~~2 Standards of Conduct

(a) **Political Activities:** City of Rockport encourages employees to participate in lawful political activities. Participating in these activities must be conducted on the employee's own time and should in no way suggest City of Rockport's endorsement of or support for any political candidate or political measure. Vacation leave may be requested to conduct such activities. The following guidelines pertaining to political activity shall apply to all employees.~~:~~

(b) The following activities are prohibited from being performed while on-duty:

(1) Demonstrating.
(2) Circulating petitions.
(3) Soliciting votes or contributions at any time in any working area of a City facility.
(4) Conducting or participating in opinion polls.
(5) Fundraising.
~~(1)~~ All other activities not considered part of the employee's normal duties.
(6) To maintain good customer relations, preserve the professional work environment, and avoid political advertising, employees may not wear any political insignia, campaign badges, or buttons on their person, nor display any partisan insignia, badges, buttons or political literature or campaign material on their desk or in their work area. Harassment of co-workers, customers or vendors regarding political preferences will not be tolerated
(7) Under no circumstances may bumper stickers, placards or other forms of endorsement be placed on any City-owned vehicle or piece of equipment. Employees may not place placards or other forms of political endorsement on publicly owned lands.
(8) No employees shall use working hours to participate in any partisan political activity. Employees not having defined work hours are expected to exercise professional discretion in this matter.
(9) No employee shall use City funds, resources, property, equipment, media, or email to advertise, promote, or participate in a political campaign, or election.
(10) Under no circumstances shall employees use or attempt to use their position as a City employee to influence the outcome of any election.
(11) Employees may not use City of Rockport's equipment or resources for making, copying or distributing political materials or messages. Employees may not use the City's server system or email for political campaigns, endorsements, opinions or any other political activity
(12) Employees are encouraged to participate in the electoral process by voting.
(13) No employees may hold an appointed or elective office, partisan office or any other office with or without remuneration, where such service may constitute a direct conflict

of interest with City employment. Prior to seeking or accepting an offer, all employees should first notify their Department Head and request permission to proceed if they seek to retain their position with the City.

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~~(b)~~(c) **Outside Employment:** The following guidelines pertaining to outside employment shall apply to all employees.~~:~~

(1) In general, employees of the City are not prohibited from retaining outside employment. In many cases, such employment may be desirable and beneficial to the City. However, there may be cases where outside employment may be detrimental to the City. Employees wishing to seek outside employment are to review the matter with their Department head and obtain permission before beginning the employment if they wish to seek to retain their position with the City. Department Heads may refer the matter to the City Manager for consideration.

(2) Discretion and good judgment must be the underlying guidelines when reviewing the matter of outside employment; however, the following rules shall be applied:

a) The performance of the City employee cannot be adversely affected by the outside employment, i.e., exhaustion, injury, etc. When there is an adverse impact on the performance of the employee, the Department Head should take the appropriate steps to remedy the situation.

b) A City employee cannot hold an outside job~~,~~ which creates a conflict of interest with the City.

c) Any outside business activity, such as selling a product, must not be conducted during normal business hours.

d) ~~Approval of ongoing outside employment~~An Outside Employment form shall be completed by the employee and approved by either ~~a~~ the employee's Department Head or the City Manager and shall be ~~noted in writing and~~ placed in the personnel file ~~the City~~Human Resources maintains on the employee.

~~(c)~~(d) **Receipt and Solicitation of Gifts:** The following guidelines pertaining to the receipt and solicitation of gifts shall apply to all employees of the City.~~:~~

(1) Under no circumstances shall any employee solicit or accept a gift in exchange for the performance of his or her job, or the delivery of a City service.

(2) Employees are to notify their supervisor of any citizen or vendor, who offers a gift to an employee in exchange for recommending a specific product or service, or performing, failing to perform, or modifying the tasks and duties assigned to the employee.

(3) If an employee is in a situation where refusal of a gift would lead to a discourteous confrontation or some other adverse event, the employee may receive it and then promptly turn it over to their supervisor.

(4) Employees who solicit gifts for civic projects in which they are involved shall make it clear to the prospective donor that their actions are unrelated to their employment with the City of Rockport and that the acceptance or refusal of the solicitation shall have no bearing on the job performance of that employee or other employees.

(5) Relations with Contractors. No officer or employee of the City shall accept, directly or indirectly, any gift, favor, privilege or employment having a monetary value in excess of twenty-five dollars ($25) from any person, firm or corporation doing business with, or seeking to do business with the City during the term of office of such officer or during the employment of such employee of the City and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the City and for its benefit. Under no circumstance shall cash or any instrument of cash having monetary value be accepted. No officer or employee of the City who is employed, directly or indirectly, by any person, firm or corporation doing business with, or seeking to do business with the City shall in any manner participate in any discussion or decision of any agency, board, ~~commission~~commission, or instrumentality of the City having to do with the business done or sought to be done with the City by such person, firm or corporation without first declaring publicly such employment.

~~(d)~~(e) **Standards of Conduct:**

(1) All employees are expected to perform their job with a maximum degree of courtesy, cooperation, effectiveness and efficiency. Mediocrity, indifference and other attitudes or behaviors that cause irreconcilable friction among employees or are counter-productive to completing specific tasks and delivering services to the public shall not be tolerated.

(2) Conduct on or off the job, which adversely affects the ability of the employee to properly complete his job or adversely affects the ability of the city to provide services shall be cause for disciplinary action.

(3) All deficiencies in employee performance are to be corrected as they occur. Supervisors, Department Heads and the City Manager shall ensure that deficiencies are dealt with in a fair and consistent manner.

(4) Supervisors are to utilize the guidelines outlined in this Handbook when addressing deficiencies on the part of an employee.

~~(2)~~(5)

~~(3)~~ It shall be the responsibility of each employee to ~~maintain the standards of~~

~~(4)~~(6) ~~physical fitness~~ensure they are able to perform the essential functions of their assigned position, or to communicate the need of reasonable accommodations ~~required~~ to successfully perform the essential functions of their assigned position~~job~~. The ~~minimum required fitness standard~~essential functions of the position shall be clearly defined at the time of employment or upon adoption of these Policies, whichever comes first.

~~(5)~~(7) The City of Rockport is a zero tolerance employer. Under no circumstances shall the possession or use of illegal drugs be tolerated. In addition, the possession or consumption of alcohol will not be tolerated in the ~~work place~~workplace or during work hours. ~~In cases where it is believed alcohol has been consumed in the work placeworkplace or during work hours, the supervisor shall ensure that the employee arrives at his home safely. In cases where illegal drugs are found, the Rockport Police Department will be notified immediately. If an employee reports to work in a condition that makes it unsafe for the employee or for others, the employee is to be sent or taken home unless medical attention is deemed appropriate. In all cases, the supervisor shall immediately notify the Department Head. An informal investigation shall be started to determine the actual sequence of events, magnitude of the infraction(s) and the appropriate disciplinary action. In the instance of a positive drug or alcohol test result, the employee will be terminated unless a legitimate, legal reason can be proven for the non-negative result.~~

~~(6)~~ For more information see Section II – Alcohol and Drug Free Work Environment Policy

~~(7) An employee taking prescribed medication or over-the-counter medication having a warning of drowsiness or other adverse condition on the label which would adversely impact their job performance, must notify their supervisor prior to the beginning of the work period. The supervisor has the option of requiring the employee to provide a letter from a physician or a copy of the prescription.~~

~~(8) Any employee who voluntarily seeks medical or professional assistance to overcome a substance abuse problem shall be given every form of assistance possible. Every attempt will be made to hold the employee's position until the employee has had an opportunity to discuss his retention with the Department Head and the City manager. Where possible, reasonable adjustments to schedules and workloads will be made to ensure that the employee is given the opportunity to develop the routine(s) necessary to actively participate in any out-patient or after-care program that may be required. *CONFIDENTIALITY SHALL BE MAINTAINED IN THE INTEREST OF THE EMPLOYEE.*~~

~~(9) All employees are expected to keep their financial affairs in good order. Failure to pay just debts, such as including taxes and court ordered approved child support, may constitute cause for disciplinary action, particularly if the employee's job performance is impeded or there is interference in the work placeworkplace by individuals or firms attempting to collect debts.~~

~~(10)~~(8) City equipment and facilities shall be used for official City purposes only. Personal use of City equipment is prohibited. Employees assigned a city vehicle for use during

the workday will be allowed to stop for lunch so long as the vehicle remains within the City or the immediate vicinity (unless on special assignment or performing authorized work outside the City limits). Employees assigned a take-home vehicle for the purposes of "on call" duty shall not use the vehicle for personal purposes. Department Heads and other senior employees assigned a "take home" vehicle shall resolve the parameters of the use of the vehicle with

the City Manager.

~~(11)~~(9) The City of Rockport respects the privacy of its employees. However, an employee may not expect such privacy rights to extend to the use of City-owned systems, property, equipment or supplies or to work-related conduct. This policy is intended to notify all employees that no reasonable expectation of privacy exists in connection with use of City systems, property, equipment or supplies. City employees are prohibited from withholding information maintained within company-supplied containers, including but not limited to, computer files, computer databases, desks, lockers and cabinets. The following rules also apply to use of City property:

a) City Right to Access Information. While City employees have individual passwords to e-mail, voice mail and computer server and network systems, these systems are at all times accessible to and by the City and may be subject to unannounced, periodic inspections by the City ~~for business purposes~~. This policy applies to all telephone, electronic and computer network systems which are accessed on or from the City's premises, used in a manner which identifies the employee with the City, accessed using City computer equipment and/or via City-paid access methods. ~~Employees may not use secret passwords and all system passwords must be available to the City at all times.~~ The City maintains backup copies of computer records and these records, as well as the usage records of the City computer network systems may be reviewed by the City for legal, business or other reasons.

b) Use is Restricted to City Business. City employees are expected to use City e-mail, voice mail and computer network systems for City business (during working hours), not for personal reasons. Personal reasons include, but are not limited to, non-job-related communications, research or solicitations, or soliciting for political or religious causes, outside organizations for other commercial ventures.

c) Prohibited Content. Employees are prohibited from using city telephone, electronic or computer network systems in any manner that may be offensive or disruptive to others. This includes, but is not limited to andy use which would otherwise violate any of the City's employment policies, including its harassment policy.~~, the transmission of racial or ethnic slurs, gender-specific comments, sexually explicit images or messages, any remarks that would offend others on the basis of age, political or religious beliefs, disability, national origin or sexual orientation, or any messages that may be interpreted to disparage or harass others~~. No telephone, electronic or computer network communications may be sent which represent the sender is from another agency or as someone else, or which try to hide the sender's identity. Inappropriate or excessive personal use of City property or telephone, electronic or computer network systems will result in disciplinary action, up to and including termination.

d) For more guidelines for use of City technology, computers, and cell phones, see the Computer, Internet, Email and Cell Phone Policy Section…

~~(12) The City reserves the right to conduct inspections of employees' lockers, purses, personal vehicles, parcels, desks, work areas, clothing and other personal property:~~

~~a) while in the possession of employees during the course and scope of their employment,~~

~~b) while located on City property, or~~

~~c) while located in City or personal vehicles parked on City property, orproperty or being used for City business.~~

~~d) Entering onto City property, as defined in this Policy, or conducting City business, will constitute consent by the employee to such inspections. The inspection of an employee or his or her clothing will be conducted by a person of the same gender as the employee being inspected, in the presence of a witness of the same gender.~~

~~e) City property means all property and facilities of the City, including lockers, desks, parking lots, buildings, grounds, City vehicle, personal vehicles used while conducting City business, and all other locations where employees are acting in the course and scope of their employment, acting on behalf of the City, or are otherwise conducting City business.~~

~~f) Any employee who refuses to cooperate in an inspection, or submit to a reasonable search, or is found in unauthorized possession of property of the City, coworkers, customers, or in possession of alcoholic beverages, drugs, or drug-related paraphernalia will be terminated.~~

~~(e)~~(f) **Smoking and Tabacco usage Policy.**

(1) Definition:

a) Smoking: Refers to the inhalation of tobacco or use of similar products including but not limited to cigarettes, e-cigarettes or vaping devices, pipes, and cigars.

b) Smokeless tobacco: Referring to the use of non-inhalant ~~tabacco~~tobacco products ~~not inhaled~~ including but not limited to snuff, or chewing ~~tabacco~~tobacco.

(2) Smoking of any kind or variety is prohibited in all City-owned facilities and vehicles. A sign, visible at each public entrance to the premises, shall be posted notifying persons entering the premises that smoking is prohibited.

~~(1)~~(3) Reasonable Distance: Smoking is prohibited within a distance of twenty (20) feet or less outside entrances, operable windows, and ventilation systems of City facilities where smoking is prohibited.

~~(2) Any nonsmoking employee may object to the Human ResourcesCity Manager about smoking in any portion of any City property normally frequented by that employee. Using already available means of ventilation, separation, or partition, the City Manager shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. The City is not required by this~~

~~policy to incur any expense or make structural or other physical modifications to accommodate the preferences of nonsmoking or smoking employees.~~

~~(3) If an accommodation, which is satisfactory to all affected nonsmoking employees, cannot be reached as to any portion of the place of employment about~~

~~which a complaint has been voiced, the preferences of nonsmoking employees shall prevail, to the end that nonsmoking employees may work in a smoke free environment. No such portion of the place of employment shall be designated as a smoking area. However, the requirements of this policy shall not apply to nonsmoking employees whose job duties include the serving of or the routine interaction with members of the general public within designated smoking areas.~~

(4) Users of smokeless tobacco are prohibited from spitting on sidewalks, parking lots, on landscaping or in the bathroom facilities. Spit cups/containers must be kept out of the view of other employees or the general public, and may not be emptied into any City trash cans (unless sealed), sinks, or toilets.

~~(f) All deficiencies in employee performance are to be corrected as they occur. Supervisors, Department Heads and the City Manager shall ensure that deficiencies are dealt with in a fair and consistent manner.~~

~~(g) Supervisors are to utilize the guidelines outlined in this Manual Handbook when addressing deficiencies on the part of an employee.~~

Section 40-4~~3~~ Attendance.

All employees are expected to report to work as scheduled and to work their scheduled hours and overtime, if necessary. Employees shall be at their place of work in accordance with City and departmental policies and regulations. Department Heads shall establish work schedules and maintain daily employee attendance records. The ~~personnel~~ Finance/Payroll office will maintain annual employee attendance and time keeping records.

Definitions. All employee time will be defined using the following categories:

Absence, excused. Those hours or days when an employee has been excused from being present during work time. Examples include vacation, sick leave, emergency leave, etc. An excused absence may be with or without pay, depending upon the circumstances that led to the absence and the employee's available leave.

Absence, unexcused. Those hours or days when an employee is not performing work on behalf of the City that is not regular time off, approved lost time or an excused absence. Unexcused absences are defined as follows:

a) Tardiness;

b) Unverified sick time;

c) Unauthorized absence from the ~~work place~~workplace during work time;

d) Absence resulting from detention in a county, state or federal prison.

e) Failure to inform the supervisor or Department Head within thirty (30) minutes after the beginning of the employee's regularly scheduled work time.

Abuse of Leave. Abuse of any leave provisions such as misuse of sick leave, emergency leave, funeral

leave, or injury leave shall be cause for disciplinary action.

Compensatory Time – Time which is credited toward normal work hours during which an employee is excused from work in lieu of having to pay overtime (nonexempt employees) or in lieu of excess hours worked (exempt employees).

Emergency/Non-emergency Personnel. Because of the nature of public service employment, there will be occasions when it is necessary to define "emergency" and "non-emergency" personnel. This determination will be made by the Department Head in conjunction with the City Manager. It is expected that all emergency personnel will continue to work notwithstanding foul weather conditions or other situations dictating the designation of emergency and non-emergency personnel.

Job Abandonment. An employee who has two consecutive days of unexcused absences may be considered to have abandoned or voluntarily quit his or her employment. The City Manager is to be notified when it appears that an employee has abandoned his job.

Lost time. Those hours or days when an employee cannot be at the ~~work place~~workplace during work time that is not covered by sick leave, vacation or some other form of paid excused absence. Injury leave during which there is no compensation provided by the City shall be considered to be lost time.

Medical Statements. All employees may be required to provide a doctor or hospital statement to the supervisor in order for an absence for medical reasons to be excused if:

(1) The absence is two or more days,

(2) The absence occurred on a:

a) regularly scheduled ~~work day~~workday preceding or following a holiday;

b) regularly scheduled ~~work day~~workday preceding or following a regular day off;

c) regularly scheduled workday preceding or following a day of vacation or some other form of excused absence.

(3) The Department Head or City Manager feels that the employee's return to work may pose a health hazard or safety hazard to others or the employee.

(4) If an employee has exhausted all sick leave, a ~~doctors~~doctor's report will be required.

~~(4)~~(5) The Department Head, or City Manager has noticed a pattern of excessive or unverified use of sick leave.

It is important that common sense and fairness be exercised when enforcing these requirements.

Pattern of Unexcused Absences. When a pattern of unexcused absences or excessive lost time occurs that the Department Head or City Manager considers to be detrimental to the cooperation, effectiveness and efficiency of the staff, the Department Head shall take the necessary remedial action. It is important that remedial action taken to resolve problems resulting from unexcused absences be applied equally and consistently and that remedial actions be documented in the personnel file kept by the City on the employee.

Regular Time Off. Those hours when an employee is not expected or required to be working.

Reporting to Work. Employees shall be required to report to and be at their place(s) of work during all scheduled work time. Reporting to work promptly means that an employee arrives at the work site early enough so that he or she will be prepared to begin work at the beginning of the work time. Employees are not to leave their assigned work area(s), except as approved by a supervisor or Department Head, until the scheduled work time is completed.

Severe Weather or Natural Disasters. See Division 11. Severe Weather, and Emergency/Natural Disasters ~~The following guidelines shall apply to absences resulting from severe weather or natural disasters:~~

~~*Adverse Working Conditions Due to Weather or Hazardous Travel Conditions.* City Departments will remain open if at all possible. If the adverse weather or travel conditions significantly impair the productivity of a Department, the Department Head or City Manager may offer non-emergency personnel the option of going home. The employees who exercise this option must select to be charged compensative time, vacation or excused leave without pay for the remainder of the workday, unless otherwise directed by the City Manager or City Council..~~

~~*Employee Determination of Hazardous Travel Conditions.* If an individual employee believes it is too hazardous to make it to work due to weather or hazardous travel conditions, the Department Head has the option of charging the day(s) as compensative time, vacation or an excused absence without pay.~~

~~*Closing Due to an Evacuation Order*. When an evacuation has been ordered, all non-emergency personnel will be released and encouraged to evacuate. Only those employees who are assigned functions necessary for the benefit of the general public during an emergency situation will be required to work. Employees designated by their Department Head as Emergency Services Personnel will not be authorized to evacuate should an evacuation order be issued in accordance with Chapter 22 of the Texas Labor Code. Every effort will be made to arrange shelter for those employees required to remain. Shifts may be established according to departmental needs at the discretion of the Department Head. Employees who are assigned "on call" status must notify supervisors of locations where they can be contacted.~~

~~*Return-to-Duty Phase*. By reporting to work as directed, each employee meets their responsibility to work with other City employees as a team in restoring the community to normal service levels following a disaster. Nonessential Service Employees who evacuated will report to work at the start of the next normal shift, or sooner as directed, following the announcement of the Return-to-Duty Phase by City officials. If an employee has received no instruction on when to return to work, he or she shall return to work at the start of his or her next normal shift upon announcement by City officials of the Return-to-Duty Phase. A telephone number will be established or announced prior to evacuation for all employees to call for Return-to-Duty information.~~

~~*Violation of this Policy.* An employee violates this Policy by:~~

~~Refusing to perform assigned duties required by this Policy or to obey any order~~

~~or directive made or given by a supervisor; or~~

~~Failing to report for duty as directed during any applicable phase of this Policy; or~~

~~Failure to abide by City Policy, departmental rules or regulations; or~~

~~Any conduct that interferes with, orwith or might reasonably be expected to interfere with the proper and orderly conduct of the City's business or brings, or might reasonably be expected to bring, discredit on the public service.~~

~~Consequences for Violation of this Policy. A violation of this Policy shall be considered a violation of City Policy, departmental rules, or regulations for which disciplinary action up to and including termination may be taken by the applicable Department Head, with the concurrence of the City Manager.~~

Work Period, ~~Work Day~~Workday.

(1) The standard work period for all employees, except police officers, shall be 40 hours within a seven-day period. The definition of the work period has no meaning or impact on the determination of exempt or nonexempt status as defined by the Fair Labor Standards Act.

(2) The standard work period for police officers shall be 80 hours within a 14-day period.

(3) The standard workday for all employees except ~~police~~ dispatchers and police patrol officers shall consist of eight (8) hours exclusive of any lunch hour or personal time. Up to one hour may be scheduled for a meal break or personal use by the employee.

(4) The standard workday for police patrol officers and dispatchers shall consist of eight (8) or twelve (12) consecutive hours depending on the individual's position. These employees may "check out" on a meal break; however, they shall remain on duty and be responsible to respond to any call or job requirement at any time.

(5) The Department Head shall determine the beginning and end of the standard workday, subject to approval by the City Manager. The Manager's review shall address any inconsistencies or problems that could arise if employees of different departments were scheduled to work different hours.

Work Time. Those hours when an employee is performing work on behalf of the City of Rockport or is attending training at the direction of his or her supervisor.

Section 40-4~~5~~4 Work Standards

It shall be the duty of each employee to maintain high standards of cooperation, proficiency and economy in his or her work for the City. Department Heads shall organize and direct the work of their departments to achieve these objectives. If work habits, attitude, production and/or conduct of an employee become a problem, supervisors should point out the deficiencies at the time they are observed and take appropriate action. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent

immediate formal action as provided elsewhere in these pPolicies whenever the interest of the City requires it.

Section 40-465 **Solicitation**

Solicitation of contributions or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution or may be penalized or rewarded in any way in connection with his or her employment according to his or her response to the solicitation.

Section 40-476 **Physical Fitness**

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his or her job.

Section 40-487 ~~**Personal Appearance**~~**Dress Code**

~~All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times~~.

This policy aims to promote a professional, safe, and inclusive work environment while allowing employees to express their individuality within reasonable guidelines. It applies to all employees of the City of Rockport, and compliance with the policy is required during working hours and while representing the company.

(a) **General Guidelines**

1. **Professionalism:** Employees are expected to dress in a manner that is appropriate for their role and the work environment. This may vary depending on the department, client-facing duties, or specific job junctions.
2. **Safety:** Employees must wear clothing and foot wear that is safe for the tasks they perform. Specific roles may require additional safety-related attire, such as protective gear, uniforms, or close-toe shoes, to comply with regulatory guidelines.

(b) **Dress Code Options**

1. **Business Casual:** For most employees, a business casual dress code is recommended. This includes but is not limited to:
    i. **Acceptable attire:** Dress slacks, khakis, shirts, blouses, collard shirts, skirts, dresses, sweaters, nice blue jeans with Collared City Shirt or Blouse, and appropriate footwear.
    ii. **Unacceptable Attire:** Jeans with holes or excessive wear, shorts higher than 3 inches above the knee, beach flip flops, tank tops, or overly revealing clothing.
        1. T-shirts are only acceptable as job appropriate or on Casual Fridays.
2. **Uniforms:** Some positions may require specific uniforms provided by the City. Employees in such roles must wear their uniforms during work hours, ensuring they are clean, well-maintained, and presentable.
3. **Casual Fridays and special occasions:** The city may allow more casual attire on specific days such as Friday, or special occasions, provided employees still maintain a neat

professional appearance. Casual attire may include jeans (without rips), sneakers, and T-shirts (without offensive logos or language), unless otherwise specified by the City Manager.

(c) **Compliance with Anti-Discrimination Laws**

1. **Religious and Culture Attire:** The City respects employees' rights to wear religious and Cultural Garments, including hijabs, turbans, yarmulkes, or other attire related to religious practices. The City will provide reasonable accommodations for religious or cultural dress unless it poses an undue hardship or safety risk.
2. **Gender Expression:** Employees are free to dress in a manner consistent with their gender identity and expression. Discrimination based on gender, gender identity, or gender expression is strictly prohibited.
3. **Disability Accommodations:** Reasonable modifications to dress code will be made to accommodate employees with disabilities, in accordance with the Americans with Disabilities Act (ADA), Pregnant Workers Fairness Act (PWFA), and similar state laws.

(d) **Prohibited Clothing:**

1. Clothing that contains discriminatory or inappropriate language or imagery is not permitted.

~~1.~~ Attire that compromises safety in the workplace (e.g. open-toe shoes in a safety sensitive area with chemicals) is Prohibited.

(e) **Hair**

1. Extreme h~~H~~air styles are not permitted. ~~and~~ Non-natural hair colors ~~must be appropriate to the employees' position and no extremes of any type~~ are also not acceptable. Examples of extreme hairstyles include but are not limited to unnatural hair colors (such as pink, blue or lavender), mohawks or spiked hair. Hair, including facial hair, must be clean and neatly groomed at all times.
2. Natural Hair ~~and Protective~~ Styles (HB 567):
   i. Employees have the right to wear their hair in natural styles ~~and protective~~ hairstyles, such as braids, locks, twists, afros, and other culturally or ethnically associated hairstyles, without fear of discrimination or retaliation.

(f) **Exceptions:**

The Department Director, with the approval of the City Manager, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a restrictive dress and appearance policy.

(g) **Enforcement:**

Supervisor and managers are responsible for enforcing the dress code is a fair and consistent manner. If an employee is found to be in violation of the dress code:

1. They may be asked to go home and change into appropriate attire.
2. Repeated violations may result in disciplinary action, up to and including termination.

~~Section 40-48 Financial Obligations~~

~~All employees are expected to keep their personal financial affairs in good order. Failure to pay just debts,~~

~~including taxes, may constitute grounds for disciplinary action if job performance is impeded.~~

Section 40-49 General Deportment

The attitude and deportment of a City employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the City administration and its programs and policies. All employees are expected to embody and promote the following principles at all times to both fellow employees, customers, vendors, and citizens.

a) **Respect:** Treat all colleagues, customers, and clients with respect and courtesy. Avoid offensive, discriminatory, or disrespectful behavior, including but not limited to harassment, bullying, and discrimination.

b) **Confidentiality:** Protect the confidentiality of City~~company~~ information, customer data, and proprietary knowledge. Do not disclose sensitive information to unauthorized individuals or entities.

c) **Conflict Resolution:** Resolve workplace conflicts professionally and constructively. Seek assistance from supervisors or Human Resources when necessary.

d) **Punctuality:** Arrive at work on time and adhere to scheduled breaks and work hours. Notify your supervisor in advance if you will be late or unable to work as scheduled.

Section 40-50 Workplace Harassment

e) General Provisions

The City does not tolerate harassment of employees and others based on, or related to, sex, race, national origin, religion, age, disability, sexual orientation, or other group factors. Directors, supervisors, and employees~~,~~ who violate these policies may be subject to disciplinary action.

All employees must report incidents of harassment against themselves or observed acts of harassment against others to their immediate supervisor or the Human Resources Department. Supervisors are to report any such complaints or reports to Human Resources.

The City shall promptly investigate all reports of harassment and take appropriate action.

Retaliation against employees who report harassment is strictly forbidden. Any director, ~~or~~ supervisor, or other employee who is found to have taken any adverse action against an employee because of the employee's "good faith" report or complaint is subject to discipline, including termination~~severe penalties~~.

f) Sexual Harassment

1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
    a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
    b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions.
    c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. No employee, male or female, shall harass another employee by making unwelcome

sexual advances or other verbal or physical conduct of a sexual nature a condition of any employee's employment, using an employee's submission to or rejection of such conduct as the basis for or as a factor in any employment decision affecting the individual; or otherwise creating an intimidating, hostile or offensive working environment by such conduct. The City does not condone any sexual harassment of its employees. All employees, including supervisors and department heads, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.

3. The creation of an intimidating, hostile or offensive working environment may include such actions as persistent comments on an employee's sexual preferences or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect may not be viewed as sexual harassment. Any employee who feels victimized by sexual harassment should report the harassment to their immediate supervisor immediately. If the immediate supervisor is a part of the harassment, the employee should report the harassment to the next level of supervisor immediately above the level where the harassment is occurring. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

g) Race, Color, Religion, National Origin, Age, Sexual Orientation, and Disability Harassment

~~Other types of H~~harassment include unwelcome statements, name-calling, or other verbal or physical conduct based on an employee's race, color, religion, national origin, age, sexual orientation, or disability and is prohibited under the same conditions listed under sexual harassment.

h) Examples of Prohibited Behavior

To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment are provided, but are not meant to be all- inclusive:

a) Unwelcome touching of a personal nature, which can include leaning over, cornering or pinching; sexual innuendoes, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;

b) Slurs and jokes about a class of persons, such as persons who are disabled, homosexual or a racial minority;

c) Display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person;

d) Derogatory remarks about a person's national origin, race, language or accent; disparaging or disrespectful comments even if unrelated to a person's race, color, sex(gender), sexual orientation, national origin, religion, age, disability or sexual orientation; or

e) Loud, angry outbursts or obscenities directed toward another employee, a customer, contractor or visitor in the workplace; or

f) Disparate treatment

i) Procedures for Reporting Harassment Charges

The employee should politely, but firmly, confront the harasser and ask him/her to stop the unwelcome behavior. If practical have a witness – such as a co-worker present. If uncomfortable with a face-to-face meeting, or a written letter to the harasser, immediately notify your supervisor, or, if your supervisor is the harasser, notify the Director of Human Resources. A letter of complaint will be requested.

j) Procedures for Handling Harassment Complaints

All complaints shall be handled in a timely and confidential manner. Confidentiality is preserved, to the degree possible, to encourage the filing of valid complaints as well as to protect the reputation of any employee who might be wrongfully accused of harassment.

If a complaint of harassment is made to a supervisor, the supervisor shall immediately contact the Director of Human Resources who shall consult with the supervisor on how to conduct an investigation.

The Human Resources Department shall assist the department in directing the investigation of harassment complaints. If necessary Human Resources will recommend to the supervisor any warranted disciplinary action and remedies to the aggrieved party.

k) Confidentiality

In no event will information concerning a complaint, or a report of harassment be released by the City to a third party or to anyone who is not directly involved in the investigation. Specifically, information will not be released to an affected employee's family, the news media, or a prospective employer seeking a reference. The purpose of this provision is to protect the confidentiality of an employee who files a complaint or reports a potential violation, and to protect the reputation of any employee wrongfully charged with a violation. The City may need to share information concerning a complaint with potential witnesses as part of its investigation of the complaint and may also be legally compelled by a court or government agency to disclose information concerning a complaint.

l) No Retaliation

Retaliation for reporting a harassment claim will not be tolerated.

m) Workplace Violence

- The City is committed to providing a safe and healthy workplace free from violence. Therefore, the City has a zero tolerance of workplace violence. All employees of the City are expected to treat each other and all others with courtesy, dignity and respect.
- Violence, as the term is used in this policy, includes written or verbal communications, whether direct or indirect, which are of a threatening, intimidating or coercive nature; the use or threat of physical force, including fighting or horseplay; hitting; slapping; stalking; vandalism or destruction of property.
- All employees are responsible for promptly reporting violations of this policy to their supervisors and, where appropriate, to law enforcement authorities.

~~Section 40-5 Sexual Harassment~~

~~(a) No employee, male or female, shall harass another employee by making unwelcome sexual advances or other verbal or physical conduct of a sexual nature a condition of any employee's employment, using an employee's submission to or rejection of such conduct as the basis for or as a factor in any employment decision affecting the individual; or otherwise creating an intimidating, hostile or offensive working environment by such conduct. The City does not condone any sexual harassment of its employees. All employees, including supervisors and department heads, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.~~

~~(b) The creation of an intimidating, hostile or offensive working environment may include such actions as persistent comments on an employee's sexual preferences or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that~~

~~arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect may not be viewed as sexual harassment. Any employee who feels victimized by sexual harassment should report the harassment to their immediate supervisor immediately. If the immediate supervisor is a part of the harassment, the employee should report the harassment to the next level of supervisor immediately above the level where the harassment is occurring. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.~~

Section 40-51 Indictments Against Employees

An employee may be suspended, with or without pay, if accused of or indicted for a crime or official misconduct pending a decision on the indictment such as dismissal, acquittal or conviction. If the indictment is dismissed or if the employee is acquitted, the suspended employee shall be reinstated to his or her former position, or a similar one if the former position is not available, without loss of any benefits and such suspension shall not be considered as a disciplinary action.

Section 40-52 All Weapons Banned

The City specifically prohibits the carrying or possession of weapons by any employee while on City owned property or in a City vehicle. ~~This ban also includes keeping or transporting a weapon in a private vehicle on City business. Employees are also prohibited from carrying or possessing a weapon while performing City services or while engaged in City business whether on private property or not.~~ Weapons include guns, knives, explosives and other items with the potential to inflict harm.

(1) Firearms and handguns:

a. A City employee is prohibited from carrying a firearm onto City premises. The prohibition stated above shall not apply to a peace officer or those persons who have written authorization to carry a firearm as part of their official duties.

b. Vehicles:

i. A City employee may transport or store a firearm in his/her personal vehicle in a City parking lot and/or space so long as the vehicle is locked and the weapon is out of site, unless otherwise prohibited by law.

ii. A City employee is prohibited from possessing or storing a firearm in a vehicle owned or leased by the City of Rockport, regardless of whether the employee is a Licensed Handgun Holder, unless the City employee is authorized to carry a firearm in a City vehicle as part of his/her normal course and scope of employment, such as a police officer.

c. Areas Prohibited by Law: It is a violation for a City employee when performing City duties or functions to carry a firearm in any location where the carrying of the firearm is not authorized by law.

~~(1)~~(2) Enforcement: A violation of this policy may result in adverse employment action, up to and including termination. Violations may also incur criminal penalties. ~~Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this Policy~~. However, nothing in this Policy shall prohibit any state or

federal certified peace officer or law enforcement officer from carrying or possessing any weapon he or she is lawfully authorized to carry or possess. Employees who are required to possess weapons to perform the duties of their Job Descriptions are exempt from the applicable provisions of this section.

DIVISION 4. COMPENSATION AND BENEFITS

Section 40-61 General Policy Statements

(a) It is the Policy of the City of Rockport to fairly compensate its employees and to adhere to all fair labor standards regulations. Employees who believe the City is not adhering to these standards may pursue resolution of the matter through a formal conference or a grievance. ~~Supervisors who knowingly violate any of the fair labor standards shall be subject to disciplinary action.~~

(b) The actual rate of compensation for an employee shall be determined by the Employee Grade/Step Pay Scale, developed and adopted by the City. The compensation of the City Manager and the City Secretary shall be fixed by the City Council, and may be amended from time to time, in accordance with the individual experience and qualifications of the City Manager and of the City Secretary. The compensation to be paid to the City Manager, City Secretary~~, and department heads~~ shall be exempt from the Grade and Step wage/salary schedule.

(c) ~~A pay scale adopted by the city council~~The City's adopted pay scales are based shall be predicated solely on ~~an employee's the~~ base pay of the employees. Additional forms of pay such as stability pay, vacation pay and certification pay are ~~shall be~~ considered separately from base pay.

(d) All employees will be paid biweekly. Pay dates falling on a City holiday will be scheduled for the preceding workday.

Section 40-62 Types of Pay

(a) *Base Pay*. The amount paid for completing the normally assigned tasks and duties associated with the position held by the employee. for the purpose of determining an employee's entitlement to minimum wage and overtime pay. "Time worked" generally includes all hours during which an employee is required or permitted to be on duty, on the employer's premises, or at any other prescribed place of work.

(b) *Regular Rate of Pay:* Regular rate requires that an employer total all remuneration (less authorized exclusions) and divide that total by the number of hours worked by the employee. The resulting number is the "regular rate" on which Over Time rates are based.

(1) Types of pay included in "Regular Rate*":*

a) Base Pay

b) Certification Pay

c) Degree Pay

d) Additional Duties Pay

e) Car Allowance

f) Uniform Allowance

(c) *Time worked*. The FLSA provides specific guidelines for what constitutes "time worked" ~~for the purpose of determining an employee's entitlement to minimum wage and overtime pay. "Time worked" generally includes all hours during which an employee is required or permitted to be on duty, on the employer's premises, or at any other prescribed place of work.~~ Types of ~~activies~~activities considered "time worked" under FLSA.

(1) Hours Worked: All hours an employee spends performing job-related activities, including productive work, waiting time, on-call time, and certain rest breaks, are generally considered hours worked.

(2) Waiting Time: Time spent waiting for work, whether at the workplace or another location, is generally considered hours worked if the waiting time is controlled by the employer. For example, if an employee is required to wait for a specific task or assignment, that time is typically considered compensable

(3) On-Call time: If an employee is required to remain on-call at the workplace or another location and must be available to perform work when needed, that on-call time is usually considered hours worked and must be compensated.

(4) Rest and Meal Breaks: Short rest breaks (typically lasting 20 minutes or less) are generally considered hours worked and must be paid. However, meal breaks (typically lasting 30 minutes or longer) where the employee is relieved of all duties are generally not considered hours worked and do not need to be paid.

(5) Travel Time: Travel time that is part of an employee's principal job duties, such as travel between job sites during the workday, is generally considered hours worked and must be compensated. Commute time to and from work is typically not considered hours worked.

~~(1)~~(6) Training and Meetings: Time spent in required training sessions, meetings, or other job-related activities is generally considered hours worked and must be compensated.

~~(b)~~(d) *Certification Pay*. ~~An additional amount paid to a regular full-time employee for completing a major task that is not normally part of an employee's duties and responsibilities.~~ A form of compensation or financial incentive provided by employers to employees who hold certain certifications, licenses, or qualifications relevant to their job duties. Certification pay is typically offered as a way to recognize and reward employees for their expertise, skills, and dedication to professional development. Certification pay for full-time regular employees must be recommended by the Department Head and approved by the City Manager. See Section 40-69 for the Certification Pay Policy

~~(c)~~(e) *Stability Pay*. In any year in which the City Council sets aside funds for stability pay, the City may pay to each employee an amount based on a percentage of the employee's base rate of pay calculated from October 1 to September 30. Only full-time permanent employees are eligible for stability pay. To be eligible to receive stability pay, an employee must have been with the City for twelve (12) months as of the first day of the fiscal year. Such sums may not, however, be credited toward overtime compensation due under the Act.

~~(d)~~(f) *Severance Pay*. A minimum of one-month base pay and all accrued vacation and sick leave

paid to an employee in good standing upon the elimination of his or her position. Since

staffing levels are reviewed and approved by Council as part of the budget process, Council must vote to reduce or eliminate the position(s) in question, thereby necessitating the payment of Severance Pay. If it becomes necessary to eliminate a position within a department, the Department Head shall eliminate the position(s) based on employee(s) evaluations.

(g) *Vacation Pay*. It shall be the policy of the City to ~~insure~~ensure that every employee has ample opportunity to utilize the vacation he or she has earned each year.

~~(1) However, employees with the approval of the department head and city manager, may be allowed to sell one week of vacation back to the City in the fiscal year. An employee selling vacation time back to the City must leave a minimum balance of 40 hours of vacation leave in their account.~~

(h) *Holiday Pay*. Every regular full-time employee of the City of Rockport shall automatically be credited with eight (8) hours of work on all scheduled holidays. Any "nonexempt" employee who works on a Holiday shall be compensated at one and one-half times the normal rate for hours worked with in that 24 hour period in addition to being given eight hours credit for the holiday.

(i) *Overtime Compensation*. All "nonexempt" employees shall be compensated for overtime. Until such time that sufficient funds may be budgeted, most overtime will be compensated in the form of "comp time." i.e., compensatory time off. For every hour of approved overtime worked by a nonexempt employee, 1.5 hours of comp time shall be accrued. Hours accrued at 1 ½ times the regular rate shall be defined as the actual hours worked in excess of 40 hours in a work week, except as may be provided in policies applicable to employees of the Police Department in conformance with the Fair Labor Standards Act. All time not physically worked i.e. vacation leave, sick leave, holiday time, jury duty time or use of previously accrued comp time will not be counted or considered as "time worked" in order to receive "over time" pay.

For all non-exempt employees, all over time must be approved by the employee's supervisor or department head in advance. Employees who work unauthorized overtime may be subject to disciplinary action, up to and including termination.

For more Over Time Information see Section 40-65

(j) *Compensatory Time.* All eligible non-exempt employees may accrue compensatory time ("comp time") in lieu of being paid overtime compensation. Exempt employees are not eligible for comp time under this policy. All non-exempt employees are subject to a cap Forty~~Eighty~~ (40) hours. Overtime hours worked beyond the cap must be paid as overtime compensation, or requested for use ~~flexed~~, as described under the Overtime Policy and Procedures section.

Eligible employees are:.

1. Non-exempt employees who work over 40 hours in a work week.
2. Sworn law enforcement assigned to 80-hour work periods
3. Seasonal employees are eligible for overtime if they actually work over 40 hours in

a work week, but they are not eligible for compensatory time.

Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. ~~If less than 40 hours have been actually worked during the work week, compensatory time shall be paid at the rate of one hour for each hour worked.~~ Compensatory time accruals are to be monitored by the Department and Payroll. All compensatory time accrued and/or used i~~t~~s to be documented on the employee's time sheet.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off ~~if it does not "unduly disrupt" the work of the department~~. If ~~used~~ compensatory time ~~would be unduly disruptive and a satisfactory time for the employee to use the time~~ cannot be scheduled within a "reasonable period" after the request, the department may elect to pay out the time requested by the employee in lieu of approving the request. The City may also require employees to take time off in order to reduce their accrued compensatory time or department heads may adjust work schedules to eliminate compensatory. Otherwise, compensatory time off may be used the same as leave time. Comp Time can only be used if it has already been earned. It cannot be used prior to earning the comp time.

Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or compensatory time. Likewise, an employee who is either promoted, transferred, or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a nonexempt employee will be paid for unused compensatory time at the employee's current hourly rate.

All use of comp time must be approved by the employee's supervisor or department head in advance. Employees who take unauthorized comp time may be subject to disciplinary action, up to and including termination.

(k) *Discretionary Time for Salaried Employees (Exempt).* ~~Under the Fair Labor Standards Act, e~~Exempt employees are ~~not~~ ineligible for statutory over-time pay or compensatory time ~~.~~ as a matter of right under the Fair Labor Standards Act. Exempt ~~These~~ employees, however, will sometimes be required to work more than the normal 40-hours per week without compensation due to the nature of their job duties. Supervisors of exempt employees may determine/approve discretionary time off, based on workload, for hours worked in excess of 40 hours per week.

Exempt (Salaried) employees also accrue vacation and sick leave in accordance with the applicable policies, and shall be required to use the appropriate leave to document absences from work that cannot be offset by discretionary time, i.e. taking multiple days off for a vacation, or illness.

Exempt (Salaried) employees are required to turn in a time sheet each pay period~~week~~ to document ~~so that~~ the use of any leave ~~may be documented~~ for payroll and record keeping purposes. In weeks that no leave is used, the employee will just document the straight 40 hours.

(l) *Flex time.* Flex time is scheduling time off to avoid ~~in lieu of~~ accrual of overtime ~~pay~~ within the same week in which the extra hours were worked. ~~-~~

(1) Flex time scheduled during the same week in which it was earned will be traded hour for hour because flex time used results in no actual overtime for the week. Department Directors and supervisors should schedule flex time where applicable for more efficient operation of the department and to minimize overtime for non-exempt employees

(2) Adjusting Work Schedules within a workweek may be done to reduce overtime hours. Supervisors may require an employee to take time ~~a day~~ off without pay ~~or leave early~~, avoid incurring overtime for to off-set "extra" hours previously worked during the same work week. For instance, if an employee works three extra hours on a Monday, the supervisor may adjust the employee's work schedule by reducing his/her work time by three hours on Tuesday.

(m) *Wage Continuation Pay*. An employee who sustains an on-the-job injury that results in lost time shall automatically receive up to one week of wage continuation pay. Wage continuation pay may be extended indefinitely ~~by the City manager based upon the finding and recommendations of the Safety Review Board~~ if Workman's' Compensation approves Temporary Income Benefits (TIBS) payments~~.~~ Wage continuation pay shall be the difference between the weekly Worker's Compensation insurance payment and the employee's base pay for one week. Special wage continuation provisions apply to Police Officers for Line-of-Duty injuries, see Section 40-63 (4)~~.~~

(1) For non-public safety Wage Continuation, ~~To accomplish this,~~ the City will generally continue~~s~~ to pay the employee for a regular 40 hours per week (for Full-time Employees). Once the employee receives the Temporary Income Benefits Payment from Worker's Compensation, the employee reimburses the City those funds.

a) If the employee does not reimburse the City with the funds sent to them by the City, they may be responsible for reimbursing the City the difference on their own.

(2) To be eligible for Wage Continuation Pay, an employee must meet the following criteria:

a) Full-time, regularly scheduled, active employee

- Temporary and seasonal employees do not qualify for wage continuation pay.

b) Employee must be on Workman's Compensation, and eligible for and receiving Temporary Income Benefits (TIBS) through Workman's Compensation due to their impairment status.

(n) *Emergency and Disaster Pay.*

~~(2)~~(1) See Division 11. Severe Weather, and Emergency/Natural Disasters

~~(3) Use of Leave With and Without Pay by Exempt and Nonexempt Employees~~ is ~~as follows unless otherwise directed by the City Manager or City Council. Employees designated by their department head as Emergency Service Personnel will be allowed to secure their families and property as scheduled by the department head, or designee, and to use vacation or personal leave, if any, or leave without pay if paid leave is exhausted, for that purpose. Other employees shall also be allowed to use accrued vacation, available personal leave, or leave without pay if paid leave is exhausted, to cover work time missed due to the disaster. Employees may request that accrued compensatory time be used for these purposes.~~

~~(4) *Nonexempt employees.*~~

~~a) All actual hours worked by nonexempt employees over 40 in a 7-day work period shall be compensated at the overtime rate of one and one-half of the employee's hourly rate as provided in the City's overtime policy.~~

~~Whether the overtime will be paid or granted as compensatory time will be determined and communicated to employees by their department head and/or supervisor prior to the overtime being worked.~~

~~b) Unless notified in advance, City employees holding Essential Services Position will be required to report to work in emergency conditions including hurricanes, tornadoes, floods, ice storms, earthquakes, fires, chemical accidents including hazardous materials spills or any other disaster which threatens the safety of Rockport's citizens. Nonexempt employees who report under these circumstances, who are subsequently released from duty due to emergency conditions, shall be paid a minimum of three (3) hours at the regular rate of pay, or for the number of actual hours worked, whichever is greater, and allowed to use accrued vacation, available personal leave, if any or leave without pay if paid leave is exhausted, to cover work hours missed during that work period, unless otherwise directed by the City Manager or City Council.~~

~~c) Nonexempt employees may request that accrued compensatory time used for this purpose.~~

~~(5) *Exempt Employees.*~~

~~a) Upon activation of emergency situation through written or verbal notification by the City Manager, exempt employees who exceed 40 actual hours of work in a 7-day work period, as defined in the policy, shall be eligible for overtime at the rate of one and one-half time of the employee's hourly rate or by compensatory time at the rate of one and one-half hours for each hour actually worked over 40 hours in a 7-day work period. Compensatory time earned is to be scheduled as soon as practical in each department. This provision for exempt employees will be enacted upon written notification to department heads by the City Manager.~~

~~Exempt employees on a salaried basis shall be charged leave, as applicable, for partial day absences. The use of leave by municipal employees is allowed under FLSA regulations without affecting the exempt employee's salaried status.~~

(o) *On-Call duty Pay:*

(1) Employees assigned On-Call duty will be paid a $100 stipend for the time that they are assigned On-Call.

(2) When an employee is called to work while On-Call shall be paid one and one half times their hourly wage for any hours in excess of 40 in a 7 day period (80 in a 14 day period for Police).

(3) Employees must be fit for duty anytime they are called to work while On-Call. If they employee is not fit for duty, it is the employee's responsibility to advise his/her supervisor immediately. (See Section 40-307 (c)(d) of Section II- Alcohol and Drug Free Environment Policy for further guidance).

(4) On-Call duty pay is not considered regular pay.

Section 40-63 **Excused Absences and Types of Leave.**

Listed below are all of the types of excused absences and types of leave for which an employee will be compensated.

The use of the various leaves is a benefit provided to employees to make a full work week/pay period. These leave options are available to assist eligible employees to reach 40 hours per work week or 80 hours per pay period for police officers. No leave benefit may be used nor be paid out to an employee that allows them to exceed their respective 40 hours per work week or 80 hours per pay period for police officers. For example, if an employee was out sick on Thursday ~~sick~~, and on Monday, Tuesday, Wednesday, and Friday, they worked a total of 38 hours, they will only need to use 2 hours of sick time for Thursday to bring them to their 40 hours. ~~:~~

~~(1)~~ Vacation. All employees are encouraged to use the vacation that they have earned. In order for vacation to be credited against an employee's record of time, the Department Head must approve the vacation in advance. Each Department Head may establish internal Departmental policies pertaining to submission and review of vacation requests so as to insure completion of the Department's tasks and reasonable scheduling of other employees. The following rules or guidelines shall apply to all employees. The Department Head may decline the request if the request was not received in sufficient enough time to make arrangements in the work schedule and duties, or if the employee does not have enough vacation hours on the books to cover the requested time.

(a) ~~The Administrative Assistant~~Payroll shall keep the official record of vacation earned and vacation used.

(b) Employees shall earn vacation at the following rates:

Length of Service	**Days Earned Per Month**
Less than 10 years	One
10-14 years	One and one-quarter
15 or more years	One and one-half

(c) Department Heads shall earn vacation at the following rates:

Length of Service	**Days Earned Per Month**
Less than 10 years	One and one-quarter
10 or more years	One and one-half

(d) The rate at which the City Manager and City Secretary earn vacation shall be determined by Council as part of their salary negotiations and by contract, if any.

(e) On the first day of the City's fiscal year, the maximum allowable vacation leave balance will be thirty (30) days (240 hours), except as noted below. Any days in excess of thirty (30) (240 hours), shall be lost unless it has been necessary to deny an employee the opportunity to take his or her requested vacation. In these cases, the Manager may ~~shall~~ recommend to Council that the employee be paid for the excess leave.

~~The total vacation accrued by employees who already have more than thirty (30) days of vacation "on the books" as of July 10, 1990 shall be the limit they may carry forward into a new fiscal year. For example, if an employee has 45 days of accrued vacation "on the books" as of July 10, 1990, then 45 will be the maximum that this employee can carry forward on the first day of the future fiscal years. If at any time their accrued vacation total falls below thirty days at the beginning of a fiscal year, the "thirty-day rule" shall apply to them permanently.~~

(f) *Buyback ~~Sell~~ of employee vacation time*: Employees, with the approval of the department head and city manager, may be allowed to sell one week (40 hours) of vacation back to the City once each fiscal year. Such buybacks are limited to ~~An~~ employees ~~selling vacation time back to the City must have~~ with a minimum balance of 40 hours of vacation leave remaining in their account after ~~if~~ the 40 hours are purchased~~sold~~; additionally, the ~~employee~~employee ~~, and~~ must have taken a cumulative total of 40 vacation hours in the preceding 12 months. Such buyback by the City will be at a one-for-one hourly rate at the time the vacation leave is "purchased" by the City.

(g) Holidays and regularly scheduled days off when taken in conjunction with a vacation, shall not be counted as vacation days.

~~(f)~~ In the event that an employee's request for a day off is denied, the employees must adhere to the denial and report to work as scheduled. Failure to do so without prior authorization will be considered a violation of leave policies and may result in disciplinary action.

(h) Employees ~~who retire, are terminated, or who resign,~~ shall be paid all unused vacation upon retirement or termination.

~~Exception: Employees terminated due to gross misconduct will not be paid their accrued leave.~~

(i) Misuse or abuse of the vacation leave provisions shall be cause for disciplinary action.

(2) Sick Leave. Employees who are ill or who must temporarily care for their father, mother, spouse, son, or daughter; or for any~~other~~ relative that is dependent upon the employee as their primary ~~main~~ caregiver,~~living under the same roof~~ may utilize sick leave. In order for an absence to be excused as sick leave, the following rules shall apply to all employees.

(a) In order for an absence to be counted as sick leave, an employee must call his or her supervisor within thirty (30) minutes after the start of the workday. If the supervisor cannot be contacted, then the employee is to contact the Department Head.

(b) Sick leave may be used for scheduled appointments with health care professionals. Sick leave may also be used for the purpose of attending inpatient or after care, outpatient treatment of alcohol or drug abuse. It may also be used to attend physical therapy if that therapy has been prescribed by a physician.

(c) Sick leave may not be used in lieu of injury leave.

(d) An employee has the option of utilizing earned comp time in lieu of sick leave, however, the Department Head retains the option of requiring a medical or hospital statement.

(e) All employees shall earn sick leave at a rate of one day per month of service.

(f) Employees who resign or are terminated shall not be paid for unused sick leave.

(g) Employees who retire with fifteen or more years of service with the City on July 10, 1990 shall be paid for 50% of their accrued sick leave or 45 days, whichever is less.

(h) Employees who retire and who have had less than fifteen years of service with the City on July 10, 1990 shall be paid for 50% of their accrued sick leave or thirty (30) days, whichever is less.

(i) The Finance Department shall maintain the official record of sick leave earned and sick leave taken.

~~(i)~~(j) Once sick leave is depleted, an employee may utilize any vacation leave they have remaining to bring them up to 40 hours while they are still out due to illness, however, sick leave cannot be used to make up for depleted vacation leave should the employee need to take time off unrelated to illness.

(k) Misuse or abuse of the sick leave provisions shall be cause for disciplinary action.

~~(3) Injury Leave.~~

~~(a) Employees who are injured and cannot perform the essential elements of their job description shall be placed in an injury leave status so long as the employee reports the injury immediately to his/her supervisor.~~

~~(b) If the employee has not been released by his or her physician to return to a full-duty work status by the end of a reasonable injury leave period and cannot perform the essential elements of the job description, the employee may be terminated.~~

~~(a) In order for an absence to be counted as sick leave, an employee must call his or her supervisor within thirty (30) minutes after the start of the workday. If the supervisor cannot be contacted, then the employee is to contact the Department Head.~~

~~(b) Sick leave may be used for scheduled appointments with health care professionals. Sick leave may also be used for the purpose of attending inpatient or after care, outpatient treatment of alcohol or drug abuse. It may also be used to attend physical therapy if that therapy has been prescribed by a physician.~~

~~(c) Sick leave may not be used in lieu of injury leave.~~

~~(d) An employee has the option of utilizing earned comp time in lieu of sick leave, however, the Department Head retains the option of requiring a medical or hospital statement.~~

~~(e) All employees shall earn sick leave at a rate of one day per month of service.~~

~~(f) Employees who resign or are terminated shall not be paid for unused sick leave.~~

~~(g) Employees who retire with fifteen or more years of service with the City on July 10, 1990 shall be paid for 50% of their accrued sick leave or 45 days, whichever is less.~~

~~(h) Employees who retire and who have had less than fifteen years of service with the City on July 10, 1990 shall be paid for 50% of their accrued sick leave or thirty (30) days, whichever is less.~~

~~(i) The Finance Department shall maintain the official record of sick leave earned and sick leave taken.~~

~~(j) Misuse or abuse of the sick leave provisions shall be cause for disciplinary action.~~

(3) Injury Leave (non-police only).

(a) Employees who are injured on the job and cannot perform the essential elements of their job description shall be placed in an injury leave status so long as the employee reports the injury immediately to his/her supervisor.

(b) If the employee has not been released by his or her physician to return to a full-duty work status by the end of a reasonable injury leave period and cannot perform the essential elements of the job description, the employee may be terminated.

(c) The Department Head may recommend a leave of absence without pay in lieu of termination if:

a) The employee will be able to return to his/her job within a thirty (30) day period of time if certified by the attending physician; and

The department head can forego a regular ~~replacement~~replacement, or the position can be filled on a temporary basis until the injured employee can return to work.

(4) **Line of Duty Injury Leave**

Line of duty injuries for paid Police shall be managed in accordance with Texas Local Government Code Chapter 177A. Paid police officers who sustain a line-of-duty injury shall be provided with a leave of absence at full pay for a period commensurate with the nature of the line of duty illness or injury for up to one year from the date of injury. Full pay will be provided as Temporary Income Benefits received by the employee from the City's Worker's Compensation Insurance provider plus a supplemental wage to equal the employee's regular rate of pay at the employee's regular schedule. Full pay under this section does not include overtime, even if regularly incurred when the employee is actively working. At the end of the leave of absence, the City Council may extend the leave of absence at full or reduced pay in response to a request by the employee.

a. In the event the police officer is temporarily disabled by a line of duty injury or illness and requires additional leave beyond the leave of absence and any extension granted by the City Council has expired, the employee may use accumulated sick leave, vacation time and other accrued benefits before the employee shall be placed on temporary leave. Another police officer may voluntarily do the work of the injured police officer so that the temporarily disabled employee continues to receive wages and benefits while on temporary leave. In order to facilitate recovery, Employees on temporary leave are prohibited from working off-duty or ancillary jobs for other employers.

b. If able, a police officer may return to light duty while recovering from a temporary disability. If medically necessary, the light duty assignment may continue for at least one year.

c. After recovery from a temporary disability, the officer shall be reinstated at the same rank and with the same seniority the employee held before going on temporary leave.

d. Should the officer be determined to be permanently disabled during any part of this process, and be unable to perform the essential functions of the employee's position with or without an accommodation, the department head –-with the approval of the City Manager will make the necessary arrangements for the officer's retirement under the on-the-job disability clause of any coverage provided by the City, including the Texas Municipal Retirement System (TMRS).

(5) First Responders Mental Health Leave. The purpose of this policy is (1) provide clear and objective guidelines establishing the circumstances under which a Peace Officer and full-

time Telecommunicator is granted mental leave and may use mental health leave; (2) entitle a Peace Officer and Telecommunicators to mental health leave without a deduction in salary or other compensation; (3) enumerate the number of mental health leave days available to a Peace Officer and Telecommunicators; and (4) detail the level of anonymity for a Peace Officer who takes mental health leave. See Appendix C.

~~(4)~~(6) Court/Jury Leave. An employee who is called for jury duty, or who is subpoenaed to testify before a grand jury or at a criminal trial or in a civil case in which the City is a party shall be given Court/Jury leave. If the subpoena requires that the employee remain away from the ~~work place~~workplace for one or more workdays, the employee will be credited with eight hours court/jury leave per workday.

(7) Military Leave. In accordance with State and Federal law and regulations, an employee who is actively involved in the Reserve ~~of the~~ Armed Forces of the United States, ~~or~~ the Texas National Guard or State Guard, shall be entitled to take up to fifteen (15) days military leave per Fiscal Year for Military Training~~,~~ or Military Active Leave. ~~Military leave must be spent on active duty or in an active reserve status~~. Military training leave includes ~~required~~ annual training, and ~~required~~ scheduled inactive duty for training~~weekend drills~~. ~~Military~~ Active Military Leave applies to regular full-time employees who are in the United States Reserves or Texas National Guard forces who have been ~~and~~ called to active duty. The employee is to give as much notice as possible and eventually will need to provide a copy of their orders upon receipt. ~~A Department Head will require the employee to provide a copy of the military orders for the military leave period.~~

Employees will only be paid for workdays missed as a result of military training leave. For example, if an employee works a standard five-day workweek Monday through Friday, the employee will only be paid for days they are scheduled to work but are absent due to a military leave obligation ~~up to the.~~ Holiday pay will be granted during the expenditure of training leave. Holiday pay will be paid at straight time.

(a) Other benefits (i.e., vacation and sick leave) will continue to accrue during military training leave.

~~(a) Holiday pay will be granted during the expenditure of training leave. Holiday pay will be paid at straight time.~~

(b) The paid Military Leave does not count against the employee's personal time, sick leave, vacation time, or performance appraisal. The 15 days do not need to be consecutive Once the 15 days of paid Military leave have been exhausted, employees have the option to use any paid time off or go without pay during their military leave.

(c) Employees returning from Military Active Leave must return to work (or reapply and be available to work) and provide written copies of their separation or deactivation orders to the City as follows:

a) Less than 31 days of leave – within 72 hours of their release from service.

b) More than 31 days, but less than 180 days of leave – within 14 days from their release from service.

c) More than 180 days of leave – within 90 days from their release from service.

~~(5)~~(8) Off Site Training. An employee may from time to time be required to attend training that occurs outside the normal workplace. As such, the employee will be absent from the normal workplace. Attendance at the training will be considered the employee's work assignment for that period of time. When the training is out of town or lasts for more than one day, the employee will be credited with eight hours training (work) time per day, as well as paid travel time for out-of-town travel.

~~(6)~~(9) Death in Family Leave. All full-time employees may be granted leave with pay for a period not to exceed three (3) workdays to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household. This leave will not be charged against sick leave or vacation. Part-time, seasonal and temporary employees may be granted up to three (3) days leave of absence without pay in such cases. (Immediate family, for this purpose, shall be defined as husband, wife, son, daughter, mother, father, mother-in-law, father-in-law, grandparents, brother and sister).

~~(7)~~(10) Family and Medical Leave Act (FMLA). An employee must be awarded up to 12 weeks total of paid and unpaid leave for the reasons of birth of a child, adoption or foster care of a child, care for seriously ill spouse, child, or parent, and during the employee's own serious illness. The employee must exhaust accrued vacation, comprehensive and sick leave time first before unpaid leave is taken.

(a) To be eligible for FMLA leave, an employee must have been employed with the City for at least 12 months and worked at least 1,250 hours during the previous 12 months.

(b) Eligible employees will be granted leaves of absence for up to 12 weeks within a

"rolling" ~~12 month~~12-month period (measured backwards from the date the leave begins) for any of the following reasons:

1) Birth or placement (adoption or foster care) of a child, or in order to take care of a newborn child or a child newly placed with the employee for adoption or foster care and the leave must be taken before the end of the first 12 months following the date of birth or placement ("birth leave"); or

2) When certified by a health care provider, to care for a "family member" (the employee's spouse, ~~child~~child, or parent, but not a parent-in-law) with a serious health condition; or

3) For a serious health condition that makes the employee unable to perform the functions of his or her position.

(c) Eligible employees may take FMLA leave for any combination of these reasons. However, all combined leaves cannot exceed 12 weeks within the "rolling" 12-month period.

(d) A birth leave (unless it involves a serious health condition) must be taken in a continuous time period and may not be taken in intermittent periods (e.g., one week working and the next week on leave) or through a reduced work schedule (e.g., changing from 40 hours per week to 20 hours per week). A childcare leave must be completed within 12 months of the birth, adoption or placement of the child. Leave for a serious health condition may be taken in a continuous time period, or an intermittent basis or through a reduced work schedule.

(e) Serious Health Condition. For the purpose of this policy the meaning of the term "serious health condition" may be summarized as an illness, injury, impairment or physical/mental condition that involves in-patient care in a hospital, hospice or residential medical care facility, or "continuing treatment" by a health care provider as defined in the FMLA. For a complete definition of the term "serious health condition," contact the Administrative Assistant. Ordinarily, unless complications arise, the common cold, flu, earaches, upset stomach, ulcers, headaches (other than migraines) and routine dental or orthodontia problems are examples of conditions that DO NOT constitute a serious health condition and DO NOT qualify for FMLA leave.

(f) Notice to City of Leave.

1) Where the need for an FMLA leave (including intermittent or reduced work schedule leaves) is foreseeable, employees must provide the City with thirty (30) days' prior notice. If 30 days prior notice is not practicable because the absence results from unforeseen circumstances, notice must be given as soon as practicable (usually within two (2) business days after the leave begins). If an employee fails to give timely advance notice when the need for leave is

foreseeable, the City may deny FMLA leave until the employee provides 30 ~~days notice~~days' notice.

2) The City must notify the employee if the absence qualifies as FMLA leave. If the City does not have the information from the employee needed to designate the leave as FMLA when the time leave commences, it may retroactively designate the leave as FMLA upon obtaining that information.

3) If leave is taken on an intermittent basis or reduced work schedule for foreseeable, planned medical treatment, the City may transfer the employee during the leave to an alternative position with equal pay and benefits which better accommodates an intermittent or recurring leave. If the leave is foreseeable for planned medical treatment, the employee must make a reasonable effort to schedule medical treatments to avoid disrupting City operations.

(g) Required Medical Certifications

1) Initial Certification. Employees who request leave because of a serious health condition must provide the Administrative Assistant with a medical certification from their health care provider, on the form provided by the City. When 30 days notice of leave is provided to the City, if possible, the employee must return the completed medical certification before beginning the leave. However, when the need for leave is not foreseeable, the completed certification must be returned to the City within 15 days. If an employee fails to return a completed medical certification in a timely manner, the City may deny foreseeable leave until the certification is submitted. If an employee never returns the health care provider certification, the absence will not be considered FLMA leave.

2) Recertification During Leave. Employees may also be required to submit medical Recertification from their health care provider during the course of the leave. Employees on leave may also be required to periodically report to the City regarding their intent to return to work upon completion of leave. If an employee gives unequivocal notice that he or she does not intend to return to work, the employee's FMLA leave, entitlement to reinstatement and medical/dental benefits, and employment with the City will be terminated.

3) Return to Work Certification. Before being reinstated from leave, employees must submit a medical certification that they are fit for duty and able to perform the essential functions of their job position (with or without reasonable accommodation). Employees will not be reinstated until the City receives this certification.

(h) Reinstatement from Leave. The City will reinstate employees from FMLA leave to their former positions. Employees must seek reinstatement on or before the

expiration of 12 cumulative weeks of leave and be able to perform their job duties (with or without reasonable accommodation). Employee must request reinstatement within three (3) working days after being released by their health care provider. If the employee's former position is not available, the employee will be reinstated to an equivalent job position. Refusing an offer of reinstatement to an equivalent position will be treated as a voluntary resignation of employment. Employees who do not return to work after 12 cumulative weeks of FMLA leave or do not seek extended leave (if eligible) will be dismissed from employment. However, such employees are eligible to reapply for future employment by submitting an application to the City.

~~(8) Additional Leave of Absence. Employees who exhaust their FMLA leave and need additional time off from work for their own medical treatment may apply for up to a maximum of 14 weeks of extended leave anytime during the "rolling" 12-month period.~~

~~(9)~~(11) Medical Leave of Absence

(a) Employees who do not qualify for FMLA leave may apply for or be placed on a medical leave of absence for the treatment of their on-the-job serious health condition. Employees will be eligible for medical leave after completing the entry period, except for on-the-job injuries, when a medical leave can begin immediately.

(b) Medical leave is limited to a maximum of 12 cumulated weeks within the "rolling" 12-month period. A medical leave must be taken on a continuous basis and may not be taken on an intermittent basis or a reduced work schedule.

(c) Medical leaves will be unpaid. However, an employee's accrued sick leave, vacation or other paid benefits must be used during the leave, under the policies of the City, until exhausted. The use of paid benefits will not extend the duration of a medical leave. An employee may not receive more than one hundred percent of regular wages during a medical leave from any combination of employment benefits.

~~(10)~~(12) Extended Leave

(a) Employees may qualify for additional time off from work during the "rolling" 12-month period for treatment of their on-the-job or off-the-job serious health condition. To qualify for extended leave, employees must first exhaust their FMLA or medical leave. Employees must apply for extended illness leave through the City Manager.

(b) Full time employees (for the purpose of this policy, individuals authorized to work 40 hours per week) who qualify for extended leave may continue their absence for up to a maximum of 14 weeks during the "rolling" 12 month period.

(c) Extended illness leave must be taken in a continuous time period and may not be taken on an intermittent basis or through a reduced work schedule.

(d) Benefits During Leave

1) Extended leaves will be unpaid. However, if an employee has accrued sick leave or vacation, such benefits must be used during an extended leave, under the policies of the City, until exhausted. The remainder of the leave would be unpaid. The use of paid benefits will not extend the duration of the leave. An employee may not receive more than one hundred percent of regular wages during the extended leave from any combination of employment benefits (e.g., vacation, sick leave, etc.).

2) Employees will not accrue service credit or employment benefits during the unpaid portion of an extended leave. Coverage under the Plan will remain in effect if the employee timely pays the employee's portion of the premium during an extended leave. Premiums will be paid either through payroll deduction (if paid benefits are used during all or any or part of an extended illness leave) or through other arrangements approved by the City Manager. Employees who fail to pay Plan premiums during their extended leave will be dropped from the Plan and may be required to requalify for health coverage if they are reinstated to employment.

3) Eligible employees may take reasonable leaves of absence for maternity purposes; the birth, ~~adoption~~adoption, or placement of a foster child; or for the care of a spouse, son, ~~daughter~~daughter, or parent who has a serious health condition. For these purposes, "serious health condition" shall mean an illness, injury, impairment or physical or mental condition involving inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. "Spouse" shall mean the husband or wife of the ~~employee, but~~employee but shall not include unmarried domestic partners. If the City employs an employee and his or her spouse, their combined time off may not exceed twelve (12) workweeks during any twelve (12) month period. ~~An employee will be required to first use any of his or her accrued and unused vacation and sick leave benefits before being allowed to use family leave.~~

4) Taking ~~family leave~~FMLA will not result in the loss of any benefit accrue prior to the date on which the leave began. ~~However, vacation and sick leave benefits shall not accrue during the period of the leave of absence.~~ An employee on ~~family leave~~FMLA will remain covered under all employee benefit plans (medical, retirement, etc.) throughout the duration of the leave as if actively employed. If the employee fails to return to work at the conclusion of the leave, the City will require the employee to reimburse it for the full cost of health care coverage during the period of leave out of their final paycheck and long as it does not drop their pay below minimum wage. However, if an employee fails to return to work because of legitimate medical reasons or circumstances

beyond the employee's

control, he or she may not be required to reimburse the City for such benefits.

~~(11)~~(13) Leave Without Pay. In rare occasions where an employee has no accrued vacation, sick leave or comp time and has legitimate reason to be absent from the ~~work place~~workplace, a Department Head may recommend leave without pay. Reasonable causes for leave without pay may include, but not limited to:

(a) Maternity leave when the employee has no accrued vacation, sick leave or comprehensive time; or is ineligible for FMLA.

(b) Additional emergency leave beyond five days when the employee has no accrued vacation, sick leave or comp time.

(c) Additional military leave when the employee has no accrued vacation, sick ~~leave~~leave, or comp time.

(d) Any leave required by the Americans with Disabilities Act (ADA).

~~(d)~~(e)

~~(12)~~(14) Compensatory Time. Compensatory time is excused time away from the work site for non-~~-~~exempt employees in lieu of cash payment for overtime or excused time for exempt employees in lieu of excess hours above the standard workweek. Non-exempt employees shall accrue one and one-half hour of comp time for every hour of overtime worked for which they are not paid. The Department Head must approve the use of compensatory time before an employee can take it. The City strives to pay overtime when it is earned. See Section 40-65.

Section 40-64 Catastrophic Leave Policy

1. Purpose

The purpose of this policy is to establish standard procedures regarding the donation of sick/vacation leave to City employees who have exhausted all accrued leave and are out on unpaid leave due to a catastrophic illness or injury to the employee, or a qualifying family member.

2. Policy

The Catastrophic Leave program is designed for use when an employee has exhausted all accrued comp time/sick leave/vacation leave and must be out due to a catastrophic illness or injury suffered by the employee, or a qualifying immediate family member. The Catastrophic Leave program is funded "by employees for employees" and is intended to lessen hardship caused to an employee by providing a source of additional paid leave for those employees who have exhausted all leave time earned. The maximum number of hours an eligible employee can receive through the Catastrophic Leave program is 480 hours per 12-month rolling period (lifetime max of 1440 hours), if enough hours are available within the Leave Bank.

This program is not designed as an indefinite extension of any person's employment with the City of Rockport. This will instead only apply in those cases wherein a person suffered a catastrophic injury or illness that is not covered by workman's compensation, and the employee's complete recovery is reasonably expected within a time frame beneficial to the City, and the employee has expended all accrued leave fully.

Abuse of the catastrophic leave bank program will subject the employee to disciplinary action, up to and including termination.

3. Definitions

For purposes of this policy, the following definitions apply:

(a) Catastrophic Illness or Injury: A life-threatening or severe injury or illness of an employee which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation for 5 or more days. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and are long-term in nature and require long recuperation periods, may be considered catastrophic.

(b) Eligible Employee: Full-time employee regularly scheduled for a minimum of 40 hours per week, eligible to received sick/vacation leave.

(c) New Hire: Full-time employee regularly scheduled for a minimum of 40 hours per week, eligible to receive vacation/sick leave, that has been employed with the City for less than 2 years (24 months).

(d) Licensed Physician: A practitioner who is practicing within the scope of his/her license in treating the employee.

(e) Open Enrollment: The period when an eligible employee may make contributions to the Catastrophic Leave program. The open enrollment period shall be the period each year allotted for benefit enrollment changes and is subject to change in accordance with the health insurance contract.

(f) Plan Year: A 12-month period beginning October 01 of the current year and ending September 30 of the following year.

(g) 12-Month Rolling Period: A period of 12 consecutive months determined on a rolling basis measured backwards and in accordance with FMLA regulations.

(h) Leave Bank: The accumulated sick/vacation leave voluntarily donated by employees for utilization in accordance with this policy.

(i) Qualifying Family Member: Qualifying Family member is immediate family defined as those individuals related by kinship, adoption, marriage, or foster children who are living in the same household or, if not in the same household, are totally dependent upon

the employee for personal care or services on a continuing basis.

4. Donation to Leave Bank

(a) Procedure for Donating Leave: Employees who wish to donate sick/vacation leave, during the annual benefits open enrollment period, must complete an application for Catastrophic Leave Donation Form provided by the Human Resources Department. The donor's leave balance will be reduced by the number of leave hours donated. Contributions will be credited to the Leave Bank on the first full pay period for the Fiscal Year. Employees who leave the City are not eligible to donate leave upon their departure.

Employees must meet the following requirements in order to be eligible to donate sick/vacation leave through the Catastrophic Leave program. Comp time cannot be donated. Leave is donated hour for hour and is not transferred into a monetary value.

1. Full-time employment status with the City, and eligible to accrue and use sick leave.
2. Sick/vacation leave must be donated in increments of eight (8) hours.
3. To donate sick/vacation leave an employee must have at least 80 hours of accumulated leave remaining after the donation is made.
4. The maximum number of hours one individual may donate is 40 hours of sick/vacation leave per annual open enrollment.

(b) Voluntary Participation: Participation in this program is strictly voluntary. Contributions to the Leave Bank may not be designated for use by any specific employee. Time donated by an employee may not be recovered or recaptured. Participation in donating leave does not guarantee approval of future leave bank time requests. Approval of use of catastrophic leave bank hours is based strictly on an employee meeting all Policy requirements on a first come first serve basis, and on the availability of leave in the Bank.

(c) Leave Bank Availability: Should insufficient Leave Bank Hours be donated to the Leave Bank, the City is not obligated to pay any Leave Bank payments to eligible employees.

5. Eligibility to Receive Leave Donations

(a) Eligible Employee: Employees must meet the following requirements to be eligible to receive leave donations:

1. Has personally experienced a catastrophic illness or injury, or;
2. The employee's request is to care for a qualifying family member's catastrophic illness or injury.
3. Must be full-time employee regularly scheduled for a minimum of 40 hours per week.
4. Must have exhausted all accumulated comp time/sick leave/vacation leave.
5. Must have donated to the Catastrophic leave bank during the most current open enrollment to be eligible.

6. Or, is a New Hire as defined by this policy.

(b) Exclusions: The following medical procedures are excluded from eligibility to receive leave donations:

1. Non-catastrophic illness or injury such as flu
2. Non-emergency elective surgery, except when life-threatening complications occur.
3. Routine surgeries with no complications.
4. Illness or injury covered by the City's worker's compensation program.
5. Employees who have been released by a licensed physician to return to work.
6. Normal pregnancies, except when life-threatening complications occur.

*** The City Manager may approve the request of an employee for donated leave that does not meet the minimum eligibility requirements if the City Manager determines there are extenuating circumstances that warrant an exception.

(c) Multiple Employees Eligibility for Donated Leave: If more than one City employee is eligible for donated leave under this Policy, each employee's receipt of donated hours may be adjusted to ensure that the number of hours granted to each employee does not exceed the number of hours available.

If an employee and his/her spouse or other immediate family member are both employed by the City, only one individual can use the catastrophic leave pool at a time. The only exception would be in the event both are incapacitated and are needing to request time due to their own catastrophic illness, such as both employees being in the same car wreck, and hospitalized.

6. Procedure for Requesting Leave

(a) Application Forms: To apply for Catastrophic Leave the employee must complete the Catastrophic Leave Request Form and submit medical documentation from a licensed medical professional. The required Request Form is available from the Human Resources Department.

The Human Resources representative or City Manager may temporarily waive the need of medical documentation due to the severity of the catastrophic illness, injury, or circumstances involved.

If it is anticipated the employee will be exhausting his/her leave balances, a request for hours from the Leave Bank may be sought to coincide with the exhaustion of their leave in order to prevent a gap in the employee's pay. Leave Bank hours may be used for a continuous absence or for intermittent or part-time absences if all other requirements of this policy are met.

(b) Application Review: A representative from the Human Resources Department will act as the primary administrator and contact for the program. The Human Resources Department will review each application and ensure that each of the following conditions have been met:

1. Employee's entire accumulated leave (comp/sick/vacation leave) has been exhausted; and
2. Employee meets the eligibility requirements stated above to be able to receive hours; and
3. Requesting employee, or representative, provides the licensed physician statement or justification that employee has a qualifying catastrophic illness or injury.

The Human Resources Department will inform the applicant of the City's decision granting or denying the request of donated leave in writing within five (5) business days after the receipt of the application

An employee using hours from the Leave Bank will continue to accrue sick leave, vacation leave, and holiday(s) and must use their own comp time, sick leave, vacation leave, and holiday(s) before using the Leave Bank hours. If an employee does not use all of the Leave Bank hours donated to them, the unused time will be forfeited and revert back to the Leave Bank. There will be no retroactive pay of Leave Bank to any previous pay period where Leave Bank was not yet requested. Leave Bank will be used only on a go forward basis by pay period, on a first come, first serve basis.

(c) Continuation of Leave

The employee, or a representative if the employee is unable, must notify Human Resources on a weekly basis (day to be determined by HR) as to the expected date of return. Upon return of the employee, any unused donated time will be forfeited and revert to the Leave Bank.

(d) Continuation of Employment Benefits: While an employee is receiving benefits from the Catastrophic Leave program, the following will apply:

1. Health insurance premiums and other benefit premiums will continue to be deducted from the employee's pay so long as the employee is receiving donated leave.
2. Sick and vacation will continue to accrue as long as pay is received by the employee.
3. Holiday(s) will continue as long as pay is received by the employee.
4. Longevity will continue as long as pay is received by the employee.
5. Pension contributions will continue as long as pay is received by the employee.
6. Certification pay will continue as long as pay is received by the employee.

If a separation of employment occurs while an employee is utilizing Catastrophic Leave, the employee may not receive additional payment for Catastrophic Leave, and all unused hours will revert to the Leave Bank.

(e) FMLA

The use of donated leave will run concurrent with FMLA leave if eligible.

(f) Ineligibility. A participating employee shall lose the right to obtain benefits from the Leave Bank by:

1. Termination of employment, including but not limited to, resignation, involuntary termination, and retirement, and/or;
2. Refusal to comply with the policies and procedures set forth in the Employee Handbook and/or this policy.
3. Exhaustion of donated leave in the Leave Bank.
4. Employee becomes permanently incapacitated, and unable to perform job duties, or return to work in a reasonable timely manner.
5. In the event of death, employee's family or heirs cannot receive any remaining donated leave. The leave will revert to the bank.
6. Employees has reached the lifetime max of 1440 hours.

7. Appeal

Appeal Process. An employee whose request for Catastrophic Leave benefits is denied by the Human Resources Department may appeal the denial to the City Manager but must do so in writing within five (5) days of receiving notification that the request was denied. The City Manager shall respond in writing to the employee within five (5) business days following the day the written appeal was received. The decision of the City Manager is final. If employee does not appeal the decision within the allotted amount of time, the last decision made will stand.

8. Tracking and Record Keeping

Human Resources will be the administrator for the Catastrophic Leave Bank balance, all related forms, and records.

(a) Donation Requests will be turned into Human Resources during each annual open enrollment period for approval.

(b) Any hours remaining in the Leave Bank at the end of the fiscal year on September 30th, will roll over to the next fiscal year effective October 1.

(c) Human Resources will keep an excel spreadsheet to track all donated and granted leave bank hours, along with the roll over balance from the previous fiscal year.

(d) After all donation forms are received and approved, Human Resources will send Payroll a Leave Bank Balance including any roll over from the previous year, along with a list of those who donated so that the hours can be deducted from each donating employee's balance effective the first payroll of the new fiscal year.

(e)

(f) All requests will be reviewed/approved on a first come, first approved basis.

(g)

(h) Hours will be granted on a per pay period bases. Hours will not be granted in sums larger than the amount needed to bring an employee up to 80 hours, for the current pay period.

(i)

(j) Employees (or department representative) will track use of granted Leave Bank Hours

on their timesheet. Leave Bank Hours will be placed under the "Other" column, and the words "Leave Bank" are to be noted in the comments section of each day that hours are applied.

(k)

(l) Timesheets for individuals receiving hours from the leave bank are to be sent to Human Resources on the last Wednesday of each pay period to be approved and forwarded to payroll. Timesheets not received in a timely manner, may hinder them being processed in time for payment to be issued.

(m)

(n) This process is meant to allow Human Resources to accurately track donation and use of Leave Bank Hours, and to ensure those claiming Leave Bank Hours on their timesheets have been approved, and actually awarded hours.

(o)

(p) Timesheets noting use of Leave Bank Hours received by Payroll that have not been approved by the Human Resources department will be sent to Human Resources for approval before processing.

(q)

(r) Payroll and Human Resources will compare records at least once per year and as needed should questions/concerns arise.

9. Termination of Catastrophic Leave

This policy may be revised or discontinued by the City Council at any time for any reason. Should the Council terminate this Catastrophic Leave provision only those hours previously granted prior to the council decision will be honored; pending leave bank balance.

Section 40-654 Overtime Policy and Procedures

1. Overtime Compensation.

(a) All "nonexempt" employees shall be compensated for overtime. Until such time that sufficient funds may be budgeted, most overtime will be compensated in the form of "comp time." i.e., compensatory time off. For every hour of approved overtime worked by a nonexempt employee, 1.5 hours of comp time shall be accrued.

~~(a)~~ The City shall comply with all fair labor, job safety and health regulations applicable to the work place. Willful violations of any of these standards are cause for disciplinary action. Employees are entitled to request a formal conference if they believe there has been an accidental or intentional violation of these policies, rules and regulations.

~~(b)~~

~~Whenever possible, the "flex time" provisions of the Fair Labor Standards Act shall be utilized in determining the overtime compensation due to an employee. In those cases where the flextime rules~~

~~are applicable, the multiplier used to determine the rate of overtime shall be 1.0. Department Heads are to determine the applicability of the flextime regulations for the nonexempt positions within their department.~~

~~(c)~~(b) The City recognizes the Fair Labor Standards Act definition of "exempt" and "nonexempt" employees for the purpose of determining mandatory payment of overtime compensation. The City also recognizes while "exempt" employees may have to work beyond the standard number of hours on occasion; every effort should be made to limit the frequency with which this occurs. Exempt employees may be given ~~comp time~~discretionary time by a Department Head in recognition of those occasions when they do work beyond the normal number of hours in a work period.

~~(d)~~(c) All employees of the City of Rockport should keep a record of their time worked, regardless of their status as exempt or nonexempt employees. ~~Department Heads shall retain the time records of exempt employees.~~ Time sheets for all nonexempt and exempt employees shall be forwarded to the Finance Department.

~~(e)~~(d) A Department Head may review the exempt or nonexempt status of the positions within his department and recommend a change to the City Manager.

(e) All employees, except ~~department heads~~exempt employees, are eligible to receive overtime pay. Overtime when ordered for the maintenance of essential city functions, shall be allocated as evenly as possible among all employees qualified to perform the work. For all scheduled and approved time worked in excess of a regular workweek, compensation will be at the rate of one and one-half (1½) times the employee's regular base pay. Overtime pay will be paid for all time worked over forty-(40) hours per week unless such employees are exempt from overtime pay. No sick time, vacation time or seminars shall be considered when determining overtime pay. All overtime work must be clearly reflected on the employee's time records before it is allowed.

2. Compensatory Time.

(a) All eligible non-exempt employees may accrue compensatory time ("comp time") in lieu of being paid overtime compensation. Exempt employees are not eligible for comp time under this policy. All non-exempt employees are subject to a cap Eighty (80) hours. Overtime hours worked beyond the cap must be paid as overtime compensation, or flexed, as described under the Overtime Policy and Procedures section.

(b) *Eligible employees are:.*

1. Non-exempt employees who work over 40 hours in a work week.
2. Sworn law enforcement assigned to 80-hour work periods
3. Seasonal employees are eligible for overtime if they actually work over 40 hours in a work week, but they are not eligible for compensatory time.

(c) Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. If less than 40 hours have been actually worked during the work week (80 in 2 weeks for Police officers), compensatory time shall be paid at the rate of one hour for each hour worked. Compensatory time accruals are to be monitored by the Department and Payroll. All compensatory time used its to be documented on the employee's time sheet.

(d) An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off if it does not "unduly disrupt" the work of the department. If used compensatory time would be unduly disruptive and a

satisfactory time for the employee to use the time cannot be scheduled within a "reasonable period" after the request, the department may elect to pay out the time requested by the employee in lieu of approving the request. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time. Comp Time can only be used if it has already been earned. It cannot be used prior to earning the comp time.

(e) *Payment of Compensatory Time*. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or compensatory time. Likewise, an employee who is either promoted, transferred, or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a nonexempt employee will be paid for unused compensatory time at the employee's current hourly rate.

(f) All use of comp time must be approved by the employee's supervisor or department head in advance. Employees who take unauthorized comp time may be subject to disciplinary action, up to and including termination.

3. Discretionary Time for Salaried Employees (Exempt).

(a) Under the Fair Labor Standards Act, exempt employees are not eligible for over-time pay or compensatory time. These employees will sometimes be required to work more than the normal 40-hours per week without compensation due to the nature of their job duties. Supervisors of exempt employees may determine/approve discretionary time off, based on workload, for hours worked in excess of 40 hours per week.

(b) Exempt (Salaried) employees also accrue vacation and sick leave in accordance with the applicable policies, and shall be required to use the appropriate leave to document absences from work that cannot be offset by discretionary time i.e. taking multiple days off for a vacation, or illness.

(c) Exempt (Salaried) employees are required to turn in a time sheet each week so that the use of any leave may be documented for payroll and record keeping purposes. In weeks that no leave is used, the employee will just document the straight 40 hours.

4. Flex time.

(a) Flex time is scheduling time off in lieu of overtime pay within the same week in which the extra hours were worked.

(b) Flex time scheduled during the same week in which it was earned will be traded

hour for hour because flex time used results in no actual overtime for the week. Department Directors and supervisors should schedule flex time where applicable for more efficient operation of the department and to minimize overtime for non-exempt employees

(c) Adjusting Work Schedules within a workweek may be done to reduce overtime hours. Supervisors may require an employee to take a day off without pay or leave early, to off set "extra" hours worked during the same work week. For instance, if an employee works three extra hours on a Monday, the supervisor may adjust the employee's work schedule by reducing his/her work time by three hours on Tuesday.

~~(a) In lieu of overtime pay, the City may provide time-off instead, normally referred to as compensatory time. Such compensatory time shall be provided at not less than one and one-half (1½) hours for each hour of overtime worked. When the City chooses the compensatory option in lieu of overtime pay, the Finance Department will maintain employee compensatory time records. Any employee accruing 240 hours of compensatory time shall be paid for any additional overtime worked over this amount, except for police officers. Police officers will be paid for any compensatory time accrued over 480 hours. When an employee has accrued the maximum amount of compensatory time, the department head will create a work schedule to eliminate the recorded compensatory time during the forthcoming twelve months.~~

~~Department Heads are not eligible for overtime pay. However, department heads may be allowed to take time off from time to time at the discretion of the City Manager.~~

Section 40-665 Benefits

(a) Group Insurance.

(1) Insurance provided: All full-time employees and all qualified retired employees are provided with medical insurance for which an employee contribution may be required. Coverage shall begin upon acceptance of the employee by the insurance underwriter. This insurance provided for payment of hospitalization and major medical expenses up to the limits of the policy for illness and accidental injuries off the job. Coverage for other family members is at the option of and payable by the employee through payroll deductions at the prevailing rates. Any employee whose employment ends except by retirement may continue the insurance coverage up to a maximum of 18 months through COBRA. Employees who elect to continue coverage will be required to pay the entire cost of the premium.

(2) Opt-out provision: Coverage under the City's medical insurance is mandatory unless an employee is already covered by another medical insurance plan at the date of hire. In order to "opt out" e~~E~~mployees must ~~also~~already be covered by another medical insurance plan at the time of hire in one of the following ways: they are on their spouse's medical insurance, on a parent's medical insurance (if they are age 26 or under), on a retiree insurance plan through a previous employer, or on medical insurance through the military. ~~may voluntarily "opt-out" of the City of Rockport group medical insurance.~~ Those employees who choose this option of allowing another medical insurance provider to become their primary medical insurance shall not be eligible for payment of any ~~future~~ of the forfeit benefits under the City of Rockport's group medical insurance, nor for reimbursement of any past contributions paid by the city for that individual's employee medical insurance.

~~a)~~ Employees wishing to "opt-out" must submit proof of coverage to Human Resources at the time of employment. Employee's choosing to "opt out" can only choose to "opt in" due to a qualifying event or durning open enrollment each year.~~a written request on a form acceptable to the city, advising of the employees choice of insurance provider, and waiving all benefits or claims to receive coverage, reimbursement, or any other benefit of whatever nature under the city's group medical plan. Said written request shall be submitted to the city secretary not later than the last day of the open enrollment period, generally in September of each year. Any requests to "opt-out" of the City of Rockport group medical insurance timely received shall take effect only for the plans upcoming effective period, generally beginning October 1 of each year.~~

~~b)~~a)

(3) Employees wishing to make any other permitted changes to their insurance coverage must still comply with the city's group medical insurance carrier's rules and regulations. Most changes can only be made due to a qualifying event or during open enrollment.

a) Qualifying Events are defined as life events that effect an employee's insurance coverage or the insurance coverage of dependents that are qualified to be enrolled in the employee's insurance plan.

b) General list of Qualifying Events: birth, legal adoption, or becoming the legal guardian of a child; death of the employee or a dependent covered by the plan; marriage; divorce; child aging out of coverage; loss of other medical insurance coverage or gaining of other medical insurance coverage for a spouse or child.

c) Any changes must be made within 30 days of the qualifying event, or the employee must wait to make the change during open enrollment.

(b) Workers' Compensation Insurance. All employees are covered by City-paid workers' compensation insurance.

(c) Retirement System. All regular employees contribute seven percent of their gross income

into the Texas Municipal Retirement System (TMRS). The City matches the employee contribution on a two-for-one basis according to the experience rating given by TMRS. Employee contributions are tax deferred until the employee receives the funds either as a refund upon termination of employment or as monthly retirement benefits.

(d) Social Security Coverage. The Social Security Act provides a plan for benefits to workers and their survivors. Under this plan, the City contributes an amount equal to that paid by each employee. The contributions are made to a federal fund from which benefits are paid in the event of the employee's retirement, disability or death.

(e) Educational Incentive. Employees who voluntarily pursue additional education or training during their ~~off-duty~~off-duty hours may petition to have a portion of the tuition and book costs associated with that education or training reimbursed. In order to be eligible for reimbursement, the employee must notify the City Manager in writing that they intend to enroll in a specific training session or classes. The necessary forms can be obtained from Human Resources.

(1) Upon submission of transcripts or course completion certificate and a copy of the tuition and book receipts, employees will be reimbursed based upon the following schedule:

a) Course or training session directly related to the employee's field of employment: 80%

b) Course or training session intended to improve the overall ability, skill and performance of an employee: 20%.

c) Under no circumstances may any of the time utilized for voluntary, off duty education be construed as training time as defined by the Fair Labor Standards Act and therefore make it necessary for the City to compensate the employee.

d) Tuition and Fee amounts eligible for reimbursement are the maximum dollar amounts charged by state university systems.

(2) The employee must remain in the employment of the City of Rockport for 6 months following the issuance of their last reimbursement check. Should the employee voluntarily resign, or leave employment with the City of Rockport, before completing that 6-month period, they may be responsible for paying back all or a portion of the final reimbursement check.

a) If an employee is required to payback any portion of their final reimbursement check, payment will be deducted from the employee's final pay check, with the understanding that the deduction will not bring the employee's final net pay to below minimum wage. Any amount not able to be deducted may be set up on a payment plan with the Finance Department to be paid in full within 6 months (180 days).

Section 40-676 Allowances and Reimbursements

(a) The City Council may authorize the payment of an allowance to an employee. Examples of allowances may include, but not be limited to:

(1) Car allowance.

~~(2)~~ Uniform or clothing allowance.

a. The City of Rockport provides uniforms to all employees who are required to wear uniforms as a condition of employment. Employees will be responsible for the safekeeping of all uniforms they are furnished.

b. Upon issue, uniforms become the responsibility of the employee for maintenance and care. In the event a uniform needs repair or replacement, employees will be required to return the uniform in exchange for a replacement. While normal wear and tear is expected, excessive damage or loss of uniforms may result in disciplinary action.

c. Any employee transferring to a new department within the City, must turn in all uniforms before leaving their current department. They will then be issued new uniforms under the invoicing of the new department. If all issued uniforms are not returned, City of Rockport will deduct the cost of the uniforms from the employee's last paycheck paid under the current department's budget.

d. Employees are required to return all issued uniforms upon termination of employment at or before the timesheet deadline for the pay period. If all issued uniforms are not returned, City of Rockport will deduct the cost of the uniforms from the employee's final paycheck. If the earnings are inadequate to cover the amount owed, it will be the employees responsibility to pay the remaining portion. Uniforms returned after final paycheck has been processed will not be reimbursed.

e. Management is responsible or notifying payroll on Uniform return status at or before the timesheet deadline for the pay period

(b) All employees are eligible for payment/reimbursement of job related out-of-town travel before it occurs.

(1) Department Heads must approve out-of-town travel before it occurs.

(2) The City must directly benefit from the expenditure.

(c) Eligible reimbursements include, but shall not be limited to:

(1) Out-of-town meals: ~~actual costs.~~The amount paid to employees for meals are a Per Diem based on the IRS regulations for allowable travel days. The Per Diem is paid before the travel days, and employees are not required to submit receipts unless an expense was charged to a City Purchasing card. ~~Employees are expected to refrain from any excessive expenses related to meals.~~

(2) When traveling in a City vehicle or on a commercial carrier, the actual cost of travel to and from the out-of-town training, meeting or conference.

(3) The per mile rate paid to employees of the State of Texas when a privately owned vehicle is used to travel to and from an ~~out of town~~out-of-town meeting, conference or training session.

(4) Housing and registration costs for training sessions and conference.

(5) Out of town parking expenses.

(6) Certain approved expenses of the City Secretary, City Manager and Department Heads.

(7) Long distance telephone calls charged to personal accounts only when the calls

are for the purpose of conducting official city business.

(8) Reasonable laundry expenses when out of town trips last more than five days.

~~(9) A maximum of one personal telephone call per day to the immediate family.~~

(d) All requests for reimbursements must be approved by a Department Head, the City Manager, or the Mayor (or Mayor Pro-~~-~~Tem), and the Finance department as appropriate before the reimbursement may be issued.

Section 40-6~~8~~7 Payroll Procedures

~~(a)~~ All employees of the City shall be paid biweekly with Friday being the end of the payroll period. Departments should turn into Finance all payroll information by 10:00 a.m. the following workday. Normally employees will be paid every other Wednesday for the two-week period ending the preceding Friday.~~.~~ The Finance Department shall publish a yearly schedule of paydays. Department heads shall post this scheduled in a place visible by employees. ~~Normally, employees will be paid on every other Wednesday~~Tuesday ~~for the two week~~two-week ~~period ending the preceding Friday.~~

~~(b)~~(a) Department Heads are responsible for submitting accurate, totaled time sheets on all exempt and nonexempt employees to the Finance Department no later than 10~~9~~:00 a.m. on the Monday proceeding a pay day. The payroll staff may change this as required due to holidays, vacations, etc.

~~(c)~~(b) Any employee who has a question about the amount paid any of the deductions from the paycheck or who wishes to change the amount of income tax withholding should consult with his or her Department Head before contacting the staff of the Finance Department~~.~~

(c) The Finance Department shall be responsible for distributing required federal income tax information forms to all employees during the month of January each year.

Section 40-69 Certification Pay

(a) It is the policy of the City of Rockport, Texas to encourage its employees to participate in advanced training and education. Additional training is important to the employees and is an overall benefit to the operation of the City of Rockport. Levels of training and certification for the training should be recognized. It is the intent of this policy to formally establish criteria by which compensation for certificates and education may be awarded.

The purpose of this policy is to provide for uniform standards of practice and procedure.

(b) All certification pay additions, and/or deletions must be reviewed and approved by the City Council prior to implementation. All certifications pay plans are subject to and contingent upon City Council approval of an annual budget that funds these certifications. Certification pay is provided to all eligible full-time employees as outlined in this policy.

(c) In order to receive compensation, the certificate or other documentation must be deemed beneficial to the City as a part of the employee's work responsibilities and must not be a

minimum requirement for the employee's position. Should the employee transfer to a department where certification currently held becomes applicable, the employee may then be eligible for certificate pay. Certification pay shall be forfeited if a transfer places the employee where the certificate is not applicable.

(d) All eligible employees are subject to a total certification and education pay cap of $900 per month. Employees already receiving monthly certification/education pay amounts above the certification pay cap as of October 1, 2024 will be grandfathered in and allowed to keep their current certification and Education pay, but will be frozen at that amount and unable to add any further certification/education pays without first removing another. Also, providing that if those employees were ever to drop below the total $900 cap, or are re-hired following a separation, they would then be subject to the cap.

(e) Employees shall receive payment as outlined below:

(1) CERTIFICATE PAY:

i. All full-time, non-exempt employees are eligible to receive pay for certifications achieved during employment with the City of Rockport beyond the minimum requirements for their position. An inventory of approved licenses and certifications will be kept by Department Heads and Human Resources. It is the sole responsibility of the employee to provide copies of licenses or certifications and to provide copies of renewals. Employees must provide evidence that licenses or certifications are current in order for compensation to be considered. If a license or certification has expired, the related compensation will stop. In no event will retroactive certification pay be awarded for changes in policy or an employee's failure to provide or maintain proof of current licenses and certifications in his/her personnel file.

ii. If an employee acquires a higher level of a certification that they are already receiving pay for, the higher certification pay will take the place of the lower certification. No employee shall be paid for more than one level of the same certification.

iii. All requests for license or certification pay must be done through a payroll change notice. These are to be filled out by the Department Head and signed by the City Manager. Completed forms are then submitted to the Human Resource Department. Approved Pay will be effective as of the date of request.

(2) EDUCATION:

i. All Full-time employees, both exempt and non-exempt, are eligible for Degree pay.

ii. Certification of an obtained degree (Associates, Batchelor, Masters, PhD) through an accredited higher education facility with the course or training session directly related to the employee's field of employment. To receive education pay, the degree held must not be a minimum requirement of the position.

iii. If an employee acquires a higher degree than what they are already receiving pay for, the higher degree pay will take the place of the lower degree. No

employee shall be paid for more than one degree at a time.

iv. All requests for degree pay must be done through a payroll change notice. These are to be filled out by the Department Head and signed by the City Manager. Completed forms are then submitted to the Human Resource Department. Approved pay will be effective as of the date of request.

(f) For a current list of the approved Certifications approved by the City Council to receive Certification pay, and Council Approved Education pay amounts, see the APPENDIX B .

DIVISION 5. JOB SAFETY AND WORKING CONDITIONS

Section 40-71 Employee Duty

It is the duty of all employees of the City of Rockport to conduct themselves in a safe manner while executing the duties and tasks assigned to them. When an individual accepts a position as an employee of the City, he is accepting the normal risk of physical harm or injury associated with that position.

Section 40-72 Supervisory Duty

It shall be the responsibility of all supervisors to ensure that the employees of the City of Rockport are not exposed to unsafe equipment, unsafe ~~procedures~~procedures, or hazardous working conditions.

Section 40-73 Safety Equipment

It shall be the duty of all employees and the responsibility of all supervisors to ~~insure~~ensure that all employees wear the appropriate safety equipment. Employees who refuse to wear such safety equipment will be subject to disciplinary action. Supervisors who fail to ensure the use of safe procedures and the use of safety equipment shall be subject to disciplinary action.

Section 40-74 Safety and Accident Prevention Training Program

Department Heads shall ensure that a safety and accident prevention-training program is developed and implemented within their department. A record of attendance and a record of the subject material will be kept on all safety and accident prevention training sessions.

Section 40-75 Safety Inspections

It is the responsibility of all supervisors and Department Heads to ~~insure~~ensure that safety inspections and timely preventive maintenance is completed on all City vehicles, other City equipment and on City owned facilities. The Fleet Operations & Maintenance Division shall keep a record of all preventive maintenance on vehicles and equipment. Department Heads shall insure ~~that~~ accurate records are kept of all safety inspections on equipment, vehicles and workspaces.

Section 40-76 Accident Investigation

When a serious accident or injury occurs involving a city employee while on duty, or while driving city equipment, a supervisor from the same department of the employee involved shall be called to the scene immediately, regardless of the time of day. In the case of all vehicle accidents within Rockport, or the immediate vicinity (i.e. Aransas County), the Rockport Police Department shall be notified. If the supervisor of the affected employee was present at the time of the incident, another supervisor from the same department shall be called to the scene. In the case where a Department Head, City Secretary or City Manager is involved in a traffic accident, another agency such as the

DPS will be called and asked to investigate the matter.

Section 40-77 Accident Report

(a) The supervisor called to the scene shall be responsible for preparing a preliminary accident investigation report, which shall contain answers to the following questions:

(1) Who was involved?

(2) Where did the incident occur?

(3) What vehicle or equipment was involved?

(4) Was a separate police incident or accident investigation report prepared?

(5) What were the physical conditions in the area of the accident?

(6) Who witnessed the accident? (Supervisors may direct other employees to prepare a written statement; supervisors may ask non-employees if they would be willing to prepare a written statement).

(7) How did the accident/injury occur? (Be as objective as possible; develop a specific sequence of events if possible.)

(b) The Employee involved will also be required to fill out an accident report. If the employee is injured and unable to fill out the report immediately, they will be required to fill out the report as soon as they are able.

(c) Both accident reports are to be submitted to the Human Resources department, and City Manager. If a City vehicle or mobile equipment (i.e., tractor, mower, etc.) were involved the Fleet Manager and Risek Manager must also be notified.

(d) On all accidents, Human Resources will advise if Drug and Alcohol testing are required based on the provisions of the Post Accident section of the Alcohol and Drug Free Work Environment Policy in Section II of this Handbook, page XX

Section 40-78 Full Investigation

The Department Head shall determine, in conjunction with the City Manager, whether the preliminary accident/injury report is sufficient or whether a formal safety investigation should be conducted. If the latter is recommended, the City Manager shall appoint an individual to conduct a full investigation. Under normal circumstances, the appointee shall be the Risk Manager. The City Manager may ask the Chief of Police to appoint an investigator from the staff of the Criminal Investigation Division of the Police Department.

Section 40-79 Notification

The Personnel and Risk Manager shall be notified immediately during normal working hours, or as soon thereafter as possible of all accidents and injuries for the purpose of initiating worker's compensation or other insurance coverage.

DIVISION 6. EVALUATION

Section 40-891 General

(a) Systematic evaluation procedures will be used for evaluating, as objectively as possible, the performance of all personnel. Informal evaluation of the employee is a continuous process. The formal evaluation will take place at least once annually~~, usually on the anniversary of the employee's hire date~~. The immediate supervisor will discuss the results of each evaluation with the employee and the Department Head will review it. The original evaluation form will be forwarded to Human Resources ~~the Administrative Assistant~~ for inclusion in the file the City maintains on the employee, unless it is performed in the Human Resources Information System (HRIS).~~.~~ Evaluations completed in the HRIS system will be stored in the system itself, until an employee separates from the City. The Evaluation can then be placed in the digital personnel file for retention purposes.

(b) Ordinarily, a performance evaluation is conducted at the end of the initial six-month period of employment. However, a formal performance may be conducted at any time to recognize and document occasions of either unsatisfactory or outstanding performance.

(c) Evaluators shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any improvements in performance, which appear desirable or necessary. Employees dissatisfied with their performance evaluation may seek reconsideration by using the established grievance procedures.

(d) Any time that an employee receives a marginal or poor written evaluation, he must be asked to sign a statement acknowledging that he understands that the evaluation of his performance has been marginal or poor. The employee must also be given a Performance Improvement Plan (PIP)~~professional development or "growth" plans~~ that outlines what must be done, ~~and~~ the maximum time allowable to correct the deficiencies, and the consequences if the employee does not satisfactorily complete the PIP. Failure to provide a ~~growth plan~~PIP ~~may~~~~will~~ ~~negate~~may negate the impact of a marginal or poor evaluation when considering future formal ~~disciplinary~~ performance-based personnel actions ~~in the future~~. A PIP should not be considered disciplinary, but as a tool to assist an employee in improving their performance. Lack of a PIP may or may not have anything to do with disciplinary measures taken. (PIP forms can be obtained from Human Resources.)

(e) After discussion of the results of an evaluation, if an employee wants to set professional goals of training, growth, and developing their career goals they can create a Professional Development Plan with their supervisor or Department Head to help guide them. (Professional Development forms can be obtained from Human Resources.)

i. The employee and or the employee's manager can set goals for the employee in the HRIS system also.

Section 40-892 Employee Performance Evaluations

(a) An employee shall be evaluated at least annually. Special evaluations may be made if requested by the Department Head. All performance evaluation reports shall be permanently placed in the personnel file the City maintains on the employee.

(b) Performance evaluations are designed to help the supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding pay increases, promotions and retention of employee.

(c) Supervisors shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any improvements in performance, which appear desirable or necessary.

Section 40-893 Merit Increases

Pay increases may be granted by the Department Head in accordance with the compensation plan as a reward for those employees demonstrating exceptional or above average job performance. These merit increases are intended to reward outstanding personnel and as an inducement to motivate employees in their performance and productivity. Merit Increases are not guaranteed. The amount and availability of merit increase will be determined annually by City Council as part of the budget process ~~each year~~.

DIVISION 7. COUMPUTER, INTERNET, EMAIL, AND CELL PHONE

Section 40-91 Computer

This policy seeks to protect the confidentiality, integrity, and availability of the City of Rockport information systems the computing or networking resources need to be accessible and secure for appropriate use consistent with the mission of the City of Rockport.

Users of information resources must protect their online identity from use by another individual, the integrity of information resources, and the privacy of electronic information. In addition, users must refrain from seeking to gain unauthorized access, honor all copyrights and licenses and respect the rights of other users of information resources.

(a) *Policy*

This computer Use Policy aims to achieve these outlined goals for the safety and security of the employees and the management of the City of Rockport.

(1) To utilize the asset to its fullest potential while delivering quality work from the employees.

(2) To maximize the investment of equipment to better serve our citizens and customers.

(3) To ensure that all designated users of the assets are responsible and compliant with the City of Rockport security and equipment care guidelines.

(4) To encourage employees to maximize the use of the asset only to benefit the City of Rockport and its citizens and customers.

(5) To ensure that employees of the City of Rockport are aware of the proper and appropriate use of these assets.

(b) *Usage*

(1) Electronic media may not be used for knowingly transmitting, retrieving or storage of any communications of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene or X-rated communications, or are of a defamatory or threatening nature, or for 'chain letters,' or for any other purpose which is illegal or against company policy or contrary to the company's interest.

(2) Electronic media and services are primarily for company business use.

(3) Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable—as is the case with personal phone calls. However, employees need to demonstrate a sense of responsibility and may not abuse the privilege.

(c) *Personnel Responsibilities*

(1) Employees will use these company-owned assets, namely laptop, computer, mobile computers (MDT), cell phones, and their peripherals, solely for the delivery of quality assignments and tasks exclusively for City of Rockport employees. Failure to comply with this policy will subject the employee to disciplinary action or up to termination.

(2) All employees working under the City of Rockport should comply with the proper ethics and conduct established by the City of Rockport within and outside the City of Rockport online and offline premises. Employees will not engage in strictly prohibited and unprofessional activities such as pornography, cyberbullying, cybercrime, abuse, and threats using the City of Rockport asset to preserve the company's best image. Failure to comply with this policy will subject the employee to disciplinary action or up to termination.

(3) The employee is strictly prohibited from executing or installing any programs or applications, not prescribed, and approved by the City of Rockport, on laptop, mobile unit (MDT), cell phone or computer. Installation of external programs is only permitted with advanced approval from the department head and IT department.

(4) The designated user of the City of Rockport asset is required to properly log off or sign out of the system when not in use during or after office hours as part of security measures.

(5) The designated user of the City of Rockport asset is required to log on or sign in with only their credentials. No ~~E~~employee will ~~not~~ use another employee's credentials to login or sign in. Failure to comply with this policy will subject the employee to disciplinary action or up to termination.

(6) The employee is expected to never commit to an act or object that will endanger the City of Rockport asset.

(7) City of Rockport employee or employees acknowledge that the employee's life is more valuable than the City of Rockport asset. Should such unforeseen circumstances as natural disasters or crimes such as theft, hold up, or mugging happen, the employee will be investigated and required to submit a written explanation or incident report within 5 business days. The City of Rockport will provide a new set of equipment to the employees after 3 business days resting period.

(8) The employee is required to submit an incident report should there be any suspicious activities made by other colleagues. The report can be done by email or as an anonymous report to our Human Resources department.

Section 40-92 The Internet

The Internet is a very large, publicly accessible network that has millions of connected users and organizations worldwide. To establish proper use of the Internet, the procedures and

principles presented in this policy apply to all City of Rockport Employees.

(a) *Policy*

Use of the Internet for personal gain or any other purpose which is illegal or against City policy or contrary to the City's best interest is prohibited. Conversely, the Internet is also replete with risks and inappropriate material. To ensure that all employees are responsible and productive and to protect the City's interests, the following guidelines have been established for using the Internet.

(b) *Establishing Accounts with Other On-Line Services*

Employees who need to establish an account with an on-line service via the Internet must use a different password than their city password.

(c) *Internet Access is a Privilege*

Unauthorized use of the Internet will result in the loss of access for the user and, depending on the seriousness of the infraction, may result in disciplinary action or up to termination.

(d) *Acceptable Use*

Employees using the Internet represent the City of Rockport. Employees are responsible for ensuring that the Internet is used in an effective, ethical, and lawful manner. Examples of acceptable use are:

(1) Viewing training videos that directly relate to your job.

(2) Attending a job-related webinar or meeting.

(3) Using Web browsers to obtain business information from commercial Web sites.

(4) Accessing databases for information as needed.

(e) *Personal Use*

Incidental and occasional personal use of the Internet as covered by this policy may be permitted at the discretion of the City of Rockport. However, such use shall be treated the same as official use, and thus, the employee shall have no expectation of privacy when using City of Rockport systems for personal use. As such, personal use is subject to the same access and review rights as any other use of these systems.

(f) *Unacceptable Use*

Employees must not use the Internet for purposes that are illegal, unethical, harmful to the City of Rockport, or nonproductive. Examples of unacceptable use include but are not limited to:

(1) Conducting a personal business using City resources.

(2) Transmitting any content that is offensive, pornographic, harassing, or fraudulent.

(3) Accessing e-mail accounts from the Internet such as Gmail, Hotmail, Yahoo mail and any other Internet related mail accounts. Accessing e-mail in this manner bypasses the City's e-mail antivirus scanning software and introduces a risk of malware infection to the City of Rockport network.

(4) Playing games or gambling is not permissible anytime whether over the Internet or on a stand-alone computer.

(5) Downloading or receiving via e-mail non-business-related music files or video files.

(6) Streaming Radio/music/video: An extensive amount of bandwidth is used to access these sites and is not permitted unless being conducted for official City business.

(7) Downloading, receiving via e-mail, or importing into the City of Rockport via removable media, any type of screen saver, desktop themes, animated characters, etc. Some of the screen savers and desktop themes are not free, and if not purchased by the City, violates the software copyright law. Also, some of these programs can conflict with other programs existing on the computer.

(8) File downloads from the Internet are not permitted unless specifically authorized by the Network Administrator.

(9) Do not allow anyone access to your PC via the Internet. WebX applications enable a vendor to take control of your PC through the Internet. Typically, you access a web site, and then join a meeting with the vendor. At that time the vendor can take full control of your PC. This type of access is not permitted without prior consent from the Network Administrator.

(g) *Monitoring*

Technology Services monitor Internet access. Accessing Internet websites that are deemed unacceptable under this policy will result in disciplinary action

Section 40-93 Email

E-mail is considered a communication of the City of Rockport and, once retained pursuant to subsection C below, will be held to the same standard as formal letters or memorandum. IT (Information Technology) has the ability and authority to monitor employee e-mail activity as it applies to the normal course of business when there are reasonable grounds to do so per the request of proper management and/or human resources staff.

Users should not consider Internet e-mail to be either private or secure and should have no expectation of privacy.

(a) *Internet E-Mail*

Only employees with a valid network login and e-mail account can send/receive e-mail via the

Internet.

(b) *IT (Information Technology) Responsibilities*

(1) IT (Information Technology) shall perform an electronic backup of the City's e-mail system each evening.

The backup is a "snapshot" of the data contained on the e-mail server at the end of the business day. The backup is not a copy of all activity that occurred within the e-mail server during the day.

(2) Information Technology shall maintain the electronic backups of the City's e-mail system for a period not longer than two (2) weeks. The backups of e-mail are NOT to be considered a backup for public records purposes. The purpose of backups is to provide a means of complete server recovery in the case of a system failure. Information Technology has established an e-mail management system that will automatically remove. e-mail in the Deleted Items and Sent Items folders (and any subfolders), that are 30 days old, e-mail in the Inbox (and any subfolders) older than 90 days, and e-mail in user created folders in the mailbox older than 90 days.

(c) *City Employee Responsibility for E-Mail Records Retention*

(1) The purpose of this policy for the use of electronic communications is to provide guidance to City of Rockport Employees regarding the proper and authorized use of the City's e-mail system in accordance with the requirements of the Public Records Act as well as the requirements of the City's Records Retention Schedule and the laws and regulations governing it, and other laws and regulations that apply to public agency information. E-mails may be subject to public disclosure under the Public Records Act, cooperation with law enforcement, or litigation.

If any employee has any questions regarding the implementation of this Policy, contact either: the City Attorney's office (for legal questions, such as an interpretation under the Public Records Act); the City Clerk's office (regarding the Records Retention Schedule); or Information Technology (regarding any technical issues related to the use of the e-mail system).

(2) Do not forward a confidential e-mail to any unauthorized recipient. E-mail which contains confidential information may not be disclosed to non-City personnel except by the unless so authorized by the City Manager or his or her designee, or as required under law.

(3) The e-mail system shall be used for transmission, communication, and organization of City of Rockport business that is transitory. The e-mail system shall not be used for storage of items subject to the City's Records Retention Schedule. The e-mail system is provided by the City of Rockport to employees as a convenient and efficient method of rapidly communicating transitory information in an electronic format. The e-mail system is specifically intended and designed to be a tool for transmission of information, and not a tool for permanent storage. Since information on the e-mail

system is automatically purged, the City shall consider every e-mail to be a preliminary draft, note, or memoranda and not retained in the ordinary course of business.

(d) *City Employee Responsibility*

(1) Use e-mail for business contacts.

(2) Compose e-mail in a professional manner.

(3) Report changes to information included in the automatically generated e-mail signature in a timely manner.

(4) Any employee receiving attachments via Internet e-mail shall treat those attachments as they would any unknown file by scanning it with the antivirus software BEFORE opening it. In addition to malware transmitted via e-mail, there is malware that is spread by being embedded in Word, Excel, photo, and PDF files.

(5) Check incoming e-mail several times per day to ensure a timely response in answering unopened mail messages.

(6) Clean out Inboxes, Sent Items and Deleted Items folders on a regular basis (weekly). Once the Deleted Items folder has been emptied, there is a seven (7) day period where the e-mail can still be recovered. After seven days, the e-mail cannot be retrieved by the user. If e-mail needs to be restored complete a help desk ticket and Technology Services may restore the e-mail.

(e) *Unacceptable Use*

(1) Opening an e-mail attachment, you are not expecting to receive. The most destructive malware to date is e-mail malware hidden as an attachment and malware imported on a flash drive.

(2) Sending or receiving any sexually oriented messages or images.

(3) Sending e-mail containing offensive or harassing statements, including comments based on race, color, gender, age, physical or mental disability, religion, national origin, pregnancy, physical attributes, sexual preference, political beliefs, or any other protected status.

(4) Taking actions that cause interference to the network or to the work of others.

(5) Sending or forwarding chain e-mail, i.e., messages containing instructions to forward the message to others.

(6) Sending messages in an attempt to "flood" receiver's e-mail box.

(7) Do not use your City of Rockport e-mail address for personal use, such as receiving notifications for sales ads or mortgage rates. Giving out your City of Rockport e-mail

address for personal use could increase the amount of SPAM the City receives. Use your City of Rockport e-mail address for official business only.

(8) Sending e-mails to more than 100 recipients at a time or repeatedly sending a smaller number of e-mails that accumulate to 100. Behavior such as this makes the City of Rockport appear to be sending SPAM and will cause the City of Rockport to be blacklisted. Removing the City of Rockport from an e-mail blacklist is very time-consuming and results in lost productivity for all employees.

(f) *Use of Address Book*

(1) Public Groups: Selection of the Public Groups feature will enable the employee to access distribution lists specifically created for use citywide. Information Technology is responsible for the creation of Public Groups.

(2) Personal Group: Selection of personal group features will enable the employee to create, edit or delete his or her own Personal Groups.

(3) Resources: Selection of the Resources feature will allow employees to request available Resources such as conference rooms, overhead projectors, and other types of equipment.

(4) External Address: Selection of this feature is used for external addresses such as the Police Department external addresses are a citywide feature. If multiple employees have a need for an external address, Information Technology can place it in the External Address list.

(g) *Monitoring*

Because all computers, software and telecommunication systems remain the property of the City of Rockport and are for official use only, all records, files, transmissions, passwords and other products or contents of these systems are not confidential and may be reviewed at any time by City of Rockport management or its designee(s). Therefore, employees shall have no expectation of privacy in any documents or other materials they write, receive, store, or send in the use of these systems. All messages created, sent, or retrieved over the Internet are the property of the City of Rockport and may be regarded as public information. The City of Rockport reserves the right to access the contents of any messages sent over its facilities if the City of Rockport believes, in its sole judgment, that it has a business need to do so. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Therefore, do not put anything into your e-mail messages that you would not want to see on the front page of a newspaper or be required to explain in a court of law.

(h) *SPAM (Unsolicited e-mail)*

Unsolicited e-mail is known as SPAM. Information Technology has a system in place to block most of the SPAM. Approximately 70% of all e-mail entering the City of Rockport network is SPAM. People that create SPAM e-mail constantly devise ways to bypass anti-SPAM systems. Information Technology makes every effort to block SPAM, but occasionally SPAM e-mail

will slip past the system. Notify Information Technology if you consistently receive offensive SPAM; otherwise, just delete any SPAM you may receive.

Section 40-93 Cellphone Policy

(a) *Personal cellphones*

(1) While at work, employees are expected to exercise discretion in using personal cellphones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during nonwork time when possible and to ensure that friends and family members are aware of City of Rockport policy.

(2) City of Rockport will not be liable for the loss of personal cellphones brought into the workplace.

(3) Despite their benefits, personal cell phones may cause problems in the workplace. Employees who use their cell phones excessively may:

i. Get distracted from their work

ii. Disturb colleagues by speaking on their phones.

iii. Cause security issues from inappropriate use of company-issued equipment or misuse of our company's internet connection.

iv. Cause accidents when they illegally use their phones inside company vehicles or near areas where using phones is prohibited.

(b) *Company-provided cellphones*

Employees in possession of company-owned cellphones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection. Employee may not change apple ID or android accounts and password without IT permission.

(c) *We advise our employees to*:

(1) Use company-issued phones for business purposes only and preserve them in perfect condition.

(2) If a company provided cell phone is lost, stolen, or damaged, report it to IT immediately.

(3) Surf the internet, text and talk on the phone only for a few minutes per day.

(4) Turn off or silence their phones when asked.

(5) Should~~Do~~ not use personal phone for business~~,~~ texting and or email. Subject to open records request.

(d) *Safety issues for cellphone use*

(1) All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones ~~always~~.

(2) Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for City business use are expected to refrain from using their phone while driving, except as may be needed for navigation or when handsfree operation is available. ~~; use of a cellphone while driving is not required by the company~~. Safety must come before all other concerns. ~~Regardless of the circumstances, including slow or stopped traffic,~~ Eemployees unable to use ~~are required to use~~ hands-free operations are encouraged to ~~or~~ pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to always keep their eyes on the road while ~~always~~ driving. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.

(3) Hands-free equipment will be allowed~~provided~~ with City~~company~~-issued phones to facilitate the provisions of this policy.

~~Reading or sending text messages while driving is strictly prohibited.~~

(4) ~~Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.~~

(e) *We won't allow employees to:*

(1) Play games on the cell phone during working hours.

(2) Use their phones for any reason while driving a City ~~company~~ vehicle, with the exception of GSP Navigation.

(3) Use their cell phone's camera or microphone to record confidential information.

(4) Use their phones in areas where cell use is explicitly prohibited (e.g. laboratories.)

(5) Download or upload inappropriate, illegal or obscene material on a City-issued ~~company~~ cell phone or using ~~a~~the City's ~~corporate~~ server ~~internet connection~~.

Employees violating this policy will be subject to discipline, up to and including termination of employment.

(f) *How to properly use cell phones in the workplace*

(1) Employees can benefit from using cell phones. They're allowed to use their phones:

i. To make business calls.

ii. To use productivity apps.

iii. To check important messages.

iv. To make brief personal calls.

~~Employees can use their phones during breaks or at lunch hour and while on a stationary vehicle.~~

(g) *Consequences for Violators*

Employees violating this policy will be subject to discipline, up to and including termination of employment.

Section 40-94 Prohibited Applications Policy

(a.) Purpose

To implement an information technology approach focused on protecting the City's sensitive information and critical infrastructure as required by Chapter 620, Texas Government Code, from technology believed to pose a threat to governmental infrastructure, by prohibiting and preventing the download or use of prohibited technologies on any City-owned or issued electronic device.

(b.) Roles and Responsibilities

All City of Rockport~~Bartlett~~ employees are expected to be familiar with and adhere to the terms of this policy and all sub-policies and procedures.

City employees are prohibited *on any City-issued, owned or leased devices*, from downloading, installing or using the social media service TikTok, or any successor application or service developed, provided, or owned by ByteDance Ltd., such as Tik Tok, or any subsidiary or any prohibited software/applications/developers listed on https://dir.texas.gov/information-security/prohibited-technologies or a social media application/service, as referenced in Section 620.005 Texas Government Code. City staff may prohibit the use of TikTok on City devices by limiting network access to the application.

(c.) Exceptions

Exceptions to the ban on prohibited technologies, as required by state law, may only be approved by the Police Chief or City Manager:

1) When the use of prohibited technologies is required for a specific business need, such as enabling criminal investigations or for developing or implementing information security measures.

2) Any such exception must detail and include (1) the use of measures to mitigate risks to the security of city information during the use of the

covered application; and (2) the documentation of those measures.

3) To the extent practicable, exception- based use should only be performed on devices that are not used for other city business and on non-city networks. Cameras and microphones should be disabled on devices for exception-based use.

(d.) Compliance

Compliance with this policy will be verified through various methods for City-owned, leased, and issued devices, including but not limited to, IT/security system reports. Violations of this policy will result in coaching and repeat offenses may result in disciplinary action up to and including termination of employment.

1) If the underlying statute, Texas Government Code §§620.001-.006, is declared unconstitutional, enforceable, or vacated by a court of competent jurisdiction, this policy is void.

DIVISION 8~~7~~. DISCIPLINE AND APPEALS

Section 40-101 Work Ethic and Disciplinary Policy

(a) The City expects its employees to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations and policies pertaining to job performance standards and personal conduct on the job. If an employee fails to perform satisfactorily or if his or her personal conduct is unacceptable, disciplinary action may be taken.

(b) All reasonable efforts will be made to ensure fairness ~~due process~~ to the employee. The City will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organizational/supervisory level. All employees will be provided with a fair, expedient, objective and consistent means of resolving work-related problems.

Section 40-102 Definitions

(a) *Ethical Behavior*
Ethical behavior is characterized by honesty, fairness and equity in interpersonal and professional relationships. Ethical behavior respects the dignity, diversity and rights of individuals and groups of people. Other ethical duties include respect to practice, professional service delivery, and research.

(b) *Unethical Behavior*
Unethical behavior is an action that falls outside of what is considered morally right or proper for a person, a profession, or an industry. Unethical practices may include but are not limited to illegal and dishonest business practices, theft of professional materials, acts that could be considered a conflict of interest, or an individual's behavior that disrespects the dignity, diversity, and rights of other individuals or groups.

(c) *Gross Misconduct*
Refers to behavior that is intentional, wanton, willful, deliberate, reckless manner, or showing deliberate indifference to an employer's interest by illegal, unethical, or grossly negligent, and that causes significant harm to the company, its customers, or its employees. Some examples of gross misconduct may include theft, violence, sexual harassment, and falsifying company records.

(d) *Insubordination*
A refusal to obey someone of higher rank, or position in the chain of command. Also known as disobedience, rebellion, willfully ignoring, refusing to follow direction, or defiance.

(e) *Neglect~~ion~~ of duties*
The failure to perform a duty or responsibility associated with a position or~~;~~ careless~~ness,~~

failure to perform responsibly or ~~. F~~failure to act with the ordinary care ~~prudence~~ that a reasonable person would exercise under the same circumstances

(f) *Disciplinary Actions*
Responds to an employee's misconduct, unsatisfactory performance, and violation of ~~breaking of~~ workplace rules ~~at work~~. When possible, disciplinary action is intended ~~Aims~~ to correct an employee's ~~the~~ behavior~~, not punish them~~.

(g) *Termination or Dismissal*
Refers to the end of an employee's work with a company. Termination~~/Dismissal~~ may be voluntary, as when a worker leaves of their own accord. Involuntary termination~~/dismissal~~ occurs when a company downsizes, makes layoffs, or fires an employee.

Section 40-10~~32~~ Grounds for Disciplinary Action

The City Manager or Department Head may take disciplinary action against an employee for the following (Note: This list is to illustrate the more common causes and is not intended to be all-inclusive.):

(1) Illegal, unethical, abusive or unsafe acts.

(2) Violation of City rules, regulations, policies or procedures.

(3) Insubordination.

(4) Leave under false pretenses.

(5) Neglect of duties.

(6) Theft.

(7) Participation in prohibited political activities.

(8) Unauthorized soliciting while on duty.

(9) Excessive or unauthorized absenteeism and tardiness.

(10) Failure to conduct himself or herself in a courteous and proper manner while on duty.

(11) Falsification of official documents or records.

(12) Unauthorized use or disclosure of official information.

(13) Unauthorized or improper use of official authority.

(14) Possession, use or being under the influence of drugs or alcoholic beverages not prescribed by a physician while on duty.

(15) Damaging City equipment, tools, machines and/or property.

(16) Wasting materials and supplies.

(17) Carelessness, recklessness and/or engaging in horseplay.

(18) Immoral conduct or indecency.

(19) Abuse of illness, injury, disability or other benefits.

(20) Any threat of or actual physical attack on any supervisor or coworker.

(21) Failure to properly document time and attendance records.

(22) Sexual harassment.

Section 40-1043 Types of Disciplinary Action

(a) Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, reduction in pay, demotion and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or the employee may be warned at any time that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing here shall prohibit the administration of informal disciplinary action, such as oral reprimands. Informal disciplinary action may be documented in the personnel file the City maintains on an employee at the discretion of the Department Head or the City Manager. All disciplinary action should be documented in writing, including date and time of disciplinary action. The written record should then be stored by the department and in the Human Resources' personnel file for future reference in the case of further disciplinary action or dismissal.

(b) Department Heads are encouraged to consider the following as normal disciplinary transitional steps in situations requiring disciplinary action:

(1) Verbal Warnings, which ~~may~~ shall be noted in the personnel file the City maintains on each employee.

(2) Written Reprimands, which the Department Head must transmit through the City Manager or Human Resources before placing in the personnel file the City maintains on each employee.

(3) Suspension Without Pay or Reduction in Pay.

(4) Demotion and/or Dismissal.

(c) Nothing herein is intended to negate the authority and responsibilities of a supervisor to take the disciplinary action they believe appropriate based upon the relevant circumstances, nor prohibit the supervisor from immediately discharging an employee for the first instance of gross misconduct.

Section 40-1054 Written Reprimand

In the interest of good discipline, an employee may be formally reprimanded in writing. The reprimand shall describe the deficiency or infraction involved and shall state the likely consequences of further unsatisfactory performance and/or conduct. The employee will be informed of the written reprimand and given an opportunity to make written comments. The original of the reprimand shall be sent to Human Resources to be kept in the personnel file the City maintains on the employee.

Section 40-1065 Suspension

An employee may be suspended with or without pay, depending upon the circumstances and severity of the offense. In the interest of good discipline, an employee may be suspended without pay for up to no more than thirty-(30) calendar days in any one (1) calendar year. A notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states the likely consequence of further unsatisfactory performance and/or conduct. The suspension shall be permanently noted in the personnel file the City maintains on the employee.

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, he or she may be suspended with or without pay for the duration of the proceedings when such suspension would be in the best interests of the City and the public. If the investigation or proceedings clear the employee, he or she shall be eligible for reinstatement with full pay and benefits restored.

Section 40-1076 Reduction in Pay

In the interest of good discipline, an employee's pay may be reduced provided it is done within reason. A notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the personnel file the City maintains on each employee, but the employee shall not be disqualified from consideration for later pay increases.

Section 40-1087 Disciplinary Demotion and Dismissal

(a) In the interest of good discipline, an employee may be demoted. A notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the personnel file the City maintains on each employee, but the employee shall not be disqualified from condition for later advancement.

(b) An employee may also be dismissed from the City employment in the interest of good

discipline. A notice of dismissal must be given to the employee, which describes the deficiency or infraction involved.

Section 40-1098 Appeals of Disciplinary Action

(a) An employee may appeal any disciplinary action taken against him or her if he or she feels that he or she has been disciplined unfairly, too harshly, or inappropriately; provided, it is appealed in writing to the City Manager within five (5) working days following such action. Such action may be stayed pending decision on the appeal or may take effect at any time after issuance of the notice as determined by the disciplinary authority. The City Manager, after careful investigation of the facts, shall have broad authority to approve, disapprove, modify or rescind any disciplinary actions taken or proposed. The City Manager shall attempt to resolve the issue within ten (10) calendar days. The City Manager's decision may be appealed in writing to the City Council; provided, notice of intention to appeal is made in writing within five (5) days following the City Manager's decision. There shall be no right of discrimination prohibited by law or these rules.

Section 40-109 Complaints Against Council Appointed Employees

a) Any official complaint filed against a City Council Appointee to include the City Manager, City Secretary, or appointed Judge by an employee, must be made to the Director of Human Resources.
b) The Director of Human Resources shall then inform the Mayor of the complaint that has been filed.
c) The complaint shall then be addressed to the City Council in the next Council meeting in executive session.
d) If necessary, Council will work with the necessary parties to conduct an investigation into the matter dependent up on the severity of the accusation. These parties may include but are not limited to the Director of Human Resources, the appointed Human Resources Attorney, and the Chief of Police.
e) Upon the completion of the investigation, Council will make a decision if any action is to be taken.

~~As promptly as practicable after the appeal has been filed, the employee should be given notice of the hearing date and time, which shall be not less than three (3) days after the date the notice is given to the employee. The hearing shall be conducted fairly and in private, to the extent practicable, unless the employee requests it to be public. The hearing shall be confined to of the reasons for the proposed or actual disciplinary action. Should the reasons for such disciplinary action not have previously been given, the employee may request that such reasons be given and reduced to writing, and that the hearing be recessed for one (1) day or longer in order to allow the employee to consider the reasons given. At the hearing, the supervisor or the Department Head initiating such disciplinary action may respond to questions from the employee but should keep such responses brief and objective. At the hearing, the employee may challenge any evidence presented against him or her and may call witnesses and present evidence in his or her own behalf. Formal rules of evidence need not be followed during such hearings. After the hearing, the City Council, after careful investigation of the facts, shall have broad authority to approve, disapprove, modify or rescind any disciplinary actions taken or proposed. Should it be found that the employee has been unjustly disciplined, discharged or suspended, he or she shall be reinstated and compensated for all time lost at his or her regular rate of pay. The decision of the City Council is final.~~

DIVISION 9. TRAVEL AND TRAINING

Section 40-131 General.

(a) It is the policy of the City of Rockport to ensure that all employees are given ample opportunity, within the parameters established in the annual budget, to obtain the training and education needed to be up-to-date in the skills and knowledge required to perform their assigned tasks effectively and efficiently.

(b) It is also the policy of the City to ensure that it is fully protected from any allegation of negligent retention through careful attention and adherence to the training standards and requirements associated with the positions filled by the employees of the City of Rockport.

Section 40-132 Official Training Record.

Department Heads shall maintain the official training record of all employees of their departments. Duplicate copies of transcripts, certificates and licenses may be placed in the appropriate personnel record the City maintains on each employee. Under no circumstances will an employee be asked or directed to perform any task or skill for which he does not hold the state or federally required license or ~~state~~ certification.

Section 40-133 Annual Training Plan.

In order to ensure that all required licenses and certificates are properly maintained, Department Heads are encouraged to develop an annual training plan for all employees of the department. When developing this plan, the following priorities should be utilized:

(1) Mandatory training to retain a federal or state ~~-~~required license or certificate already held by an employee;

(2) Training required to qualify additional employees for a state required license or certificate;

(3) Training required to upgrade the level of a license or certificate held by an employee;

(4) Training recognized by the State of Texas or by a reputable professional association in which an employee may earn "Continuing Education Credits" (CEUs) or some other commonly recognized level of achievement and knowledge;

(5) Training that will directly benefit the employee and the city in the completion of his or her current job assignment;

(6) Training that will benefit the professional development and growth of the employee.

Section 40-134 Required Training and Requirements.

Paid appointees of the City Council shall be responsible for completing any required training associated with their positions. Failure to do so shall result in disqualification of the appointee to remain in the position or to be reappointed to the position. The City Secretary shall inform the City Manager ~~Council~~ of the required training for all appointed positions and shall maintain a copy of all appointee's training certificates and license. The City Secretary shall also notify the Council when an appointee has failed to complete any required training in a timely manner.

Section 40-135 Training Expenses.

(a) Normally, employees and appointees will not be expected to pay for the training needed to maintain a state required license or certificate. Update or renewal training will be underwritten by the City as permitted within the parameters of the adopted ~~(amended)~~ budget, as ~~amended~~. ~~Generally~~amended. Generally, ~~Under normal conditions~~, the City shall pay for:

(1) Tuition or conference registration fees;

(2) Housing and meals for off-site training and

(3) Travel expenses to/from the training site.

If any employee wishes to attend a training session for which the City cannot, or will not, pay all or a portion of the costs, the employee may request to take administrative ~~training~~ leave or leave without pay. The employee's Department Head shall approve or deny these requests.

DIVISION 10~~3~~. SEVERE WEATHER, AND EMERGENCY/NATURAL DISASTERS

Section 40-140 Definitions

(a) *Severe Weather.* Any dangerous meteorological phenomenon with the potential to cause damage, serious work disruption, or loss of human life.

(b) *Emergency Declaration.* Issued due to an emergency situation or natural disaster that calls for the protection of lives, property, public health, and safety, to lessen or avert the threat of catastrophe. Can be issued by City Mayor, County Judge, Governor or U.S. President. Such declaration activates the City's pre-established emergency provisions. The Governor's and Presidential Disaster Declaration are pre-requisites for state or federal grant assistance.

(c) *Emergency Situation.* An urgent, unexpected, and usually dangerous situation that poses an immediate risk to health, life, property, or environment and requires immediate action.

(d) *Natural Disaster.* Extreme sudden events caused by environmental factors including by not limited to storms, floods, drought, fires, and heatwaves.

(e) *Hazardous Travel Conditions.* Conditions that adversely affect road traction, visibility, or safe passage normally caused by severe or hazardous weather.

(f) *Major Disaster.* Any event including but not limited to hurricanes, tornadoes, floods, ice storms, earthquakes, fires, chemical accidents including hazardous materials spills, explosions, or any other disaster which is officially declared as such, and greatly effect or threatens the safety of Rockport's citizens for an extended period of time.

(g) *Actual Hours Worked:* Hours that are physically worked by an employee during an event whether it be on site, or working remotely.

(h) *On Stand by status:* Employee is required to be "by their phone" at all times leading up to, during, and possibly after an emergency event. This employee must be work ready, and available at all times during the event. This also means making sure that they are not mentally or physically impaired due to alcohol or drugs at all times. This employee may be on site working, or working remotely during the event. This usually applies to employees in leadership positions, but can be an employee in an Essential Services Position approved by the City Manager to be on stand by during the event. The City Manager will establish when "stand by status" will begin and when it will end.

(i) *On-call Status:* Employees assigned as On-call duty during an event, shall be treated as normal "on call" employees. These employees will be paid as they normally would when on call. Employees who are assigned "on call" status must notify supervisors of locations where they can be contacted. Employees scheduled to be on call are expected to be fit for duty upon reporting to work.

Section 40-141 Policy

Severe Weather or Natural Disasters. The following guidelines shall apply to absences resulting from severe weather or natural disasters:

(1) *Adverse Working Conditions Due to Weather or Hazardous Travel Conditions.* City Departments will remain open if at all possible. If the adverse weather or travel conditions significantly impair the productivity of a Department or the City, the City Manager may make the decision to allow employees to go home, or to close City offices.

a. *Voluntary:* Employees that voluntarily choose to go home for the day, or not come into work due to adverse weather conditions, ~~The employees who exercise this option~~ must select to be charged compensative time, vacation or excused leave without pay for the remainder of the workday, unless otherwise directed by the City Manager.

b. *Non-voluntary:* If the City Manager makes the decision to send employees home and shut down City offices due to an emergency, severe weather event, or natural disaster all full-time employees will be paid eight (8) hours for each regular workday, until the order is issued to resume office hours. These hours will count toward hours worked. Employees required to come in and work, or who are called out to work, will also be paid for any actual hours worked, and will be paid at one and a half times for any actual hours worked over 40 in a 7-day period (80 hours in a 14 day period for Police Officers).

~~(1)~~ *Employee Determination of Hazardous Travel Conditions.* If an individual employee believes it is too hazardous to make it to work due to weather or hazardous travel conditions, the Department Head has the option of charging the day(s) as compensative time, vacation or an excused absence without pay~~.~~

(2) *Closing Due to an Evacuation Order.* When an evacuation has been ordered, all non-~~-~~emergency personnel will be released and encouraged to evacuate. Only those employees who are assigned essential functions necessary for the general public's welfare during an emergency situation will be required to work. Employees designated by their Department Head as Emergency Services Personnel will not be authorized to evacuate should an evacuation order be issued in accordance with Chapter 22 of the Texas Labor Code. Every effort will be made to arrange shelter for those employees required to remain. Shifts may be established according to departmental needs at the discretion of the Department Head. Employees who are assigned "on call" status must notify supervisors of locations where they can be contacted.

a. Employees designated by their Department Head as Emergency Service Personnel will be allowed to secure their families and property as scheduled by the Department Head, or designee before returning to duty.

~~(2)~~(3) *Return-to-Duty Phase*. By reporting to work as directed, each employee meets their responsibility to work with other City employees as a team in restoring the community to normal service levels following a disaster. Nonessential Service Employees who evacuated will report to work at the start of the next normal shift, or sooner as directed, following the announcement of the Return-to-Duty Phase by City officials. If an employee has received no instruction on when to return

to work, he or she shall return to work at the start of his or her next normal shift upon announcement by City officials of the Return-to-Duty Phase. A telephone number will be established or announced prior to evacuation for all employees to call for Return-to-Duty information. If an employee has an impediment to being able to return when directed, they should contact their Department Head for further instructions.

(1) *Violation of this Policy.* An employee violates this Policy by:

a) Refusing to perform assigned duties required by this Policy or to obey any order

or directive made or given by a supervisor; or

b) Failing to report for duty as directed during any applicable phase of this Policy; or

c) Failure to abide by City Policy, departmental rules or regulations; or

d) Any conduct that interferes with or might reasonably be expected to interfere with the proper and orderly conduct of the City's business or brings, or might reasonably be expected to bring, discredit on the public service.

e) Consequences for Violation of this Policy. A violation of this Policy shall be considered a violation of City Policy, departmental rules, or regulations for which disciplinary action up to and including termination may be taken by the applicable Department Head, with the concurrence of the City Manager.

Section 40-142 Emergency and Disaster Pay

Exempt and Nonexempt Employees will be paid ~~is~~ as follows unless otherwise directed by the City Manager or City Council.

(1) *Nonexempt employees.*

a) All actual hours worked by nonexempt employees over 40 hours in a 7-day work period (80 hours in a 14 day period for Police Officers) shall be compensated at the overtime rate of one and one-half of the employee's hourly rate as provided in the City's overtime policy.

Whether the overtime will be paid or granted as compensatory time will be determined and communicated to employees by their Dd~~d~~epartment Hh~~h~~ead and/or supervisor prior to the overtime being worked.

b) Unless notified in advance, City employees holding Essential Services Position will be required to report to work in emergency conditions including hurricanes, tornadoes, floods, ice storms, earthquakes, fires, chemical accidents including hazardous materials spills or any other disaster which threatens the safety of Rockport's citizens. Nonexempt employees who report under these circumstances, who are subsequently released from duty due to emergency conditions, shall be paid a minimum of three (3) hours at the regular rate of pay, or for the number of actual hours worked, whichever is greater, and allowed to use accrued vacation, available personal leave, if any or leave without pay if paid leave is exhausted, to cover work hours missed during that work period, unless otherwise directed by the City Manager or City Council.

c) Non- exempt employees sent home and designated as On-call shall be treated as normal "on call" employees. Employees who are assigned "on call" status must notify supervisors of locations where they can be contacted.

~~c)~~d) Nonexempt employees may request that accrued compensatory time be used for this purpose.

(2) *Exempt Employees.*

a) Upon activation of emergency situation through written or verbal notification by the City Manager, exempt employees who exceed 40 actual hours of work in a 7-day work period, as defined in the policy, shall be eligible for overtime at the rate of one and one-half time of the employee's hourly rate or by compensatory time at the rate of one and one-half hours for each hour actually worked over 40 hours in a 7-day work period. Compensatory time earned is to be scheduled as soon as practical in each department. This provision for exempt employees will be enacted upon written notification to department heads by the City Manager.

(3) Employees required to be on "on standby" status for the entirety of the event will be paid for all actual hours they are designated under that status.

a) Department Heads will be considered in "on standby" status for the duration of the event until released by the City Manager. Department Heads that choose to evacuate are to remain available by phone and email for the duration of the event and stay in contact with their staff. Any Department Head that was considered off duty, was unreachable, or unavailable during the event, will not be considered to have been in "on standby" status and will be paid their regular salary based on hours worked.

(4) *Contract workers.* Contracted workers will be considered case by case based on their role during the event. If it is determined that they were considered essential personnel, and required to work extra hours during the event, the City Manager may approve additional pay for their work during the event.

(5) Pay under Special Emergency Situations or Natural Disaster Declarations

a) If an emergency situation or natural disaster that effects the City is declared a major disaster, the City Manager, or Mayor may issue an order to pay personnel required to work during the event, and recovery process a rate up to but not to exceed double time and one-half for actual hours worked until the City Manager, or Mayor rescinds the pay order.

Section 40-143 Department Policy Requirement

(1) All departments are required to compose a Emergency/Disaster Policy and procedure for their department and staff, and submit it to the City Manager. This policy should be reviewed annually and updated as necessary.

(2) All departments should require each employee to designate if they are able to work during an emergency or disaster, including the following information:

(a) Availability to work during a disaster.
(b) Emergency contact information
~~(a)~~(c) Other phone numbers where they can be reached.

Section 40-144 Subject to Change

The above policies are subject to change dependent upon the nature or the severity of the emergency or disaster. The City reserves the right to interpret, change, rescind or depart from this policy in whole or in part without notice. Any changes must be made by the City Manager, or Mayor, and must be stated in writing to be included with the records of the event.

DIVISION 1110. POST EMPLOYMENT

Section 40-151 Retirement

~~(a) An individual who was employed by the City prior to April 24, 2001 shall continue to be covered by the City's Group Health Insurance Plan.~~

(a) ~~For employees hired after April 24, 2001, the~~ The City shall pay ~~a percentage of~~for retiree health insurance based on the number of years of service to the citizens of Rockport, as well as their age at the time of retirement. Retiree insurance will be broken into two categories, Pre-65 and Post 65. ~~t. For individuals retiring after April 24, 2001, they must enroll for this coverage within thirty (30) days of their retirement~~.

(1) Pre-65 Retirees:

(a) Pre 65 retiree insurance will be paid at a percentage based on the number of years of continuous service to the City of Rockport as seen below.

Continuous Service to City	Percentage of Premium paid by City
Less then 10 years service	0%
11 years service	50%
12 years service	55%
13 years service	60%
14 years service	65%
15 years service	75%
16 years service	80%
17 years service	85%
18 years service	90%
19 years service	95%
20+ years service	100%

(2) Post-65 Retiree's:

(a) The city of Rockport will pay a contribution of $268.08 a month of the post-65 retiree supplement plan offered by the City, as adopted by City council Ordinance 1458 which froze the amount paid by the City toward post-65 retiree insurance.

(b) Retirees that choose to forfeit participation in City retiree insurance coverage either at time of retirement or at a later date will not be eligible to re-elect participation following termination of coverage.

~~(b)~~(c) Eligibility for retirement shall be predicated upon the criteria established by the Texas Municipal Retirement System.

~~(c)~~ The City elects to provide health benefits coverage to its retirees through their current insurance carrier for Pre-and Post- 65 insurance. ~~Texas Municipal League Intergovernmental Employee Benefits Pool under the pool's interlocal agreement.~~

(d)

(e) The City adopts the following benefit plans to be provided to its retirees through the Texas Municipal League Intergovernmental Employee Benefits Pool:

(1) The same medical plan(s) offered to active employees until their 65th birthday.

~~(1)~~(2) Retiree Basic life insurance with the current life insurance carrier of an amount of $2000.

~~(2)~~(3) Retiree Optional Basic Life – the maximum policy amount offered ~~by the Texas Municipal League Intergovernmental Employee Benefits Pool~~by the current life insurance carrier ~~up to $5,000~~.

~~(f) The interlocal agreement in effect between the City of Rockport and the Texas Municipal League Intergovernmental Employee Benefits Pool (TML-IEBP) allows the participating member entity to provide retiree medical coverage of the same contribution as charged to active employees or to select a contribution level which is 150% of the active employee contribution. The City elects to have the TML-IEBP offer this 150% of the active employee contribution rate structure for retiree medical coverage. Other coverage will be as established annually by the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees.~~

~~(g)~~(f) Final payments for vacation and sick leave are outlined in Division 7 of this Chapter.

~~(h)~~(g) If at the time of retirement the stability payments for that fiscal year have not been made, the stability pay due to the retiree shall be included with his last paycheck.

Section 40-152 Recommendations

All requests for references shall be referred to the ~~appropriate Department Head~~Human Resources Department. The ~~Department~~

~~Head~~Human Resources Dep~~a~~rtment may refer such requests to the City Manager if necessary. The only information that will be provided by the City to any outside source shall be:

(1) Beginning and ending dates of service.

(2) Last position held with the City.

Section 40-153 Closing of Records

Upon retirement, resignation or termination of an employee, the ~~Personnel and Risk Manager~~Human Resources Department shall combine ~~and seal the training, vacation, sick leave and~~scan personnel records of the individual into the digital personnel record, and destroy any hard copies in accordance to the Records Retention Schedules ~~Management guidelines~~ of the City of Rockport, and S~~s~~tate of Texas.

Appendix A:
Position Requisition Preparation and Approval Process Policy

Human Resources Department

Scope:
This policy applies to all departments and all positions, including regular full-time, regular part-time, and all temporary positions.

General Procedure:
Directors are required to fill out and complete the Personnel Requisition form, including all approval signatures, whenever a department has a need:

1. To create or fill a new position, or
2. Fill an existing position with revisions to the Job Description, or
3. Refill an existing position when an employee is terminated or leaves employment, or
4. When a temporary employee is needed, or
5. When a position is to be frozen because of a budget constraint, or other circumstance.

Approval Process:
The requisition approval process is completed as follows:

1. Department Request:
    - Department directors will fill out the "Department Request" section indicating the position that needs to be filled and all the details associated with it, or if a position is being placed on Freeze (see Freeze Procedure).
    - This will also indicate if this is a current position or a new position that needs to be approved by council, as well as expected budget impact.
    - The requisition should also include a copy of the current job description or amended job description if changes are being made.
    - Once the department has completed their part (including all approval signatures), the form should then be submitted either in hard copy or electronically to Finance for review.
2. Finance Review:
    - The Finance Department will complete the "Finance Review" section and review the request for "Max Budgeted Salary Available".
    - If a request indicates that the position is being put on Freeze, or is being released from Freeze, Finance will mark the appropriate box, i.e. Acknowledging Freeze Placed, or Acknowledging Freeze Released.
    - After review and all approval signatures are completed, the Finance Department will then forward the requisition to Human Resources either in hard copy or electronically, for final review and processing.
3. Human Resource (HR) Review:
    - Human Resources will complete the "Human Resources Review" section, making certain the request is consistent with the job description as described. If needed, HR will make recommended changes and work with the department to revise the request.

- Once approval is finalized, the department will receive an email from HR with a copy of the request and posting details. It is the department director's responsibility to check the information is correct and contact HR to make any changes.
- HR will then~~m~~ proceed with posting and advertisement of the position as normal.
- If a position is placed on Freeze, HR will keep the documentation on file until the Freeze is released and a new request to fill the position is received.

Freeze Procedure:
If a position is to be frozen because of a budget constraint or other circumstance, the department director will need to fill out the Personnel Requisition form and indicate "Freeze" and the effective date in the Department Request section, and then forward as normal to Finance. Finance will then acknowledge freeze of the position, and forward to Human Resources. HR will then indicate on the form that the position is under a hiring freeze and email a copy to the department director.

Once the department is ready to unfreeze the position, a new request will then need to be submitted indicating "Unfreeze" and the effective date in the Department Request section. Finance will then acknowledge the release, and HR will then proceed as normal once the request is approved.

Note:
The budgeting process for new positions happens each year and is adopted by Council in September for the following fiscal year. All new positions should go through the normal annual budgeting process for planning and approval. If a department encounters a need for a new position outside of these processes, additional written justifications and approvals will need to be submitted with the Position Requisition form for review by the City Manager. If approved by the City Manager, the request will then go before City council for approval before it can be filled.

If a position is requested without the Personnel Requisition Form, Human Resources will require the department to complete the form before proceeding. Human Resources may not start the candidate sourcing process for any position until all documentation and approval signatures have been received.

Appendix B:
List of Current Council Approved Certification & Education Pay

Human Resources Department

List of Approved Certifications	Approved Pay Per Month
EDUCATION COMPENSATION	
Associate Degree	$250.00
Bachelor's Degree	$350.00
Master's Degree	$450.00
CITY MANAGER	
Certified Public Manager	$300.00
Administrative Assistant Certification	$100.00
POLICE DEPARTMENT CERTIFICATION/LICENSES	
State Certified Fire Marshall	~~100.00~~ $150.00
FBI National Academy Certificate	$150.00
Administrative Assistant Certification	$100.00
Intermediate Police Certificate	$100.00
Advanced Police Certificate	$200.00
Master Police Certificate	$300.00
School of Police Supervision	$100.00
Law Enforcement Management Institute of Texas (LEMIT)	$125.00
Field Training Officer (FTO) (only 6 at at time: 1 Supv, 5 Officers)	$50.00
Breath Test Operator	$30.00
Physical Fitness (Top teir DPS standards)	$50.00
Critical Incident Stress Management (CISM) Certificate	$30.00
Advanced Marine Safety Officer	$50.00
Certified Records Analyist	$100.00
Certified Records Manager	$150.00
TELECOMMUNICATIONS OPERATOR CERTIFICATION/LICENSES	
Intermediate TCOLE Certificate	$100.00
Advanced TCOLE Certificate	$200.00
Master TCOLE Certificate	$300.00
Communications Training Officer (CTO) (to be paid while actively training)	$100.00~~50.00~~
Critical Incident Stress Management (CISM) Certificate	$30.00

PUBLIC WORKS DEPARTMENT CERTIFICATION/LICENSES	
Class D Water Operator	$45.00
Class C Water Operator	$175.00
Class B Water Operator	$260.00
Class A Water Operator	$350.00
Class D Wastewater Operator	$45.00
Class C Wastewater Operator	$175.00
Class B Wastewater Operator	$260.00
Class A Wastewater Operator	$350.00
Wastewater Collection Operator I	$45.00
Wastewater Collection Operator II	$175.00
Wastewater Collection Operator III	$260.00
Backflow Prevention Assembly Tester Certification	$45.00
Stormwater Inspector	$45.00
Hazmat Certification	$45.00
CSI Certification	$45.00
Herbicide/Pesticide Certification	$45.00
Commercial Driver's License	$45.00
Administrative Assistant Certification	$100.00
PARKS DEPARTMENT CERTIFICATION/LICENSES	
Herbicide/Pesticide Certification	$45.00
Master Gardner's Certification	$45.00
Master Naturalist's Certification	$45.00
Commercial Driver's License	$45.00
Administrative Assistant Certification	$100.00
Certified Water or Waterfront Lifeguard Instructor	$45.00
Certified Water or Waterfront Lifeguard Instructor Trainer	$45.00
Certified Water or Waterfront Safety Instructor	$45.00
Certified Water or Waterfront Safety Instructor Trainer	$45.00
Certified First Aid/CPR/AED Instructor	$45.00
Certified First Aid/CPR/AED Instructor Trainer	$45.00
Certified Aquatic Facility (AFO) Operator	$45.00
Certified Pool Operator	$45.00
Certified Festival & Event Associate (CFEA)	$45.00
Certified Festival & Event Executive (CFEE)	$45.00
BUILDING AND DEVELOPMENT, INSPECTION~~, CODE ENFORCEMENT~~ CERTIFICATION/LICENSES	
ICC Certified Building Official	$100.00
ICC Certified Mechanical Inspector	$45.00
ICC Certified Residential Electrical Inspector	$45.00

ICC Certified Commercial Electrical Inspector	$45.00
ICC Certified Commercial Energy Plans Inspector	$45.00
TFMA Certified Floodplain Manager	$45.00
State Licensed Plumbing Inspector	$45.00
~~State Certified Code Enforcement Officer~~	~~$45.00~~
State Licensed Master Electrician	$45.00
State Licensed HVAC Contractor	$45.00
Administrative Assistant Certification	$100.00
CODE ENFORCEMENT CERTIFICATION/LICENSES	
State Certified Code Enforcement Officer	$100.00~~45.00~~
CITY SECRETARY DEPARTMENT CERTIFICATION/LICENSES	
~~Records Management Certification~~	~~$45.00~~
~~Human Resources Certification~~	~~$45.00~~
City Secretary TRMC Certification	$150.00~~250.00~~
City Secretary CMC IIMC Certification	$125.00~~300.00~~
City Secretary MMC IIMC Certification	$150.00~~350.00~~
~~Administrative Assistant Certification~~	~~$100.00~~
NAGARA~~Local Gov. Archives & Records Administration (LAGARA)~~	$~~1~~50.00
~~ARMA Records Management Certification~~All other Records Management Certification CRM or CRA or ICRM or IGP	$150.00
HUMAN RESOURCES DEPARTMENT CERTIFICATION/LICENSES	
Human Resources Certification – SHRM-CP	~~$ 45.00~~ $ 100.00
Human Resources Certification – SHRM-SCP	$200.00~~300.00~~
IPMA-HR Certified Professional/SR Certified Pro.	$175.00
Administrative Assistant Certification	$100.00
MUNICIPAL COURT DEPARTMENT CERTIFICATION/LICENSES	
Municipal Court Clerk Level 1	$45.00
Municipal Court Clerk Level 2	$90.00
Municipal Court Clerk Level 3	$135.00
FLEET DEPARTMENT	
Underground Storage Tank Operator	$45.00
INFORMATION TECHNOLOGY	
Microsoft Certification	$25.00
Microsoft 365 Certified: Fundamentals	$25.00
Microsoft 365 Certified Security Administrator Assoc.	$25.00

Microsoft 365 Certified Teams Administrator Assoc.	$25.00
MTA: Windows Server Administration Fundamentals	$25.00
MTA: Security Fundamentals	$25.00
MTA: Networking Fundamentals	$25.00
MTA: Windows Operating System Fundamentals	$25.00
MTA: Mobility and Device Fundamentals	$25.00
NSE3: Cybersecurity Awareness Certification	$25.00
A+ Certification	$25.00
Network Plus	$50.00
Microsoft 365 Certified: Modern Desktop Administrator Assoc.	$50.00
NSE6: Cybersecurity Technical Certification	$50.00
CCENT (Cisco Certified Entry Networking Technician)	$65.00
Microsoft 365 Certified Messaging Administrator Assoc.	$75.00
Microsoft 365 Certified Teamwork Administrator Assoc.	$75.00
Security + Certification	$100.00
MCSA: Windows Server 2016	$100.00
Microsoft 365 Certified: Enterprise Administrator Expert	$100.00
NSE7: Cybersecurity Advanced Certification	$100.00
CCNA	$100.00
MCSE Productivity Solutions Expert	$125.00
MCSE: Core Infrastructure	$125.00
NSE8: Cybersecurity Expert Certification	$125.00
CCNP	$200.00
CCIE	$300.00
GAS DEPARTMENT	
Operator – Level I	$45.00
Operator – Level II	$100.00
Operator – Level III	$150.00
~~FINANCE & ACCOUNTING~~	
~~Certified Public Accountant (CPA)~~	~~$450.00~~
~~Certified Government Finance Officer (CGFO)~~	~~$400.00~~
~~Certified Public Finance Officer (CPFO)~~	~~$400.00~~
~~Certified Management Accountant~~	~~$400.00~~
~~Advanced Certified Public Funds Investment Manager (ACPFIM)~~	~~$300.00~~
~~Certified Public Funds Investment Manager (CPFIM)~~	~~$250.00~~
~~Public Funds Investment Certification (PFIA)~~	~~$100.00~~
~~Certification - Basic Texas Purchaser~~	~~$100.00~~

Commented [AH1]: Removed at the request of the finance director. There is only one employee that is not exempt in the department, and that employee would not need any of these certifications.

***Note: New Certifications that have been added are highlighted with yellow. Any changes to existing data are marked with a "Strike through" of the current data and new data is corrected data in red font.

Scope:
The purpose of this policy is (1) provide clear and objective guidelines establishing the circumstances under which a Peace Officer and full-time Telecommunicator is granted and may use mental health leave; (2) entitle a Peace Officer and Telecommunicators to mental health leave without a deduction in salary or other compensation; (3) enumerate the number of mental health leave days available to a Peace Officer and Telecommunicators; and (4) detail the level of anonymity for a Peace Officer/Telecommunicator who takes mental health leave.

Definitions:

1) *Mental Health leave* – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.
2) *Mental Health Professional* – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.
3) "*Peace Officer*" means police officers regardless of rank or position licensed by the Texas Commission on Law Enforcement and employed by the city.
4) *Telecommunicator: a person (employee) that receives calls and obtains information from people in need of assistance. They are also called 911 or public safety dispatchers.*
5) *Traumatic event* – an event which occurs in the peace officer(s) and Telecommunicators scope of employment when the officer if involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Trauma events may include, but are not limited to, the following:

a) Major disasters which may include response to weather related events involving multiple casualties; or explosion with multiple casualties: or search and recovery missions involving multiple casualties;
b) Incidents involving multiple casualties which may include shootings or traffic accidents;
c) Line of duty death or suicide of a department member;
d) Death of a child resulting from violence or neglect;
e) Officer(s) involved shooting of a person.

(Ref. Texas Local Gov't Code 180.008(a); 143.003(4)(A); Tex. Health & Safety Code 121.021; Tex. Code Crim. Pro. Art. 2.12.)

Mental Health Leave:

A peace officer/telecommunicator of the Department may request up to three (3) working days of paid leave under this policy following a Traumatic Event. During the duration of Mental Health Leave, the peace officer/telecommunicator will not face a deduction in salary or other

compensation, and the peace officer/telecommunicator will not face any change in other benefits, including other leave accrual.

The officer/telecommunicator shall not be permitted to take more than a total of nine (9) working days of Mental Health Leave in a calendar year.

Requesting Mental Health Leave:

An officer or full-time Telecommunicator directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing to the Director of the Department (Chief of Police, or Director of the Communications Center). ~~The Director shall then contact Human Resources for approval of the leave.~~ The request may be approved by the Director, City Manager, or Human Resources. The request shall be treated as a priority matter and a decision on the granting of leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave. Once granted, a copy of the request and approval shall be forwarded to the Human Resources department to be kept in the employee's personnel file.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional.

Extensions and Additional Leave:

To the extent prescribed in writing by a Mental Health Professional, the Department shall grant extensions of a peace officer/telecommunicator's Mental Health Leave for up to three (3) working days at a time. Requests for extensions of Mental Health Leave should be submitted in same manner as the original request, but should require documentation from a Mental Health Professional justifying the need for the extension. An additional extension may be granted, but in no event shall the peace officer/telecommunicator be permitted to take more than two (2) extensions for a particular Traumatic Event.

To the extent an officer/telecommunicator desires to take additional leave outside of the Mental Health Leave provided by this Policy, the officer/telecommunicator may use additional paid or unpaid leave under the City's and/or Department's policies. To the extent an officer/telecommunicator needs additional assistance with mental health due to a Traumatic Event, the City encourages the officer to contact Human Resources to seek information on available assistance programs.

Nothing in this Policy shall limit an officer/telecommunicator's ability to utilize leave under the Family and Medical Leave Act (FMLA), to request accommodations for a disability under the Americans with Disabilities Act (ADA), or to utilize any other benefits provided to him or her under the City's or Department's policies.

Benefits During Leave:

Patrol Officers and Telecommunicators that are on Mental Health Leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits, and eligibility for health benefit plan benefits for the duration of the leave. While on paid Mental Health Leave, the First Responders will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time). Mental Health Leave shall not be counted at time worked toward over-time calculations.

An employee on Mental Health Leave may not work a second job, including self-employment or participate in volunteer work.

Confidentiality of Request:

The City and Department will keep requests to take Mental Health Leave, whether granted or not, and any medical information related to such request confidential to the extent allowed by law and separate from the officer/telecommunicator's general personnel file. Anonymity of the information that is otherwise public or necessary to carry out the City's and/or Department's duties under the law cannot be guaranteed. Any officer/telecommunicator or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Return from Mental Health Leave:

Following use of Mental Health Leave, a peace officer/telecommunicator shall return promptly to duty on the next working day. To the extent the officer/telecommunicator takes more than three (3) working days of Mental Health Leave, the officer/telecommunicator must submit to the Department return-to-work documentation from the officer/telecommunicator's Mental Health Provider. The City may require a psychological examination by a Mental Health Professional of the City's choosing to determine that the officer/telecommunicator is able to perform all the essential functions of his/her job safely throughout their shift as permitted by applicable laws.

APPENDIX D: NEPOTISM CHART

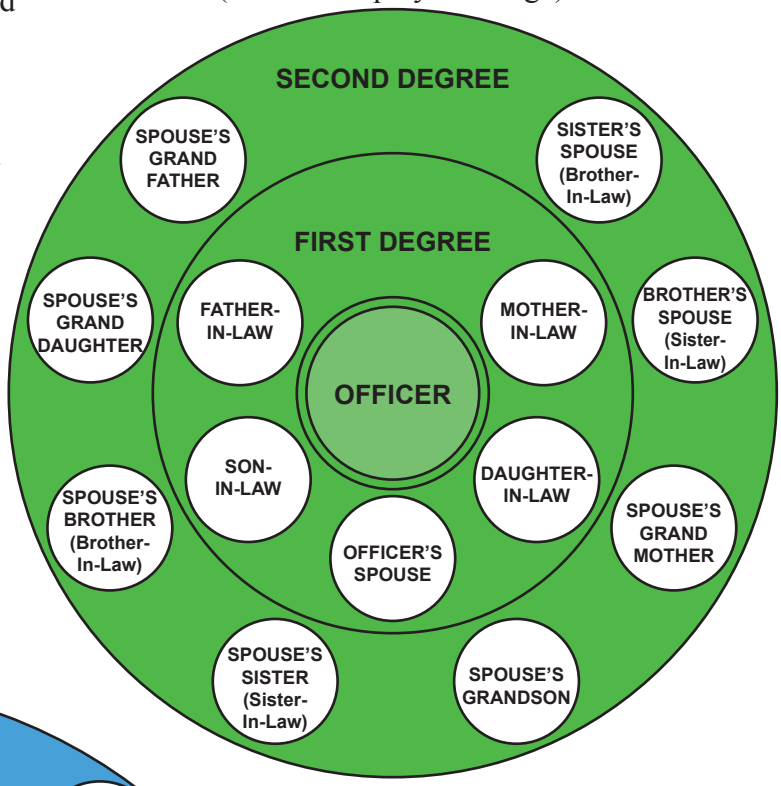
The chart below shows:

- **Affinity Kinship** (relationship by marriage)
- **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025

Also applicable to Conflict of Interest as outlined in Chapter 171 of the Local Government Code

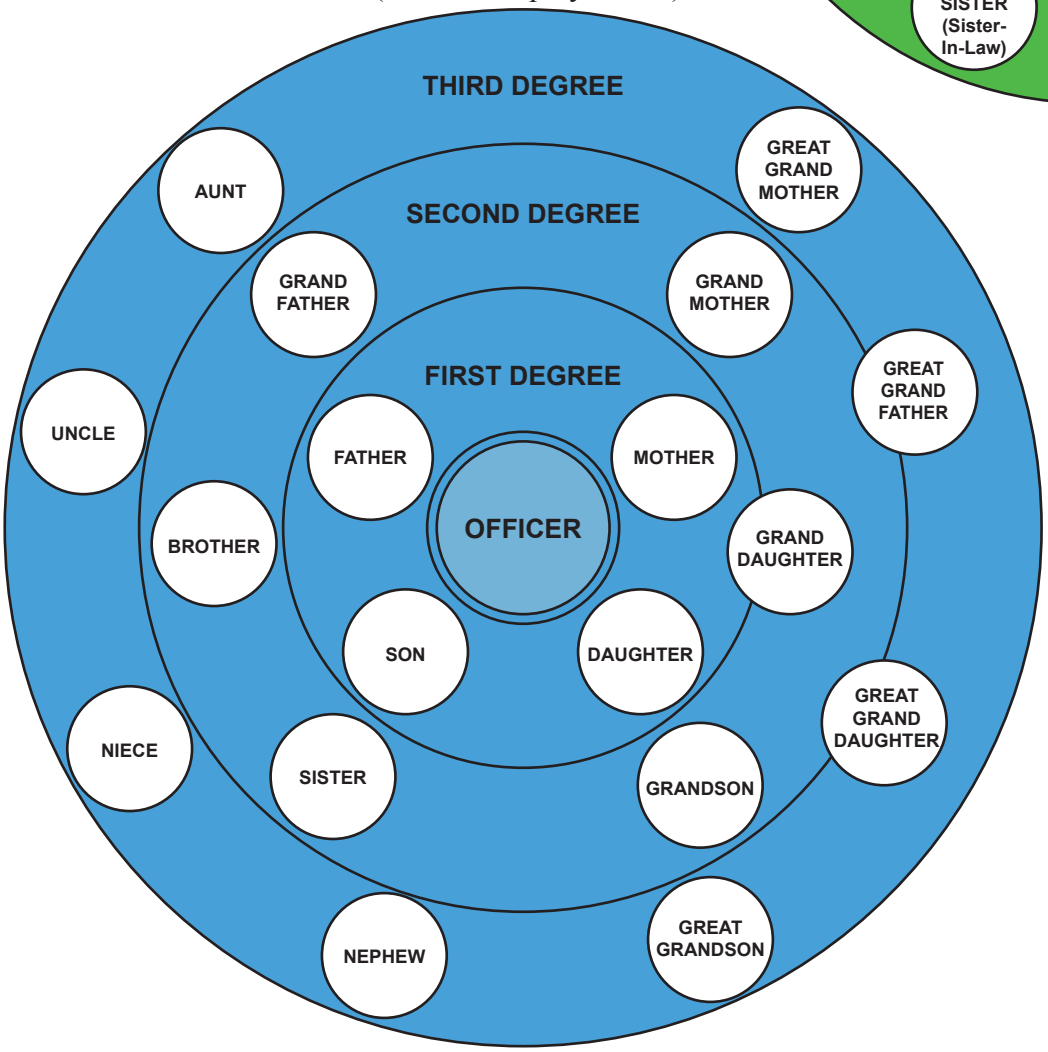
Affinity Kinship

(Relationship by Marriage)



Consanguinity Kinship

(Relationship by Blood)



Alcohol & Drug Free Work Environment

Adopted by City Council on February 27, 2007

Ordinance 1370

Amended Section:

Chapter 40 Article II “Alcohol & Drug-Free Work-place Policy” - Ordinance 1748

New Effective date January 22, 2019

Employee Handbook

Section II

ALCOHOL & DRUG FREE WORK ENVIRONMENT

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DIVISION 1. GENERALLY

Section 40-300 Purpose

It is the purpose of the City of Rockport (the City) to help provide a safe and alcohol- and drug-free work environment for our clients and our employees. With this goal in mind and because of the serious drug abuse problem in today's workplace, the City of Rockport has established a policy for existing and future employees.

Section 40-301 Possession Prohibited

a) The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on City or customer premises or while performing an assignment.

b) Being impaired or under the influence of legal or illegal drugs or alcohol away from the City or customer premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the City's reputation.

c) Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the City or customer premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the City's reputation.

d) The presence of any detectable amount of prohibited substances or an alcohol concentration greater than 0.02 in the employee's system while at work, while on the premises of the City or its customers, or while on City business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

Section 40-303 Reservation ~~Of~~of Rights

The City reserves the right to interpret, change, rescind or depart from this policy in whole or in part without notice. Nothing contained in this policy shall be construed as creating or constituting a contract with any employee, whether expressed or implied.

Section 40-304 Definitions

Alcohol means alcohol, or any beverage, containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

Alcohol abuse means use of alcohol in any quantity during working time or reporting for work under the influence of alcohol.

Alcohol testing means testing for alcohol contents by a breathalyzer instrument device, urinalysis, or a blood sample analysis.

City property means all City buildings and adjacent land, parking lots, all other City-owned land and

City vehicles.

Department head shall also include any person designated by the department head to take any action necessary under this policy in the absence of the department head.

Controlled substance or *drugs* includes, but is not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine opiates, phencyclidine, amphetamines, inhalants, barbiturates and hallucinates.

Drug testing means the collection of a urine sample by medical personnel and laboratory analysis of that sample or testing by other accepted methods.

Employee means an individual employed by the City in a full-time or part-time position.

Medical Review Office is the City's designated physician to review and interpret drug and/or alcohol tests.

Motorized Equipment means equipment powered by a motor, including tools.

Proper medical authorization means a prescription, or their written approval from a physician, for the use of a drug in the course of medical treatment.

Reasonable suspicion means a conclusion based on personal observation of a specific objective instance, or instances, of employee conduct on or off duty, which shall be confirmed in a sworn (notarized) statement signed by two or more individuals in a supervisory role that has observed the impaired conduct. ~~.~~ On duty observation must be corroborated and documented in writing, that an employee is unable to satisfactorily perform his/her duties due to the use of controlled substances or alcohol. Such inability to perform may include, but is not limited to, a drop- in employee's performance level or an indication of impaired judgement, reasoning, level of attention or behavioral change or decreased ability of the senses.

Safety sensitive position means jobs where employees' use of drugs or alcohol could render the employee unfit to perform assigned duties and could create a safety hazard to the employee, other employees, citizens or damage to property.

Substance abuse is exemplified by, but not limited to, the following:

(1) Ingestion, inhalation or injection of a controlled substance during work hours, in a City vehicle or on City property.

(2) Ingestion of alcohol in a City vehicle or on City property.

(3) Ingestion, inhalation or injection of a controlled substance or alcohol during non- working hours which causes an employee to be unable to work in a safety sensitive manner during working hours.

(4) Use of prescription or over-the-counter medication in a manner in which it was not intended.

Tampering with a urine specimen includes, but is not limited to, diluting the specimen with water, adding any other substance to the specimen, or substituting urine. Possession of a urine sample when

an employee or applicant reports to the laboratory shall constitute tampering.

Under the influence or *impaired* is defined as abnormal behavior during working hours which results from indulging, in any degree, in alcohol or in any controlled substance or other drug including prescription or over-the-counter medication which, to any degree, may limit an employee's ability to safely and efficiently perform his or her duties or poses a threat to the safety of the employee, other employees, citizens or property.

Section 40-305 Administrative Authority

The City of Rockport is authorized to develop, administer and modify testing procedures for drug and alcohol testing.

Section 40-306 Alcohol/Controlled Substance Use Prohibited

a) The use, sale or personal possession (such as on the person or in a tool box, desk, etc.) of controlled substances or alcohol while on duty or on City property at any time is a dischargeable offense.

b) Employees taking prescription or non-prescription drugs must report this use to the department head when the use of such drugs is likely to affect the workers' ability to perform assigned duties. It is the employee's responsibility to ascertain from his or her physician whether the prescription drug can or is likely to have adverse impact on the employee's performance of his or her duties. This provision is intended to protect the safety of each employee, and his or her co-workers, property and the public. Employees failing to follow this policy may be subject to disciplinary action up to, and including, termination. Any information received from an employee under this provision will be kept confidential except to the extent it may be shared with individuals who are in a "need to know" position, such as the immediate supervisor, or as required by state or federal law.

c) Any use of controlled substances and alcohol abuse that has an adverse effect on the employee's performance or that could jeopardize the safety of others, City equipment of the City's relations with the public, will be a violation of this policy and the employee may be subject to disciplinary action up to, and including, termination.

d) No employee who is required to drive any City vehicle or motorized equipment shall consume alcohol during the four (4) hours before driving such vehicle or equipment. The employee may be subject to disciplinary action, and including, termination for violating this policy.

e) No employee shall report to work with the odor of alcohol on his or her breath. The employee may be subject to disciplinary action up to, and including, termination for violating this policy.

Section 40-307 Employee's Responsibilities

a) While at work, each City employee has a responsibility to deliver service in a safe, efficient and conscientious manner. Therefore, the use, sale, distribution, possession or being under the influence of alcohol or any controlled substances, including prescription medication (when use of such prescribed medication is likely to affect the employee's ability to perform assigned duties)

during working hours, as outlined in the provisions of this policy, is strictly prohibited and may result in disciplinary action up to, and including, termination.

b) Employees in need of assistance, in relation to controlled substances or alcohol abuse, are encouraged to explore the use of leave time and medical benefits in obtaining assistance through public and private referral agencies specializing in chemical dependency before the problem affects their job.

c) Employees scheduled to be on call are expected to be fit for duty upon reporting to work. An employee scheduled to be on call who is called out is subject to the provisions of this policy.

d) An employee not scheduled to be on call who is called out and is under the influence of legally prescribed drugs or who is impaired by alcohol must so advise his or her supervisor and will not be required to report to work. An employee, who is called out and who report to work, but fails to notify his or her supervisor that he or she is under the influence or impaired, may be subject to disciplinary action up to, and including, termination.

e) An employee shall not consume any alcohol for at least eight (8) hours following any accident or until he or she undergoes post-accident testing. An employee who consumes any alcohol prior to eight (8) hours following this accident or until a post-accident test has been administered may be subject to disciplinary action up to, and including, termination if such person tests above the allowable alcohol limits.

Section 40-308 **Special Exemption**

Any police officer who is required to be in possession of alcohol and/or drugs in the course and scope of his or her employment will be exempt from the provisions of this policy pertaining to possession of alcohol and/or drugs. Specific guidelines will be established by Police Department internal operating procedures.

Section 40-309 **City Approved Laboratory**

a) The City will select a laboratory which follows a chain of custody procedure in conducting and preserving the tests required under this policy.

b) The laboratory will report each test result to the Medical Review Officer who will notify Human Resources of the results.

c) An employee who does not pass the drug or alcohol test may request that the original urine or blood sample be analyzed again. An employee requesting a retest must submit a written request within two (2) days of the employee's notification of the test result.

d) An employee making a request for a retest will be required to pay the cost of the additional analysis and all costs associated with the transfer of the specimen to another certified, qualified laboratory, including shipping and handling. If the request results in the employee passing the drug or alcohol test, the City will reimburse the employee for laboratory expenses.

Section 40-310 Breath Alcohol Technician Requirements

Any individual qualified as a breath alcohol technician may be used to conduct alcohol tests. Law enforcement officers certified by the State of Texas to conduct breath alcohol testing are deemed to be qualified as a breath alcohol technician.

Section 40-311 Confidentiality ~~O~~of Information

The following procedures will be used to assure that records relating to the drug and alcohol testing process are kept confidential:

1. Test results and other written material concerning a particular drug test will not be kept in the personnel file the City maintains on each employee.

2. No test results may be released except to the employee's department head and supervisor, any other individuals involved in a disciplinary action, in an appeal process and to state or federal agencies, as necessary or required.

3. Staff who are authorized to have access to drug test results will maintain complete confidentiality. Breach of confidentiality relating to drug test results, or any other personnel related matter, will subject that employee to disciplinary action up to, and including, termination.

Section 40-312 Employee Drug Convictions

Any employee convicted of a violation of a criminal drug statute for conduct occurring while on duty or on City property must notify the City of such conviction within five (5) days of the conviction occurring. If an employee fails to report such conviction, the employee will be subject to disciplinary action up to, and including, termination.

Section 40-313 Employee Search Policy

The City reserves the right to search for illegal drugs and alcohol on any employee, City vehicles and equipment, the employee's personal effects, and the employee's other property located on City premises or worksites, include, but not limited to private vehicles located on City premises or worksites, City or personal lockers, desks, file cabinets, lunch boxes, purses, or other containers brought on City premises or worksites. All searches must be performed by the Rockport Police Department in accordance with the law.

DIVISION 2. TESTING

Section 40-341 **Drug Testing**

The City will conduct drug testing under any of the following circumstances:

1) *Pre-Employment Testing.* All applicants for employment will be informed by posted notice that a negative pre-employment drug test is a condition of employment. An offer of employment is contingent upon agreement to submit to drug testing within 72 hours of offered employment. A new applicant may not begin work until the results of the test are received.

2) *Post-Accident Testing.* Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. This also included any motorized equipment accidents or motorized vehicle accidents that meet the criteria under Section 40-344. "Involved in an on-the-job accident or injury" means not only the one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.

3) *Reasonable Suspicion Testing*. The City may ask an employee to submit to a drug test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

4) *Random Drug Testing.* The primary purposes of random testing are to deter prohibited drug use and to ensure a drug free workforce. Employees in safety sensitive positions regulated by the Pipeline & Hazardous Materials Safety Administration (PHMSA) or Federal Motor Carrier Safety Administration (FMCSA), –shall be subject to drug testing on an unannounced and random basis. Employees covered under this policy are subject to random testing with the Anti-Drug and Alcohol Misuse Prevention Policy (included in Employee Handbook available in the Human Resources office & provided to employee on date of hire) and any other applicable federally mandated testing. Employees covered under this policy are subject to random testing with the Policy For Employees Required To Possess A Commercial Driver's License (included in Employee Handbook available in the Human Resources office & provided to employee on date of hire) and any other applicable federally mandated testing.

5) *Return-to-Duty / Testing after Rehabilitation.* The City will ensure that before an employee returns to duty after engaging in prohibited conduct concerning drugs, or after completion of a rehabilitation program, the employee must take a return to duty drug test with a result indicating a verified negative result for drugs and must take a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02%.

6) *Positive Testing Outside ~~Of~~of Employment*. If an employee is tested for drugs or alcohol

outside of the employment context and the results indicate a violation of this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, the employee will be given an opportunity to

explain the circumstances prior to any final employment action becoming effective.

Section 40-342 Conditions Applicable To All Testing

a) ~~The department head or, for pre-employment testing,~~ Human Resources, will arrange for drug screenings with a certified laboratory.

b) A urine sample will normally be given to test for the presence of controlled substances or alcohol. However, breath testing for alcohol may also be used. Also, other acceptable testing methods (e.g., blood samples or hair follicle) may be ordered.

c) Any person who tampers with, or attempts to tamper with, a urine/blood specimen or breath test in any manner shall be disqualified from employment with the City and shall be barred for any future consideration for employment with the City or, if currently employed by the City, shall be subject to disciplinary action up to, and including, termination.

d) Prescription or over the-counter drugs taken by the person to be tested will not be considered if the drug affects the testing, unless the use of such drugs, in the judgment of the Medical Review Officer, would be potentially harmful to the safety of the person being tested, or others.

e) All positive urine samples will be confirmed by the use of the gas chromatography/mass spectrometry (GC/MS) method. The additional testing (GS/MS) will be at the City's expense.

Section 40-343 Pre-Employment Testing

a) All persons offered a position with the City shall be required to submit to a drug and/or alcohol test.

b) Prior to the test, all applicants shall be required to sign a written consent form authorizing a urine or breath test for the presence of controlled substances and alcohol or other acceptable testing method. A job applicant refusing to sign a requested consent form will not be considered for employment.

c) Test results shall be sent marked "Personal and Confidential" from the Medical Review Officer to Human ~~Resources, and~~Resources and shall be treated in a highly confidential manner. An applicant shall not be placed on the City payroll or otherwise allowed to report to work until negative test results have been received.

d) If test results are positive, the department head shall be contacted by Human Resources and told nothing more than that the applicant did not successfully pass the test. If negative test results are returned, and the applicant otherwise passes the test, the Human Resources shall notify the hiring supervisor and process the appointment of the applicant.

e) In the case of positive test results, disclosure of the results shall be made to the applicant by Human Resources. The applicant shall be told by Human Resources that he or she is disqualified for employment with the City for a one-year period, and to be reconsidered~~, must submit evidence of successful completion of a rehabilitation program~~.

Section 40-344 **Post Accident Testing**

a) Employees who drive City vehicles or equipment on or off duty will be subjected to testing for motor vehicle accidents as described herein.

b) Drug/alcohol testing will be required of employees following motor vehicle or motorized equipment accidents in any of the following circumstances:

1) when the employee was driving the vehicle, meaning that the vehicle was not parked.

~~1)~~2) when a fatality or bodily injury occurs;

~~2)~~3) when a third party (non-employee) is involved;

~~3)~~4) when any significant damage to a City vehicle or equipment occurs;

~~4)~~5) when a City driver receives a citation under state or local law for a moving traffic violation arising from an accident;

~~5)~~6) when an employee who, in the judgement of the department head, is involved in a traffic accident without justifiable cause or cannot be discounted as a contributing factor to an accident; or

~~6)~~7) when an employee who, in the judgement of the department head, could have prevented the accident by being more alert.

c) Procedures for Post Vehicle or Motorized Equipment Accident Testing.

1) The employee(s) involved in the accident and the employee(s) from the department whose employee and vehicle are involved in the accident, first arriving at the accident site are required to inform the department head of the accident immediately, but not longer than two (2) hours following the accident. If the department head or his or her designee is not available in that period of time, the employee(s) shall notify the city manager of the accident. Human Resources must be notified to determine if drug or alcohol testing is required.

2) The employee(s) involved in the accident shall be prohibited from working or continuing to work until reporting to the office of the Medical Review Officer or, if the accident occurs when the Medical Review Officer's office is closed, to the City-approved testing facility.

3) Alcohol testing must be administered within two (2) hours of the accident and in no event more than eight (8) hours after the accident. Drug tests must be administered within eight (8) hours after the accident and in no event more than thirty-two (32) hours after the accident. If this deadline for alcohol or drug tests cannot be administered, such tests shall not then be conducted.

4) The supervisor or a designated person not involved in the accident shall take the employee from the accident site and drive him or her to the Medical Review Officer or, if

the accident occurs after working hours, a City-approved laboratory for the drug test. Under no circumstances will the employee be allowed to drive to the Medical Review Officer's office or testing facility. (If an employee is seriously injured or unconscious, he

or she will be taken to a hospital by emergency medical personnel for treatment. The first consideration will be the health and welfare of the employee. In such case, a urine test will be given at the hospital laboratory, if possible).

5) If the employee, in the judgment of the Medical Review Officer, exhibits physical and/or emotional impairments such that his or her safety or the safety of others could be in jeopardy if the employee returns to work, the employee shall not be allowed to return to work. In that situation, after being tested, the employee will be driven home by the supervisor or other designated person. The employee shall not be allowed to drive home.

6) Refusal to submit to a post-accident drug or alcohol test will be grounds for disciplinary action up to, and including, termination.

7) An investigation surrounding the circumstances of the accident leading to a drug or alcohol test will automatically be conducted by the department head and/or the city manager.

Section 40-345 Reasonable Suspicion Testing

All employees suspected of controlled substance use or alcohol abuse will be required to provide a urine/blood sample for testing or to submit to a breath test.

a) A written record of specific, observable facts will be required before a drug or alcohol test can be ordered based on reasonable suspicion. This written record must be signed by a minimum of two individuals in a supervisory capacity or higher. One of these individuals must be either the employee's department head, the City Manager, or a Human Resources representative. ~~Only department heads and supervisors who have received supervisory drug awareness training may refer for testing an employee who has been observed in conduct or behavior which would create reasonable suspicion of controlled substances use or alcohol abuse.~~ The ~~department head and/or supervisors~~documenting individuals will document the exact reasons why he or she suspects that a certain employee has violated the controlled substances and alcohol abuse policy, including the symptoms exhibited by the employee, the actions of the employee, statements from other employees or third parties, and other evidence which tends to establish a reasonable suspicion of controlled substances or alcohol abuse.

b) When it has been determined that reasonable suspicion exists and the employee should be tested, that decision must be approved by the city manager. In the event that these individuals are inaccessible within a reasonable period of time, the department head is authorized to require the employee to submit to a drug or alcohol test. Prior to such testing, the employee will be required to sign a form consenting to testing. Failure or refusal to sign the consent form or to submit to testing may result in disciplinary action, up to and including, termination.

c) The supervisor or a designated person will drive the employee to the testing facility (i.e., either the office of the Medical Review Officer or when the Medical Review Officer's office is closed, a City-approved laboratory). Under no circumstances will the employee be allowed to drive.

d) The department head or a designated person shall stay with the employee being tested and shall drive him or her back to work. If the Medical Review Officer, after observation and examination of the employee, determines the department head's suspicion is well founded, the department

head or a designated person shall arrange for the employee to be driven home.

e) An employee tested for controlled substances or alcohol under the reasonable suspicion standard will be placed on leave of absence with pay until the results of the test are received.

f) All department heads and supervisors will prepare statements to be filed with Human Resources describing the circumstances and conditions used as a basis for the required testing.

Section 40-346 Random Testing

a) Random tests will be unannounced and reasonably spread throughout the year. There will be no pattern to when random tests will be conducted, and all employees in safety sensitive positions regulated by the Pipeline & Hazardous Materials Safety Administration (PHMSA) or Federal Motor Carrier Safety Administration (FMCSA), ~~employees~~ will have an equal chance of being selected for testing from the random pool each time random tests are conducted.

b) Selection Process:

1) Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. Each covered employee shall have an equal chance of being tested each time a random drug testing list is generated.

2) Employees to be tested shall be selected by a computer-based random number generator that is matched with an employee's social security number or employee identification number.

3) Random test shall be unannounced. Selected employees shall be notified after they report for duty on the day of collection.

4) City employees who are covered under more than one DOT agency's random drug testing regulations shall be included in separate DOT pools for each regulation for random selection, with each pool containing the names of covered employees who are subject to testing at the specific percentage drug testing rate as set annually by DOT and required for each specific pool.

c) Steps for Random Testing:

1) The Drug Program Administrator (DPA) or designee, on a pre-determined date, shall use the random selection procedures to compile a list of covered employees selected for random testing during that testing cycle.

2) The DPA, or designee, shall ensure that the list of social security numbers or employee identification numbers will identify the correct employee who are to be randomly tested during the testing cycle.

3) Employees shall be notified by the DPA, or designee, of their selection of random testing after they have reported for duty. Employees should immediately report to the collection site or within 30 minutes, plus travel time, once notified of selection status.

4) The list of employees selected shall be retained by the DPA or designee in a secure location.

Section 40-347 **Return-to-Duty / Testing after Rehabilitation**

a) The City will ensure that before an employee returns to duty after engaging in prohibited conduct concerning alcohol, or after completion of a rehabilitation program, the employee must take a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02%.

b) The City will ensure that before an employee returns to duty after engaging in prohibited conduct concerning drugs, or after completion of a rehabilitation program, the employee must take a return to duty drug test with a result indicating a verified negative result for drugs. Prior to such testing, employees will be required to sign a form consenting to testing.

DIVISION 3. REHABILITATION & EMPLOYEE ASSISTANCE PROGRAM

Sections 40-356 **Rehabilitation Program as Condition of Employment**

Employees who test positive for drugs or alcohol may be permitted an opportunity to enter a rehabilitation program, at the sole discretion of the City. If the City decides to continue the employment of the employee, the City may require the employee to participate in a rehabilitation program as a condition of continued employment.

a) The Employee Health Benefit Plan in effect on the date of adoption of this policy provides benefits for the treatment of chemical dependency conditions, both in-patient and out-patient. Employees may contact Human Resources for details.

b) Any employee who has completed a rehabilitation program must remain alcohol- and drug-free. Any relapse by an employee will be a violation of this policy and the employee may be subject to disciplinary action up to, and including, termination.

c) An employee's decision to seek assistance by entering a rehabilitation program before work performance or behavior difficulties occur will be kept confidential. Once work performance or behavior difficulties affecting the job or the City do occur, the subsequent voluntary entrance into a rehabilitation program will not necessarily prevent disciplinary action up to, and including, indefinite suspension or termination. Any employee who tests positive and who refuses to enter a rehabilitation program, who fails to complete the rehabilitation program, or who refuses to cease using or abusing controlled substances or alcohol, will be indefinitely suspended or terminated.

Section 40-357 **Leave Available**

Employees who seek controlled substance or alcohol abuse assistance and rehabilitation and cannot report for work while undergoing such rehabilitation may request sick leave, vacation leave in the amount accrued or leave without pay. All sick and vacation leave shall be exhausted prior to granting the use of approved leave without pay, including leave under the Family and Medical Leave Act. Requests for, and approval of, leave without pay are governed by the City's Personnel Policy.

Section 40-358 **Working While Enrolled in Rehabilitation Program**

Employees who are involved in rehabilitation and are able to report for work may do so under the following conditions:

1) An employee may resume regular duties only after the employee tests negative for a drug test administered by the Medical Review Officer or a City-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a recognized substance abuse assistance program.

2) Prior to being allowed to return to work, the employee shall be required to meet with his or

her department head or ~~designatee~~designee to receive an explanation of the terms of continued

employment.

3) An employee may, at the City's request, be required at any time to submit to interviews and physical examinations by the Medical Review Officer and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility.

4) Any employee will be required to submit to unannounced drug and alcohol testing up to sixty (60) months after resuming duties.

Adopted on February 27, 2007

ATTEST:

/s/ Irma G. Parker, City Secretary

Amended Section 40, Article II on January 22, 2019

ATTEST:

/s/ Teresa Valdez, City Secretary

AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor and City Council
FROM: Kimberly Henry, Assistant to the City Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Resolution

CAPTION:
Consider the approval of Resolution 2025 -11R of the City of Rockport, Texas, authorizing the award of Administrative/Project Delivery Service Provider Contracts(s) for the Hazard Mitigation Assistance (HMA) Grant Projects being allocated through Texas Department of Emergency Management (TDEM) to be awarded to GrantWorks, Inc.

SUMMARY:
The City is seeking assistance in writing grants through the Hazard Mitigation Assistance grant program and eventual grant administration for two possible projects: Shell Ridge Drainage and City Wide Sedimentation Ponds. The notice was published on 2/13/25 and 2/20/25 with the responses due on 2/27/25. Although there were two proposals received, only one of them was received prior to the 2/27/25, 10:00 a.m. deadline and that was GrantWorks, Inc.

BACKGROUND:

FUNDING SOURCE:
General Fund

FUNDING IMPACT:
These are anticipated for FY 2025-2026.

STAFF RECOMMENDATION:
Staff recommends the approval of Resolution 2025 - ?? of the City of Rockport, Texas, authorizing the award of Administrative/Project Delivery Service Provider Contracts(s) for the Hazard Mitigation Assistance (HMA) Grant Projects being allocated through Texas Department of Emergency Management (TDEM) to be awarded to GrantWorks, Inc.

STRATEGIC INITIATIVES:
CIP

ATTACHMENTS:
1. Resolution - RFQ - HMA Grant

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary

Date: March 05, 2025

Vanessa Shrauner, City Manager

Date: March 06, 2025

RESOLUTION 2025 - _____

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER) CONTRACT(S) FOR THE HAZARD MITIGATION ASSISTANCE (HMA) GRANT PROJECT BEING ALLOCATED THROUGH TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (TDEM).

WHEREAS the Hazard Mitigation Assistance (HMA) Grant Project contract requires implementation by professionals experienced in completion of Texas Department of Emergency Management funded administrative services;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering/architectural services has been completed in accordance with TDEM requirements;

WHEREAS the qualifications received by the due date have been reviewed to determine the most qualified and responsive providers for the professional service;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That Ardurra Engineering Services be selected to provide TDEM application and project-related **administration/project delivery services** for the HMA grant project.

Section 2. That any and all contracts or commitments made with the above-named service provider are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED ON 11th day of March, 2025.

_____
Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, City Secretary

AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor and City Council
FROM: Kimberly Henry, Assistant to the City Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Resolution

CAPTION:
Consider the approval of Resolution 2025-12R of the City of Rockport, Texas, authorizing the award of Professional Service Provider Contract(s) for te Hazard Mitigation Assistance (HMA) Grant Project being allocated through Texas Department of Emergency Management (TDEM) be awarded to Ardurra Engineering Services.

SUMMARY:
The City is seeking assistance in engineering services through the Hazard Mitigation Assistance grant program for two possible projects: Shell Ridge Drainage and City Wide Sedimentation Ponds. The notice was published on 2/13/25 and 2/20/25 with the responses due on 2/27/25. Only one proposal was received from Ardurra Engineering Services.

BACKGROUND:

FUNDING SOURCE:
General Fund

FUNDING IMPACT:
These are anticipated for FY 2025-2026.

STAFF RECOMMENDATION:
Staff recommends the approval of Resolution 2025 - ?? of the City of Rockport, Texas, authorizing the award of Professional Service Provider Contract(s) for te Hazard Mitigation Assistance (HMA) Grant Project being allocated through Texas Department of Emergency Management (TDEM) be awarded to Ardurra Engineering Services.

STRATEGIC INITIATIVES:
CIP

ATTACHMENTS:
1. Resolution - RFQ - HMA Grant

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary

Date: March 05, 2025

Vanessa Shrauner, City Manager

Date: March 06, 2025

RESOLUTION 2025 - _____

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER) CONTRACT(S) FOR THE HAZARD MITIGATION ASSISTANCE (HMA) GRANT PROJECT BEING ALLOCATED THROUGH TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (TDEM).

WHEREAS the Hazard Mitigation Assistance (HMA) Grant Project contract requires implementation by professionals experienced in completion of Texas Department of Emergency Management funded administrative services;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering/architectural services has been completed in accordance with TDEM requirements;

WHEREAS the qualifications received by the due date have been reviewed to determine the most qualified and responsive providers for the professional service;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That Ardurra Engineering Services be selected to provide TDEM application and project-related **administration/project delivery services** for the HMA grant project.

Section 2. That any and all contracts or commitments made with the above-named service provider are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED ON 11th day of March, 2025.

_____
Tim Jayroe, Mayor

ATTEST:

_____
Shelley Goodwin, City Secretary

AGENDA MEMO

DEPARTMENT: Finance/Utility Billing
TO: Mayor and City Council
FROM: Robbie Sorrell, Director
MEETING DATE: March 11, 2025 **CATEGORY**: Presentation

CAPTION:
Receive an update provided by Lloyd Gosselink on Texas Senate Bill 6 which was introduced in response to the December Capacity, Demand, and Reserve (CDR) report.

SUMMARY:
Again, Texas Senate Bill 6 was introduced in response to the December CDR report. If adopted, SB 6 would impose new regulatory requirements on:
1) investors in major energy-cpnsuming projects "with an eye toward improving ERCOT's energy load forecasting;
2) onsite behind the meter generation sources; and
3)new demand response rules for large loads to allow ERCOT to better manage emergency conditions.

Finally, the bill would amend the cost allocation of transmission expenses so residential customers face a relatively lesser burden and create a minimum transmission interconnection charge.

BACKGROUND:
In February, 2025, Lloyd Gosselink released a report referencing the December 2025 CDR which warned of possible demand strains beginning as early as the Summer of 2026. The blame on this shortfall as due mostly to crypto-currency mining and data centers moving into, and being built in Texas e.g. Star Gate by Abilene.

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:

1. March 2025 Legislative Memo

APPROVAL/REVIEW:

_____ Date: March 04, 2025
Robbie Sorrell, Director

_____ Date: March 05, 2025
Shelley Goodwin, City Secretary

_____ Date: March 06, 2025
Vanessa Shrauner, City Manager

Lloyd Gosselink
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MEMORANDUM

TO: Steering Committee of Cities Served by Atmos
Steering Committee of Cities Served by Oncor
Texas Coalition for Affordable Power
FROM: Thomas L. Brocato
DATE: February 28, 2025
RE: Legislative Update

The 89th Texas Legislature has now entered its third month with lawmakers in both the House and Senate having begun meeting in committees and considering bills. More than 5,000 bills have been filed so far, with several dozen relating to electric utility and ERCOT market issues. Overall, only a small minority of bills filed during session will make it to the finish line. The bill filing deadline is March 14.

This memo summarizes recent developments during the ongoing session, including key committee action in February.

FEBRUARY COMMITTEE NEWS

On Feb. 13, Texas House Speaker Dustin Burrows announced committee chairs and committee members in that chamber. He assigned Rep. Ken King, a North Texas Republican, to chair the State Affairs committee that considers electric utility issues. Rep. Drew Darby, a Republican representing San Angelo, will chair the Committee on Energy Resources that considers natural gas issues.

Lt. Gov. Dan Patrick earlier had announced committee chairs in that chamber, including Sen. Charles Schwertner, of Georgetown, for the Business and Commerce Committee; and Sen. Brian Birdwell, of Granbury, for the Natural Resources Committee. Those committees have responsibilities for electric and natural gas issues respectively.

The Senate Business and Commerce Committee conducted three hearings in February, on Feb. 4, Feb. 18, and Feb. 27. During the first, the committee received invited testimony regarding the potential use of extra high-voltage transmission lines, potential rules for the allocation of transmission costs, and the pace of PUC rulemakings. The committee began considering specific bills during the next two committee meetings. The most important bill considered during the Feb. 18 meeting was Senate Bill 21 authored by committee chair Sen. Schwertner, relating to the establishment of a Texas Strategic Bitcoin Reserve. The most important bill on Feb. 27 was Senate Bill 6, relating to electricity planning and infrastructure costs for large loads, by Sen. Phil King.

Senate Bill 6 is particularly significant as it was introduced to address the dramatic increases in the state's energy consumption forecasts. These increases have largely been driven by the recent influx into Texas of data centers and crypto-currency mining operations. SB 6, if adopted, would impose new regulatory requirements on investors in major energy-consuming projects with an eye toward improving ERCOT's energy load forecasting; would create new regulatory requirements for onsite "behind the meter" generation sources; would create new demand response rules for large loads to allow ERCOT to better manage emergency conditions; would amend the cost allocation of transmission expenses so residential consumers face less of a burden relative to other consumer segments; and would create a minimum transmission interconnection charge.

BILLS OF INTEREST

As noted above, lawmakers so far have filed more than 5,000 bills this session. One bill of particular interest is HB 2962, by Rep. Jeff Barry, that would exempt political subdivisions from the payment of the Miscellaneous Gross Receipts Tax on electricity bills. Our coalitions are actively advocating for this legislation.

Described below are other recently filed bills, sorted by category. The bills described in last month's legislative memo are not included.

Resiliency and Reliability Issues: SB 970, by Sen. Kevin Sparks, relates "to the prioritization of awarding grants and loans from the Texas Energy Fund for certain electric generating facilities."

Renewable Energy and Storage Issues: SB 819, by Sen. Lois Kolkorst, relates "to renewable energy generation facilities"; and SB 1036, by Sen. Judith Zaffirini, relates "to the regulation of residential solar retail transactions."

Electric Retail Consumer Issues: HB 2218, by Rep. Ana Hernandez, relates "to required emergency generators or other backup power sources in certain nursing facilities, assisted living facilities, and senior independent living communities"; and HB 2305, by Rep. Bobby Guerra, relates "to analysis of and reports on customer response to conservation appeals in ERCOT."

Ratemaking Issues: SB 1438, by Sen. Paul Bettencourt, relates "to the procedure for a periodic rate adjustment to an electric utility"; HB 3157, by Rep. Drew Darby, relates "to interim rates charged by electric utilities during a rate suspension period"; HB 2869, by Rep. Will Metcalf, allowing electric utilities to use a debt financing technique known as securitization to recover system recovery costs; and HB 2868, also by Metcalf, creates a presumption that a utility's self-reported capital structure is reasonable for calculating rates of return. Our analysis suggests this change would increase rates.

Energy Market Issues: SB 6, by Sen. Phil King, relates "to electricity planning and infrastructure costs" (described above); and SB 1105, by Sen. Tan Parker, relates "to the establishment of the Texas Advanced Nuclear Energy Authority and a Texas nuclear permitting officer."

Transmission Issues: SB 1206, by Sen. Bob Hall, would require a municipality that receives a request from an electric utility to construct transmission facilities to respond in writing within 90 days with the "conditions" that must be met by the utility. SB 1641, by Sen. Judith Zaffirini, would require a demonstration that loads over 25 megawatts are reasonably likely to take electric service.

Electric Regulatory Issues: SB 1435, by Sen. Paul Bettencourt, relates to "notice provided to certain state and local officials regarding an appeal of a municipal order filed by a transmission and distribution utility in a ratemaking proceeding"; SB 1022, by Sen. Lois Kolkorst, relates "to the recovery of vegetation management costs by electric utilities"; and SB 1664, by Sen. Charles Schwertner, relates "to the public information regarding the rates of a transmission and distribution utility."

Non-ERCOT Issues: SB 1003, by Sen. Cesar Blanco, relates "to the compensation of a distributed renewable generation owner in certain areas outside of ERCOT."

Gas Issues: HB 575, by Rep. Jon Rosenthal, relates "to preparation for and response to weather emergencies that affect certain natural gas facilities"; HB 2166, by Rep. John Bryant, relates "to the establishment of an independent market monitor for the natural gas market"; and HB 2167, also by Rep. Bryant, relates "to the creation of a gas inventory system" by ERCOT, the PUC, and the Railroad Commission.

AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor and City Council
FROM: Vanessa Shrauner, City Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Presentation

CAPTION:
Discussion of Concho Drainage Project and Ongoing Navigation District Discussions (1)

SUMMARY:

BACKGROUND:

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:
None

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary — Date: March 06, 2025

Vanessa Shrauner, City Manager — Date: March 06, 2025

AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor and City Council
FROM: Vanessa Shrauner, City Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Presentation

CAPTION:
Discussion on City Hall construction (1)

SUMMARY:

BACKGROUND:

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:
None

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary — Date: March 05, 2025

Vanessa Shrauner, City Manager — Date: March 06, 2025

AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor and City Council
FROM: Vanessa Shrauner, City Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Presentation

CAPTION:
Financial Management Analyst (1 and 3)

SUMMARY:

BACKGROUND:

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:
None

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary — Date: March 06, 2025

Vanessa Shrauner, City Manager — Date: March 06, 2025

AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor and City Council
FROM: Vanessa Shrauner, City Manager
MEETING DATE: March 11, 2025 **CATEGORY**: Presentation

CAPTION:
Pending litigation PUC Docket No. 55942, Petition of Ratepayers Appeal of the City's Water and Wastewater Rates (1)

SUMMARY:

BACKGROUND:

FUNDING SOURCE: **FUNDING IMPACT**:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

ATTACHMENTS:
None

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary Date: March 06, 2025

Vanessa Shrauner, City Manager Date: March 06, 2025