

# Employee Handbook



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## **Equal Employment Opportunity**

The policy of the City of Winona is to provide equal employment opportunity, and not to discriminate on the basis of race, color, sex, creed, age, national origin, physical or mental disability, or political affiliation and to assure that all matters affecting employees including recruiting, hiring, compensation, benefits, transfers, demotions, promotions, layoffs and reinstatements will be administered accordingly.

Reasonable accommodations shall be made to otherwise qualified individuals with a disability to afford them the same opportunities for selection, advancement and all conditions and privileges of employment as non-disabled applicants and employees.

Determination of reasonable accommodation shall include but is not limited to consultation with the disabled employee(s) or applicant(s) and any other sources or relevant information.

This policy, however, is not to be construed to prohibit the City of Winona from establishing bona fide occupational qualifications that relate to abilities to perform a job.

The City of Winona maintains on file a document, "Equal Employment Opportunity Plan". This document is available for review at any time.

## **Employment Practices**

The City Council employs and evaluates the City Administrator.

The City Administrator has sole authority to make recommendations to the City Council regarding the selection of all personnel, except that the City Council may delegate final authority for those decisions to the City Administrator.

The City Council may accept or reject the City Administrator's recommendation regarding the selection of city personnel, and shall include the City Council's acceptance or rejection in the minutes of the Council's open meeting. If the City Council rejects the City Administrator's recommendation, the City Administrator shall make alternative recommendations until the City Council accepts a recommendation.

A City Administrator to whom the City Council has delegated final hiring authority to select personnel is a "public official" with appointment authority for the purposes of the nepotism laws.

## **Termination Process**

The City Administrator may suspend an employee for 72 hours without pay. During that time a special called meeting shall be convened to determine if said employee was suspended with cause. If the City Council determines that the suspension was justified, then said employee shall be terminated from the date of the original suspension. If the City Council determines that the suspension was unjustified, then said employee will be paid for the 72 hours of work missed and will be reinstated.

# NEPOTISM

## I. Definitions

- A. *Public official* means an officer or member of a board of the City of Winona. *Texas Government Code §573.001*
- B. An individual's *relatives within the third degree by consanguinity* are the individual's parent or child (first degree), brother, sister, grandparent or grandchild (second degree) and great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual and niece who is a child of a brother or sister of the individual (third degree). *Texas Government Code and 573.023.*
- C. A husband and wife are related to each other in the *first degree by affinity*. If two individuals are related within the first or second degree by consanguinity then the spouse of one of the individuals is related to the other individual in the same degree of *affinity*. *Texas Government Code and 573.025.*

## II. Prohibited Nepotism

Except as otherwise provided herein or by state law:

- A. A public official shall not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if the individual is related to the public official within the third degree by consanguinity or within the second degree by affinity. *Texas Government Code and 573.002.*
- B. A public official shall not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if the public official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, board or court within the third degree by consanguinity or within the second degree by affinity. *Texas Government Code and 573.002.*
- C. A public official shall not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from public funds or fees of office if the individual is related to another public official within the third degree by consanguinity or within the second degree by affinity and the appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity or within the second degree by affinity. *Texas Government Code and 573.044.*

- D. An employee shall not appoint, confirm the appointment, vote for the appointment, hire or supervise an individual that is to be directly or indirectly compensated from public funds or fees of office if the individual is related to the employee within the third degree by consanguinity or within the second degree by affinity. No employee shall be appointed, hired or supervised by an individual that is directly or indirectly compensated from public funds or fees of office if the individual is related to the employee within the third degree by consanguinity or within the second degree by affinity.

### **III. Exception for Continuous Employment**

Prohibited nepotism shall not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if the individual is employed in the position immediately before the election or appointment of the public official to whom the individual is related and the prior employment of the individual is continuous for at least (1) 30 days, if the public official is appointed; (2) six months, if the public official is elected at an election other than the general election for state and county officers; or (3) one year, if the public official is elected at the general election for state and county officers. *Texas Government Code and 573.062.*

## EMPLOYMENT AT WILL

### I. Definitions

- A. *Employee* means a person, other than an independent contractor, who is employed by the City of Winona and performs services for the City of Winona for compensation.
- B. *Probationary employee* means (1) an employee of the City of Winona who has worked for the City six months or less. If a probationary employee is absent five or more workdays during a probationary period then the probationary period shall be extended by the same number of workdays
- C. The *employment at will doctrine* is the law of Texas, under which an employer has no duty to an employee regarding continuation of employment. *Jones v. Legal Copy, Inc.* 846 S.W. 2d \_\_\_\_\_(Tex. App. Houston [1st Dist.] 1993. The employment-at-will doctrine places no duties on an employer regarding an employee's continued employment and thus bars contract and tort claims based on the decision to discharge an employee. *Sabine Pilot Service, Inc. v. Hauck*, 687 S.W. 2d 733 (Tex. 1985).
- D. At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the City. An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. *Sabine Pilot Service, Inc. v. Hauck*, 687 S.W. 2d 733 (Tex. 1985).

### II. At-Will Employees

- A. All employees of the City of Winona are at-will employees, whether full-time, part-time or probationary employees.
- B. The policies contained in this handbook shall not be construed to create an employment contract between the City and any employee.

### III. Probationary Employees

- A. A probationary employee shall be paid at their regular rate.
  - 1. A probationary employee is not eligible for paid vacation, holidays, sick leave, or funeral leave. Provided however, paid vacation, holiday, sick leave, and funeral leave shall be calculated from the date of employment or reassignment, if an employee successfully completes probation and becomes a full-time employee. If employment is terminated before the end of the probationary period then no compensation shall be due for vacation, holiday, sick leave or funeral leave.

- C. The probationary period is an opportunity for supervisors to monitor, evaluate and assist an employee in adjusting to service with the City of Winona in general and to the employment position in particular. Proper use of the probationary period will result in identification and retention of individuals who demonstrate the skills and meet the performance levels required.

## **Outside Employment**

The City of Winona employee shall not engage in other employment during the hours that they are scheduled to work for the City of Winona.

Employees wanting to engage in outside employment must advise their immediate supervisor prior to starting such employment. If the supervisor concurs that it will not conflict with the City of Winona's interests, the supervisor makes the final authorization decision. The authorization must be in writing and any change in the outside employment as to the employer, hours or the nature of work performed must also be approved.

Any employee failing to obtain such authorization will be subject to disciplinary action, up to and including termination.

## **Employee Privacy Policy**

In order to improve security and to protect employees from unfair theft accusations, all employees, may be subject to questions and a search. As a condition of hire or continued employment with the City, every employee must permit the City to search the employee's workplace areas, including the employee's person and personal effects. Vehicles, packages, purses, handbags, briefcases, lunch boxes, and other possessions brought onto City premises will be subject to search. Stationary containers provided by the City, such as desks and file cabinets, are also subject to search, whether or not they are locked. Refusal to cooperate with a search request may result in disciplinary action, up to and including termination, even for a first refusal.

## **E-Mail and Internet Code of Conduct**

### **I - Statement of Purpose**

Access to the Internet has been provided to public employees for the benefit of the City of Winona and its residents. It allows employees to connect to information resources around the state, the country and the world. Every employee has a responsibility to maintain and enhance the city's public image and to use the Internet in a productive manner. To ensure that all employees are responsible, productive Internet users and are protecting the city's public image, the following guidelines have been established for using the Internet and Email.

### **II - Acceptable Uses of the Internet**

Employees accessing the Internet are representing the city. Internet browsing using city resources and / or on city time is to be limited to that which primarily supports a city function. Any personal use of the Internet should be limited to personal time with the permission of the Mayor. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner.

### **III - Unacceptable Uses of the Internet**

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non City business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the city network or the networks of other users. It must not interfere with your productivity.

### **IV - E-Mail Communications**

All employees and officials are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender's name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system.

Notwithstanding the city's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Mayor or City Council. Employees should not attempt to gain access to another employee's messages without the latter's permission.

### **V - Installation of software**

Employees and officials shall not install software onto any city computers or equipment, including their individual computers on the city network. All software installations, even free software from the Internet, will be installed by the systems administrator unless expressly approved otherwise by the Mayor.

### **VI - Unlicensed software**

Employees and officials shall not use, copy or provide copies of unlicensed software. Any unlicensed software or personal software may be deleted by the city without notice to the employee or officer.

## **VII - Destructive programs**

Employees and officials shall not use, transmit or store destructive programs (viruses and/or self-replicating code) on any city computers or equipment, including their own individual computer on the city network.

## **VIII - Security**

All messages created, sent or retrieved over the Internet are the property of the City of Winona. The city reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. 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.

## **IX - Harassment**

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's or group's race, religion, national origin, physical attributes or sexual preference may be transmitted.

## **X - Violations**

Violations of any guidelines listed above will be presented to the department supervisor, Mayor, or City Council. It may result in disciplinary action up to and including termination. If necessary, the city will advise appropriate legal officials of any illegal violations.

# **EMPLOYEE CONDUCT**

## **I. General Principles of Conduct**

Employees of the City of Winona are expected to adhere to the highest standards of public service. Employees are to be courteous, dress and act in a professional manner and avoid even the appearance of illegal or unethical conduct. Employees are to work efficiently and strive to maintain good work relationships with the public, other governmental officials and employees, supervisors and fellow employees.

Employees are expected to be punctual in maintaining work hours, keeping appointments and meeting schedules for the completion of work. Regular attendance is important to the overall operation of the City's various departments.

Each employee is reminded that their personal appearance and conduct reflects on the City of Winona.

## **II. Specific Conduct**

The following conduct is not acceptable and may result in disciplinary action including but not limited to termination of employment:

1. Absence from work without good cause.
2. Reporting late for work.
3. Leaving the job during work hours without permission.
4. Insubordination or refusal to obey the lawful orders or instructions of a supervisor.
5. Refusing or failing to do assigned work
6. Sleeping at work.
7. Failure to wear appropriate clothing or a required uniform at work.
8. Falsification of official documents or records including but not limited to an employment application, time card or payroll sheet.
9. Engaging in full-time or part-time employment outside of employment with the City, without obtaining prior approval.
10. Abuse of the benefits provided by the City.
11. Unauthorized use or the intentional or reckless disclosure of information that is privileged, confidential or otherwise restricted by law.
12. Gross misconduct included but not limited to threatening, intimidating, coercing or interfering with other employees, supervisors or the public.

13. Offering or accepting a bribe
14. Fighting at work.
15. Gambling at work.
16. Theft or the unauthorized use or misappropriation of another person's property.
17. Unauthorized use of city property, including but not limited to city vehicles. Use of city property by an individual who is not an employee of the City is only permitted if the use is incident to repairing the property, in an emergency, or for mutual aid.
18. Possession of a weapon, unless the weapon is required in an official work capacity
19. Possession or use of an illegal drug or narcotic or abuse of a legal drug.
20. Possession of, or drinking liquor or any alcoholic beverage at work.
21. Reporting for work under the influence of alcohol or any illegal drug or narcotic.
22. Conviction of a felony, of a crime involving the possession, use or sale of an illegal drug, narcotic or alcohol and of any other crime involving moral turpitude.
23. Intentionally or negligently causing damage to public property.
24. Sabotage.
25. Conscious or negligent indifference for the safety of self or others.
26. Failure to report an on-the-job injury or illness immediately or promptly thereafter if immediacy is not possible.
27. Immoral or indecent conduct.
28. Abusive, vulgar or indecent language.
29. Creating or contributing to an unsanitary condition at work.
30. Failure to comply with the requirements of this handbook.

## **HOURS OF WORK AND SALARY ADMINISTRATION**

### **I. Hours**

City Hall shall be open to the public between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except on official holidays. Additional hours may be authorized by the Mayor or City Administrator to better serve the public.

### **II. Breaks**

Employees shall not have more than one fifteen minute break in the morning, a one hour break to eat and one fifteen minute break in the afternoon. The use and timing of breaks shall be at the discretion of the department supervisor. An employee shall not be allowed to skip a scheduled break in order to take additional time to eat, arrive to work late or leave work early.

### **III. Fair Labor Standards Act**

#### **A. Application.**

The City of Winona shall comply with the requirements of the Fair Labor Standards Act of 1938 and its amendments (“FLSA”) to the extent that it is applicable to the city and its employees. 29 U.S.C. §201 *et seq.* This handbook shall not be construed to expand the scope or extend the protections afforded by the FLSA beyond the express terms of the FLSA.

#### **B. Payment at Regular Rate**

Except as otherwise provided in the FLSA, an employee shall be paid at the employee’s “regular rate” for each hour worked in a workweek, up to and including forty (40) hours.

#### **C. Overtime**

1. An employee shall not work more than forty hours during a workweek without the prior approval of the employee’s supervisor. An employee shall not begin work early or quit work late without the prior approval of the employee’s supervisor.
2. Except as otherwise provided in the FLSA, hours during which an employee is not working and for which the employee is compensated, including but not limited to vacation, sickness, funerals, compensatory time off, and holidays shall not be included in calculating the number of hours worked by the employee during the workweek, for purposes of overtime.
3. “Compensatory time off “ is defined by the FLSA to mean “hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee’s regular rate.”

4. Except as otherwise provided in the FLSA, prior to performance of any work, an employee shall sign and return the Compensatory Time Agreement to the city secretary, evidencing the employee's agreement to receive, in lieu of overtime compensation, compensatory time off at a rate equal to one and one-half hours for each hour worked in excess of forty hours during a workweek.
5. Except as otherwise provided in the FLSA, an employee may accrue no more than 240 hours of compensatory time. If an employee with 240 hours of accrued overtime has additional overtime hours of work then the employee shall be compensated for the additional overtime hours of work at a rate equal to one and one-half times the employee's regular rate.
6. Except as otherwise provided in the FLSA, an employee who has accrued compensatory time which the employee wishes to use shall submit a written request to the employee's supervisor stating the total hours to be used and the dates requested for use of the compensatory time off. The request must be approved by the supervisor before the compensatory time off is used.
7. Except as otherwise provided in the FLSA, an employee who has accrued compensatory time off and who has requested use of compensatory time shall be permitted to use the time within a reasonable time after making the request if the use of the compensatory time does not unduly disrupt the operations of the City.
8. Except as otherwise provided herein or in the FLSA, the City may, at its option, pay an employee all or part of the employee's accrued compensatory time. If compensation is paid to an employee for accrued compensatory time then the compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment.
9. Except as otherwise provided herein or in the FLSA, an employee who has accrued compensatory time shall, upon termination of employment, be paid for the unused compensatory time at a rate equal to the average regular rate received by the employee during the last three years of the employee's employment or the final regular rate received by the employee, whichever is higher.
10. If there is conflict between this handbook and the FLSA including any amendments to the FLSA enacted after the approval of this handbook then the terms of the FLSA shall control.

#### **D. Time Sheets**

1. An employee is responsible for recording on the employee's time sheet for the current pay period, all hours during which the employee did not work but for which the employee is to be compensated, including but not limited to hours used for vacation, sickness, funerals, compensatory time off, or holidays. The time shall be shown in hours for each day that the employee did not work. The reason that the employee did not work shall also be stated on the time sheet.
2. An employee is also responsible for recording on the employee's time sheet for the current pay period, the hours during which the employee was scheduled to work but did not work and for which the employee is not to be compensated. The time shall be shown in hours for each day that the employee did not work. The reason that the employee did not work shall also be stated on the time sheet.
3. An employee shall verify the accuracy and sign the employee's time sheet for each pay period. The time sheet must be approved by the City Secretary or the City Administrator.

#### **IV. Health Insurance Waiver Incentive Program**

Employees eligible for health insurance coverage provided by the City of Winona shall receive a cash incentive for declining health insurance coverage through the City. The employee must provide proof of insurance coverage from another source in order to decline health insurance provided by the City. The amount of the incentive shall be \$80 per pay period, and the incentive pay shall begin in the first pay period of the fiscal year in which the employee waived coverage.

## **Health, Safety, and Loss Control**

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees. Employees shall report immediately to their supervisors any conditions that, in their judgment, threaten the health and safety of employees or visitors. Employees are encouraged to make suggestions to their supervisors of improvements that would make the City of Winona's work place safer or more healthful.

An employee who suffers an on-the-job injury or job related illness shall notify their supervisor immediately and will fill out the appropriate reporting forms. An on-the-job injury is an injury arising out of or resulting from the performance of job duties by an officer or employee of the City, which takes place during an activity that would normally be compensated by the City. Under the workers' compensation, an employee who suffers an on-the-job injury or job related illness shall be eligible to have medical expenses paid for such injury or illness and, if unable to work for seven (7) days, shall be eligible to receive workers' compensation benefits which begin on the eighth day of disability.

An employee who has been receiving workers' compensation benefits shall be required to provide a release from the attending physician before being allowed to return to work.

## **TRAVEL POLICIES AND PROCEDURES**

Employees are entitled to claim reimbursement for certain expenses incurred while in a travel status on official business assignments. Entitlement and allowances are limited to those stipulated by action of the City Council, as administered by the Mayor and or City Administrator. These conditions must be observed for all official travel performed by City personnel.

### **A. POLICIES:**

1. The City Council has full responsibility and power to adopt all policies and procedures necessary to administer official travel performed by City personnel.
2. All overnight travel must be approved by the Mayor or City Administrator. Unusual travel circumstances not covered in these policies and procedures may be submitted to the Mayor or City Administrator, for special consideration and approval, however, such approval shall not be construed to establish a permanent practice unless so adopted by the City Council.
3. Reimbursement for travel is limited to that amount actually incurred, using the most direct and usually traveled route determined by computer mapping, and utilizes the method of transportation which is in the best interest of the City. When travel is performed by privately owned vehicles, only the vehicles owner will be entitled to submit a claim for reimbursement of transportation expense.
4. Claims for travel reimbursement must be submitted on an authorized Expense Report Form to the Mayor or City Administrator for payment.

### **B. TRAVEL STATUS:**

1. When traveling on City business with a City vehicle, credit cards for gasoline will be checked out from the City Treasurer. These cards will be used to supply fuel, and minor service to City owned vehicles on business trips. Receipts must be kept and turned in with the card upon returning.
2. When attending a conference where registration has been paid and meals have been covered in that registration, only meals not covered by the conference will be allowed. A credit card may be used to cover these meals. If lodging has not been prepaid, then it may be guaranteed with the use of a credit card and paid for with a credit card. All receipts must be returned.
3. Allowance for meals will be in the amount \$40.00 dollars per day.

For all local activities, all persons are expected to follow the above guidelines for authorized amounts.

All City personnel are expected to use City credit cards over cash advances for travel expenses. Cash advances are often necessary, but the preferred policy is to use City issued credit cards.

### **C. TRANSPORTATION CLAIMS:**

1. City vehicles: Claims will be limited to reimbursement for out-of-pocket expenditures for such items as gas, oil, and minor repairs. Receipts must be furnished.
2. Private vehicles: City personnel properly authorized by the Mayor or City Administrator, to use their privately owned vehicle for official travel are considered to be in a travel status for the purpose of mileage reimbursement. Reimbursement for this method of transportation is limited to a stated rate per mile traveled; no other transportation amounts or expenditures may be claimed.

### **D. TRAVEL ALLOWANCES:**

Travel expenses are defined under the general headings of per diem subsistence and transportation costs. Claims for reimbursement of travel expenditures actually incurred must be submitted accordingly.

1. Per Diem subsistence expenditures include meals, lodging and other incidental costs, such as bus and/or taxi fare.
2. Transportation costs include carrier fares, mileage, allowances for the use of privately owned vehicles and communications costs.
  - a. Carrier fares are paid in full or as otherwise provided elsewhere in this manual
  - b. Mileage allowance for personal vehicle use will be the rate set by the Internal Revenue Service
  - c. Communication expenditures actually incurred and necessary to the purposes of the travel engagement may be claimed for reimbursement.

### **E. TRAVEL ADVANCES:**

1. **Obtaining advances**
  - a. Advances will be approved by the Mayor or City Administrator. The following amounts may be advanced on such requests: Private vehicle mileage, and all other estimated expenditures, when necessary.
2. **Reimbursement of Travel Advances**
  - a. Upon return from a trip, the employee will complete an expense report, showing the amount previously advanced. If the claim is greater than the advance a check will be drawn payable to the employee. If the claim is less than the advance, the employee will remit the difference at the time the claim is submitted.
3. **Non Reimbursable Expenses**
  - a. Employee is responsible for personal expenses such as: private telephone calls, movies, alcoholic beverages, additional cost for spouse, etc.

## Holidays

Holidays for full time employees are as follows:

New Years Day	January 1
Martin Luther King Day	Third Monday in January (Adopted Sept 18, 2001)
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Forth Thursday in November
Friday after Thanksgiving	Friday after forth Thursday
Christmas Eve	December 24
Christmas Day	December 25
Good Friday	Friday before Easter (Adopted Sept 18, 2001)

If the holiday falls on Saturday, the City will observe that holiday on Friday. If the holiday falls on Sunday, the City will observe that holiday on Monday. The exceptions will be if Christmas Eve falls on Friday, Christmas day will be observed on Monday. If Christmas day falls on Monday, then Christmas Eve will be observed on Friday.

## Vacation

Permanent full time employees shall earn vacation in accordance with the following schedule:

1 year to 2 years service	5 days
3 years to 5 years service	10 days
6 years and up	15 days

*15 days of vacation is the maximum amount to be earned in any one year*

Regular part time employees shall earn vacation in accordance with the following schedule:

2 days per year (Adopted July 1, 1989)

An employee may carry over 5 days to the next 12-month period if vacation time has not been used. All vacation is calculated per fiscal year. If an employee meets the required years of service at anytime during the fiscal year, they are entitled to full vacation benefits at the beginning of the fiscal year.

An employee has the option to sell up to 5 days of vacation back to the City at two times during the year. The month of December is the first chance, and the month of August is the second chance to sell vacation time.

## **SICK LEAVE**

Full time employees may earn sick leave as follows:

8 hours per month

A full time employee may accumulate up to 480 hours or 60 days.

After being absent for three consecutive days, employees must have a doctor's notice showing the reason for being absent. Abuse of this benefit will result in first time reprimand to be issued in writing. The second time shall result in disciplinary action, up to and including termination.

Part time employees may earn sick leave as follows:

4 hours per month

A part time employee may accumulate up to 120 hours or 15 days.

## **Sick Leave Pool Policy**

The sick leave pool will be administered by the pool administrator, who will be appointed by City Council.

The sick leave pool will consist of the sick leave hours voluntarily contributed to the pool by other employees, as well as all remaining sick leave hours an employee has accrued when they leave employment for any reason.

Employees are permitted to contribute one or more days of sick leave to the sick leave pool in units of eight hours, with a maximum of 40 hours. Contributions may be made to the sick leave pool once per month.

Sick leave contributed to the pool may not be designated for the use of a particular person. An employee who desires to contribute sick leave to the pool must submit a written request to the pool administrator. The written request shall be placed in the employee's permanent file.

Upon approval of an application to contribute sick leave, the pool administrator will credit the sick leave pool with the contribution and will deduct a corresponding amount from the contributing employee's sick leave balance.

An employee is eligible to withdraw sick leave from the pool if the pool administrator determines that the employee or a member of his or her immediate family suffers from a catastrophic injury or illness and that the employee has exhausted all accrued paid leave because of a catastrophic illness or injury or because of a previous donation of sick leave to the pool.

Requests to withdraw sick leave from the pool must be submitted in writing to the pool administrator. A request must be accompanied by a statement from the licensed practitioner treating the illness or injury that resulted in the exhaustion of the accrued paid leave of the employee making the application. The statement must provide sufficient information regarding the illness or injury to enable the pool administrator to evaluate the employee's eligibility.

In determining the amount of sick leave to be assigned to an eligible employee from the pool, the pool administrator will take into consideration the information contained in the employee's request, the number of requests then pending, and the amount of sick leave available in the pool. In no event shall the sick leave allocated to an eligible employee from the pool exceed 30 days or one-third of the sick leave pool balance, whichever is less.

Upon approval of a request for sick leave pool hours, the pool administrator will credit the employee with sick leave pool hours and will notify the employee and the supervisor of the amount of time granted from the pool.

The employee may use sick leave assigned from the pool in the same manner as sick leave accrued by the employee and will be treated for all purposes as if the employee were absent on earned sick leave.

## Funeral Leave

A full-time employee may take funeral leave, not to exceed three (3) full days, if needed, for the purpose of attending the funeral or a member of their immediate family. Immediate family members are those specifically listed below, plus any relative who was actually residing in the employee's household.

These covered relationships to the EMPLOYEE are as follows:

Spouse	Father-in-law
Father	Mother-in-law
Mother	Son-in-law
Son	Daughter-in-law
Daughter	Brother-in-law
Brother	Sister-in-law
Sister	Spouse's Grandparent
Grandparent	Spouse's Grandchild
Grandchild	

For all other relatives and friends, or if more than three (3) days are needed, time-off away from work may be granted at the discretion of the supervisor. This additional time-off may be charged to accrued compensatory time, earned vacation time, or time-off without pay.

## **On Call Requirements**

Thirty (30) minutes or less response time to be on site of problem.

Non- response to the call for any reason will result in disciplinary action.

Weekend Call - Before 10:00 A.M.

- A. Service all wells.
- B. Service lift station.
- C. Sewer plant.
- D. Gas runs.

Any holiday that falls while the employee is on call will still be serviced on that holiday.

A cell phone is provided to each employee who serves on call. There will be no excuse for not having the cell phone with you during the week the employee is on call. Personal calls made above the minimum the City of Winona provides will be the full responsibility of the employee, to be paid in full from the employee's payroll within the month, once the employee has been notified of the amount they owe.

## **Discipline and Three Step Procedure**

The basic premise of the Three-Step Disciplinary procedure is that if an employee receives three written warnings in a one-year period, this constitutes an unsatisfactory record that warrants termination. All warnings will be kept in the employee's file.

Steps of the Discipline Process are:

Step 1) 1st Written Warning - This warning notice is given to the employee in writing, stating what was wrong, how to correct it - or what is the right thing to do, what is expected in the future, and what will be the next action if another violation occurs or if what is wrong is not corrected. If there is a time period for correction or if probation is given, this is also to be stated in the written warning. The supervisor signs and dates the warning notice, has the employee sign to acknowledge receipt, even if not necessarily agreeing with it. If the employee refuses to sign, the supervisor calls in someone to witness the refusal, makes such notation on the warning notice, initials it, and has the witness sign it.

Step 2) 2nd Written Warning - Following the same procedure as in Step 1. And since this is the 2nd Written Warning, a disciplinary suspension without pay (no less than 2 days, nor more than 5 ) is given. Advise the employee on the Written Warning - "YOUR JOB IS IN JEOPARDY" OR, "IF IT BECOMES NECESSARY TO GIVE YOU THREE (3) WRITTEN WARNINGS WITHIN A ONE (1) YEAR PERIOD, TERMINATION WILL OCCUR". This notice, and the time-off without pay, should make the employee understand the seriousness of receiving the 2nd Written Warning. The supervisor signs it and has the employee sign it. Follow Step 1 refusal procedure above if the employee refuses to sign

Step 3) 3rd Written Warning - If an employee is "Written Up" three times in a one-year period, the employee is to be terminated as a result of the third offense. It is not necessary that the 3 "Write Ups" be for the same or similar offense. Also, an employee with no previous warnings in their file might engage in conduct that is serious enough to warrant immediate termination even though Steps 1 and 2 were not accrued. In either event, the supervisor should:

Document the facts carefully.

Be certain documentation is in order.

Inform the employee of the final decision.

The supervisor retrieves the City of Winona property such as keys, handbook, uniforms, etc., and tells the City of Winona employee how they will receive their final paycheck.

## **Public Utilities Operator - Part Time**

Maintenance Department

### **Job Description:**

This is a part time position in the Maintenance department. Performs manual work in construction, maintenance and repair of city infrastructure and facilities; undertakes a variety of maintenance activities pertaining to public works operations and services. Performs other such duties as may be assigned.

### **Minimum Qualifications:**

High school diploma or GED and a valid Texas driver's license.

## **Public Utilities Operator I**

Maintenance Department

### **Job Description:**

This is an entry-level position in the Maintenance department. Performs a variety of unskilled or semi-skilled tasks and duties, which contributes to the maintenance of the City infrastructure and utilities. Operates a variety of light equipment used in the construction, operation, repair and maintenance of City facilities including streets, ditches, storm sewers and related facilities. Performs other such duties as may be assigned.

### **Minimum Qualifications:**

High school diploma or GED and a valid Texas driver's license.

## **Public Utilities Operator II**

### Maintenance Department

#### Job Description:

Operate backhoe, repair/maintenance of water meters, run high pressure washer and roto-rooter, make water and sewer taps, unstop sewer lines, fix water leaks, work in manholes and deep side ditches. Work includes maintenance and repair of gas system. Must possess the ability and general knowledge to operate equipment safely and efficiently. Performs other such duties as may be assigned.

#### Minimum Qualifications:

High school diploma or GED. Requires the ability to obtain a class D wastewater certificate and a class D water certificate within 1 year of hire. Must obtain a CSI (Customer Service Inspection) License within 1 year of hire. Requires ability to acquire DOT qualification for gas within in one year of hire.

**Public Utilities Crew Leader**  
Maintenance Department

Job Description:

Under general supervision, the position performs skilled and moderately complex work in the installation and maintenance of the city's water/wastewater utility systems, lines, lift stations, and associated equipment. Employees in the class engage in construction and repair of water and wastewater lines, mains and attendant devices. Work includes maintenance and repair of gas system. Position functions independently or as lead person on a work crew, depending on nature of assigned tasks, and may occasionally supervise subordinate crewmembers. Work includes testing/monitoring of pressures and water/wastewater conditions. Performs related work as required.

Minimum Qualifications:

High school diploma or GED; supplemented by class "D" groundwater, class "D" wastewater certificate with three (3) years of previous experience in the field, demonstrating ability to fulfill the physical requirements of the essential functions: or an equivalent combination of education training, and experience. Must have a CSI (Customer Service Inspection) License. Requires a valid State driver's license. Requires ability to acquire DOT qualification for gas within in one year of hire.

## **Public Utilities Supervisor**

### Maintenance Department

#### Job Description:

The purpose of the position is to supervise personnel engaged in performing semi-skilled to moderately complex work in the installation and maintenance of the city's water/wastewater and gas utility systems, lines, lift stations, and associated equipment. Employees in this class are responsible for maintaining records concerning personnel and work performed, and participates in all facets of work under charge. Position ensures exercise of appropriate safety precautions in the operation of department equipment to ensure personal, public, and personnel safety. Position inspects work during and upon completion for adherence to established objectives and work orders. Functions under minimal level of supervision. Performs related work as required.

#### Minimum Qualifications:

High school diploma or GED; supplemented by class "C" groundwater and class "D" wastewater certification with five (5) years previous experience in the field, a portion of which shall be acquired in a crew leader capacity; or an equivalent combination of education, training, and experience. Must have a CSI (Customer Service Inspection) License. Requires DOT qualification for Gas.

## **Court Clerk**

### **Job Description:**

This position will be responsible for providing administrative support and coordination for the operations of the Municipal Court.

Employees in this class are responsible for the preparation and filing of numerous legal documents and must have considerable knowledge of court terminology and courtroom functions, providing clients and defendants with information concerning their rights and court procedures.

Employees in this office must exercise considerable discretion in matters of a sensitive and confidential nature and are capable of making decisions based on the knowledge of court procedures and laws governing access to information and reporting.

Employee will be responsible for implementing the policies the judge establishes and for administering the non-judicial policies for the court and general court procedures. The ability to communicate daily with the public in an effective and tactful manner, strong secretarial skills and proficiency in Microsoft Office are essential. Excellent verbal and written skills are a must.

### **Qualifications**

The position will also be responsible for other duties as assigned. Applicants must be 18 years of age and have a high school diploma or GED.

The applicant must also be willing to work toward court clerk certification, completing Level I within two (2) years of hire date.

## Utility Billing Clerk

**Job Description:** Performs utility billing functions for the City and assist the City Secretary in all functions of the City Secretary's office and City Administrator's Office. Must have professional customer service and phone skills, general accounting and bookkeeping experience preferred with two years of municipal city government experience in related field.

### Minimum Requirements:

- High School Graduation
- 3 Years Accounting Experience/Experience as a utility billing clerk preferred Or Any Equivalent Combination of Education and Experience that Provides the Required Knowledge, Skills, and Abilities
- Clerical Experience (Computer, Microsoft Word/Excel Software, typing, phones, filing)
- Customer Service Experience
- Knowledge of Open Records Act and Records Retention Schedules
- Valid Texas Motor Vehicle Class C Operator's License

**Major Duties and Responsibilities:** Job duties and responsibilities are not intended to reflect all duties performed within the job.

- Assists in utility billing functions for the Municipal Utility District
- Assists in establishing new accounts, disconnecting and reconnecting customer utility access.
- Provides telephone and in person customer service and problem solving regarding billing issues and other customer related issues
- Performs various accounting functions including collection and posting utility payments, credit card transactions, bank draft transactions, collection of delinquent payments, customer deposits, balancing totals against weekly deposits, and preparing related reports
- Generates and processes utility work orders for field staff
- Assists in proofing meter sheets for incorrect readings and generates re-read list as necessary including adjusting meter readings on customer accounts
- Assists in responding to and resolving customer inquiries and problems regarding billing, high water consumption, water pressure, meter readings, and/or water leaks.
- Other duties as assigned.

**Work Environment:** Office and travel environment with regular hours from 8:00 a.m. to 5:00 p.m. and occasional overtime including evenings and weekends. Exposure to computer screens. Duties require sitting for prolonged periods of time, walking, standing, stooping, bending, kneeling, and lifting up to 35 pounds. Need manual dexterity and visual acuity. Must be able to operate assigned equipment and adhere to safety guidelines. Work is performed in an office and requires periods of intense concentration over extended period of time with frequent interruptions for questions and advice. Stress associated with competing priorities and time deadlines is occasionally an element of the position and must be recognize and successfully managed.

## CITY ADMINISTRATOR

**GENERAL STATEMENT OF DUTIES:** Provides for the overall administration of a full service city.

**DISTINGUISHING FEATURES OF THE CLASS:** An employee in this class is responsible for the effective and efficient administration of the City organization. Work is performed under the policy guidance of the Mayor and City Council who holds the employee accountable for achieving council goals and directives. Direct supervision is provided to department heads.

**JOB DUTIES:** Any single position of a class may not necessarily involve all of the duties listed, and many positions will involve duties which are not listed.

1. Coordinates the activity, planning, and financial performance of all city departments, keeping the mayor advised at all times of affairs and needs of the city.
2. Attends all Council meetings, unless excused by the Council or Mayor, and attends other public meetings, as required.
3. Sees that the provisions of all ordinances and resolutions are administered to the satisfaction of the Council and that all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled.
4. Appoints, disciplines, removes, supervises, and controls appointive personnel, except appointees of the Mayor or Council.
5. Supervises City contracts and operation of all City-owned public utilities and property.
6. Confers with department heads and others on varied operating and administrative problems, reviews departmental plans, programs and procedures, and suggests new innovations or methods to improve the standard of services rendered.
7. Acts as the city's representative in dealing with other governmental entities, as well as citizens and interest groups, media, or citizens presenting opportunities or complaints to the city.
8. Facilitates a positive work environment for employees.
9. Responds to citizens complaints; resolves issues or refers to specific department when appropriate and follows through to ensure resolution.
10. Actively promotes and facilitates a positive relationship with the local business community and Chamber of Commerce.
11. Communicates official plans, policies, and procedures to staff and the general public.
12. Responsible for the review, revision, and compliance with the Employee Handbook and Safety Manuals.
13. Reviews local, State, and Federal legislation to determine impact on administrative plans, policies, and strategies; prepares and coordinates responses and recommendations as appropriate.
14. Other duties, as assigned by the Mayor and City Council and such duties as may be prescribed by City Charter, ordinances, and resolutions, or required by state and federal law.

## **CITY ADMINISTRATOR**

### **DESIREABLE QUALIFICATIONS**

**EFFECTIVE COMMUNICATION:** Willingness to develop and maintain effective and comprehensive methods of communication with all staff, City Council, community members, and others.

**KNOWLEDGE OF:** Thorough knowledge of municipal government powers and functions, as well as municipal owned public utilities.

**ABILITY TO:** Appraise the quality of varied municipal services through inspection and review of work reports and effectively initiate improvements in management methods; interpret and apply laws, rules, and regulations; recognize and analyze situations, problems, and financial statements; direct, supervise, and evaluate the work of others; establish and maintain cooperative and harmonious working relationships with city elected officials, department heads, employees, business and government organizations, and the general public; and communicate effectively in both verbal and written forms. Have the knowledge and ability to work with the aldermanic form of government. Bring positive support and encouragement to all employees, as well as demonstrate strong work ethics, integrity, professionalism, commitment to service, and leadership by example.

**SKILL IN:** Communications, planning, public relations, problem solving, motivation, leadership, and team building.

**EXPERIENCE AND TRAINING:** Bachelor's degree in public or business administration, and five years progressively responsible administrative experience, preferably in municipal government; or any equivalent combination of experience and training which demonstrates the ability to perform the above described duties.

