



# **City of Killeen**

## ***Administrative Policies and Procedures***

# ADMINISTRATIVE POLICIES AND PROCEDURES

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**000. EMPLOYMENT**

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## **Policy 01 - CONTRACT DISCLAIMER (AT-WILL EMPLOYMENT) (Iss. 04/16)**

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice. The policies and procedures in this handbook do not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in this handbook alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time and the City retains the right to terminate any employee at any time, without notice,

This handbook, when approved, and, as later amended, supersedes all prior manuals and policies that pertain to the topics covered herein. Rules and policies pertaining to matters not covered herein remain in effect.

**This handbook originally became effective on October 25, 1999, and through the years has been revised a number of times. This version (April, 2016) is a renaming and review of the entire document. Any amendment to this document is effective upon approval. By accepting employment, it is deemed that employees understand and agree to these policies, rules, and procedures. If already employed at the time this handbook is adopted or later amended, then continued employment indicates acceptance of the rules and policies herein.**

## **Policy 10 – DEFINITIONS (Iss. 10/17)**

The following words and phrases, when used in this handbook shall have the meaning described below, unless defined differently in a specific policy. All other words shall be given their ordinary and customary meaning.

Absence or Absent. Not present during scheduled working hours (including scheduled overtime).

Affirmative Action. A plan whereby the City actively seeks a diverse pool of qualified applicants, leading to a workforce that reflects the diversity of the community. It is contained in a separate document.

Anniversary Date. The day an employee is selected or placed into a position (new hire, promotion, demotion, etc.)

Applicant. Any person who properly completes and signs a City of Killeen application and submits the application to the Human Resources offices for a currently advertised vacancy before the job closes or is filled.

Child(ren). A biological, adopted, or foster child, stepchild, or legal ward, or a child of a person standing in loco parentis, who is under the age of 18 years of age or 18 years of age or older and incapable of self-care because of mental or physical disability.

Civil Service Employee. Fire or Police Officers only; support staff is excluded, as are probationary Fire Rescue Officers and probationary Police Officers.

Date of Hire. The first day an employee begins any employment with the City.

EEO. Equal employment opportunity. (Refer to Policy 021.)

Exempt. Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law who are exempt from overtime pay requirements. These employees are not eligible to be paid overtime or to accrue compensatory.

FMLA. Family & Medical Leave Act. (Refer to Policy 322.)

Full-time. Employees regularly scheduled to work 40 hours or more per week. These employees are eligible to receive medical benefits.

Good Standing. The employee must not be on disciplinary probation, under investigation for potential violations of City policies, have a disciplinary case under review by the Department Head, Executive Director of Human Resources, and/or the Legal Department, or received disciplinary action in the form of a counseling statement or disciplinary suspension in the six months prior to starting a course.

In-law. Means current spouse's parents, brothers and sisters.

Late or Lateness. Refer to “Tardy.”

Manager or Management. Refer to “Supervisor.”

Nepotism. Showing favoritism to an employee or applicant for employment based on the existence of a relative or household relationship to a current City employee. (Refer to Policy 22.)

Non-Civil Service Employee. Any employee who is not a Civil Service Employee.

Non-exempt. Employees whose positions do not meet FLSA exemption tests. They are paid overtime, as required by federal and state law.

Part-time Employee. Employees scheduled to work less than 40 hours per week.

Probationary Employment Period (PEP). For non-civil service employees, the first 6 months after hiring, transfer, or promotion, during which the employee is under closer performance review than regular status employees. For probationary fire rescue officers and probationary police officers, the first 18 months is the probationary period.

Regular Employee. Employees who have completed the probationary employee period.

Relative. Individuals who are related by blood, marriage, civil union, domestic partnership, or adoption, including the following relationships: spouse, domestic partner, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, nephew, niece, cousin, and in-law, including half-relatives and step-relatives. (Refer to Policy 22.)

Retirement. On the date of separation from employment, a non-firefighter employee is eligible for retirement from the City through Texas Municipal Retirement System (TMRS) if they have completed 5 (five) years of employment with the City of Killeen and have attained age 60 or have completed 5 (five) years of employment with the City of Killeen and have at least 20 years of service credit with TMRS. A firefighter is eligible for retirement from the Killeen Firefighters’ Relief and Retirement Fund at age 55 with 20 years with any Texas Local Firefighter’s Retirement Act (TLFRA) or age 50 with 25 years with any TLFRA. (Note: seasonal employment is not used in determining if the non-firefighter employee has completed 5 (five) years of service.)

Seasonal Employee. Employees who are hired as needed to manage workloads or seasonal needs. They may work a full-time or part-time schedule. They are ineligible for City benefits and holiday pay.

Spouse. A husband or wife, as the case may be, or as recognized under State law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized.

Supervisor. Any employee having authority and influence to: hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees within their

department. The exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment. This includes, but is not limited to, anyone in the employee's chain of command from his/her immediate supervisor up to and including the City Manager.

Tardy or Tardiness. When a non-exempt employee arrives to, or departs from, work more than 15 minutes of the appointed hour, or as set by the department or division policy.

Work time. All time on the premises other than before and after work hours, at meal periods, or at break times.

Workplace. Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations, and travel to and from work assignments on behalf of the City of Killeen.

**100. Employment**

# ADMINISTRATIVE POLICY 111 – CHART OF DELEGATION OF SIGNATURE AUTHORITY

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	07/2020	<b>LAST UPDATED</b>	07/2020
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Chart of Delegation of Signature Authority</a>		

## SECTION 111-10. PURPOSE AND SCOPE

The City of Killeen is committed to effective and efficient management of City operations. The purpose of this policy is to establish the principles that govern the delegation of authority, provide for accountability, and support open, fair and transparent management of City activities.

Ensuring only those employees with appropriate approval and accountability are authorized to approve documents is an important part of the City’s commitment to the responsible stewardship of City resources. A delegation of signing authority:

- Assigns the authority and responsibility to approve documents;
- Facilitates efficient decision-making and ensures that actions and decisions are taken by appropriate approval levels;
- Ensures that documents are executed as intended and in accordance with applicable law, regulations, City policy;
- Ensures proper vetting through appropriate channels (e.g., Legal, Purchasing, etc.); and
- Maintains integrity and creates a sound internal control environment.

## SECTION 111-20. POLICY

### (a) LIMITATIONS

- (1) This policy applies to all senior staff members whose names appear on the Chart of Delegation of Signature Authority.
- (2) The absence of a document depicted on the Chart of Delegation of

Signature Authority means that the authority to sign the particular document has not been delegated.

- (3) The use of signature stamps or pre-signed forms is not authorized.

**(b) RESPONSIBILITY**

- (1) All due diligence and care shall be exercised by the person to whom signing authority has been delegated to ensure that applicable laws, regulations, and City policy have been met.
- (2) The person to whom signing authority has been delegated shall ensure that all signed documents are properly routed through appropriate departments (e.g., Finance, Legal, and Purchasing) prior to final approval.

**(c) PERSONAL BENEFIT**

- (1) An Individual cannot approve a document where he or she would derive a personal benefit from its execution.
- (2) Signing authority cannot be delegated to an individual if, in doing so, the delegated individual would personally benefit or if it otherwise creates a conflict of interest.

**(d) CHANGING, REVOKING, SUPERSEDING DELEGATION**

- (1) The City Manager may change, revoke, or supersede previously delegated signing authority at any time.

## **SECTION 111-30. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.17 11:23:50 -05'00'

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Kent Cagle

City Manager

**Eva Bark** Digitally signed by Eva Bark  
Date: 2020.08.17 10:47:26 -05'00'  
Eva Bark

Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 120 - HIRING

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	07/2020	<b>LAST UPDATED</b>	4/1/2023
<b>RELATED POLICIES AND PROCEDURES</b>	<a href="#">Policy 205 - Pay</a>		

### SECTION 120-10. PURPOSE AND SCOPE

The City of Killeen is committed to recruiting, retaining, and advancing qualified and competent applicants and employees, and complying with all applicable employment laws. The purpose of this policy is to establish procedures for determining both hire and rehire eligibility pertaining to respective applicants and former employees of the City of Killeen. According to the City Code of Ordinances, Section 2-33, persons living within the City shall be given a preference in the hiring procedures of the City.

### SECTION 120-20. POLICY

#### (a) REQUIREMENTS

- (1) Authorization from the Human Resources Department is required to initiate any action for an open position, including recruitment, advertising, interviewing and offers of employment. The Department initiates a job requisition in NEOGOV after notifying the appropriate Human Resources Generalist for approval.
- (2) The Human Resources Department is responsible for determining if applicants meet the minimum qualifications prior to issuing a referred list or applicant to the hiring manager.
- (3) Applicants will be required to submit to a criminal background check.
- (4) Applicants who fail any part of the hiring process will not be considered for employment until 1-year from the date of the rescinded offer of employment.
- (5) The recruiting and selection of the City Auditor, City Manager and Municipal Judges shall be as directed by the City Council, in accordance with the



City Charter.

- (6) Conditional offers of employment will be made by Human Resources only. Departments shall not make offers of employment or pay.

**(b) REHIRES**

- (1) Employees who depart the City in good standing shall be determined re-hire eligible effective the date of their departure.
- (2) Employees who depart the City as a result of dismissal or who resign in lieu of termination are not eligible for rehire until 1-year from their date of separation. The City Manager may decide to issue a permanent bar of employment to any applicant or former employee at his/her discretion.
- (3) Individuals rehired by the City will receive a new date of hire for purposes of benefits, longevity, leave accruals, etc. (Civil Service employees will be handled in accordance with Texas Local Government Code.)
- (4) If a department is rehiring an individual into the same position he/she previously held, the Department has the option to set starting pay at the entry level or up to the same pay the individual last held in the position. This request must be made by the Department Head and approved by Human Resources.
- (5) Conditional offers of employment will be made by Human Resources only. Departments shall not make offers of employment or pay.

**(c) PAY**

- (1) Effective recruitment and retention are the goal of the City. To the extent feasible, pay should reflect demonstrated knowledge, skills, abilities, experience, and the position's competitiveness within the relevant employment market area. Requests for pay over starting salary will be handled in accordance with Policy 205.

## **SECTION 120-30. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office



and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.03.24 11:28:23  
-05'00'

*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.03.16 10:23:32  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 121 - FEDERAL PROTECTIONS

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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<b>EFFECTIVE DATE</b>	07/2020	<b>LAST UPDATED</b>	07/2020
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**RELATED POLICIES AND PROCEDURE(S)** [Policy 412, Harassment & Discrimination](#)  
[Policy 432, Grievance Procedure](#)  
[Policy 901, Fit for Duty](#)

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## SECTION 121-10. PURPOSE AND SCOPE

To provide a quality and equitable workplace for all employees and applicants, free from discrimination and in compliance with all applicable federal and state law.

## SECTION 121-20. POLICY

### (a) GENERAL

#### (1) Equal Employment Opportunity

(A) The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures or any aspect of employment because of age, race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, disability, genetics, veteran's status, or other unlawful basis, is prohibited.

#### (2) American with Disabilities Act/Americans with Disabilities Act Amendments Act

(A) To ensure compliance with the ADA and ADAAA, the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

- (B) The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential duties of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.
- (C) Employees or applicants seeking a reasonable accommodation shall make a written request to their Department Head and the Executive Director of Human Resources.

**(3) Title VI of the Civil Rights Act**

- (A) To ensure compliance with its Title VI Plan, the City offers nondiscrimination in its programs and activities to the effect that no person shall on the grounds of race, color, national origin, sex, religion, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the sub-recipient and/or its contractors.

## **SECTION 121-30. PROCEDURE**

COMPLAINTS. Employees or applicants who have a complaint involving potential violations of this policy should immediately contact the Executive Director of Human Resources. Complaints regarding the Executive Director of Human Resources should be directed to the City Manager.

## **SECTION 121-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

X Kent Cagle

Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.17 11:23:32 -05'00'

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Kent Cagle  
City Manager

X Eva Bark

Digitally signed by Eva Bark  
Date: 2020.08.17 10:48:10  
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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 122 – EMPLOYMENT OF RELATIVES (NEPOTISM) AND PERSONAL RELATIONSHIPS

**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

<b>EFFECTIVE DATE</b> 12/14/2020	<b>LAST UPDATED</b> 12/14/2020
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**RELATED POLICIES AND PROCEDURE(S)** HR Form P2  
HR Form P2 Addendum

## SECTION 122-10. PURPOSE AND SCOPE

The City of Killeen is committed to ensuring all employees receive the same fairness in treatment by avoiding conflicts of interest, situations that might be perceived as conflicts of interest or situations that might impair objective judgment or be perceived as biased in regards to hiring and promotion practices. It is the City’s policy to ensure all employees are hired, promoted, and supervised on the basis of individual merit. This policy does not apply to seasonal employment.

## SECTION 122-20. DEFINITIONS

- (a) **RELATIVE:** Any person up to the third degree of consanguinity or the second degree of affinity as described in chart below:

Consanguinity Kinship				Affinity Kinship		
3rd Degree	2nd Degree	1st Degree	1st Degree	2nd Degree		
Aunt/Uncle Niece/Nephew Great Grandparent Great Grandchild	Brother/Sister	Parent	Spouse	Brother/Sister-in-Law Grandparent-in-Law Grandchild-in-Law		
	Grandparent	Child	Parent-in-Law			
	Grandchild	Employee	Daughter/Son-in-Law			

Note: Adoption and step relationships are considered consanguinity kinship. Common law marriage has the same legal effect and will be treated the same as formal marriage with a marriage license.

- (b) **COMMON LAW MARRIAGE:** Pursuant to Texas Family Code 2.401(a), common law marriage can be established if the couple has filed a sworn declaration of

informal marriage with the county clerk or has agreed to be married, live together as a couple, and tell others that they are married.

## **SECTION 122-30. POLICY**

### **(a) PROVISIONS**

#### **(1) RELATIVES IN THE WORKPLACE**

- (A) No person related up to the third degree of consanguinity or the second degree of affinity to members of the City Council or to the City Manager or to the Assistant City Manager shall be appointed to any office, position or service in the City. (This provision does not affect employees who were employed by the City in their current position prior to the initial policy release on March 2014.) Refer to City Charter Section 134 as it relates to City Council and City Manager.
- (B) No person related up to the third degree of consanguinity or the second degree of affinity to a Department Head shall be hired for any office or position within that department. (This provision does not affect employees who were employed by the City in their current position prior to the initial policy release on March 2014.)
- (C) No employee may hold a job where the employee regularly exercises supervisory authority over the work, assignments, working condition, and/or compensation/benefits of any individual who is related within the second degree of affinity or the third degree of consanguinity. (This provision does not affect employees who were employed by the City in their current position prior to the initial policy release on March 2014.)
- (D) In the event two or more employees become related after their date of hire, all individuals involved must report the relationship to Human Resources via their supervisor within 30 calendar days of establishing the relationship by completing a Personnel Appointment Nepotism Form (Form P-2 Addendum).
- (E) Should a current employee become a relative of another employee and fall under the provisions of this policy, one of the employees must transfer to another area, resign, or face

termination. If neither employee voluntarily resigns or is able to transfer to another position, within 90 days of the date the relationship begins, the employee with the least amount of consecutive service time with the City is considered to have automatically resigned his or her position of employment on the 91<sup>st</sup> day.

- (F) The ending of a marriage by divorce or death of spouse ends relationship by affinity created by that marriage unless a child of that marriage is living.

## (2) RELATIONSHIPS IN THE WORKPLACE

- (A) All employees shall avoid relationships which create or give the perception of favoritism, discrimination, or disharmony; interfere with or damage the delivery of municipal services; create an uncomfortable or hostile work environment; or bring discredit upon the City of Killeen whether on or off duty. Should any of the above listed prohibited actions occur, the involved employee(s) may be disciplined up to and including dismissal.
- (B) No employee may hold a job where the employee regularly exercises supervisory authority over the work, assignments, working condition, and/or compensation/benefits of any individual with whom the employee is dating, or in an intimate or sexual relationship. (This provision does not affect employees who were employed by the City in their current position prior to the initial policy release on March 2014.)

## **SECTION 122-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent  
Cagle  
Date: 2020.12.04 15:26:59  
-06'00'

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Kent Cagle  
City Manager

**X Eva Bark** Digitally signed by Eva Bark  
Date: 2020.11.25 15:07:15  
-08'00'

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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## **POLICY 123 – GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

**RESPONSIBLE DEPARTMENT/ DIVISION** Community Development

**EFFECTIVE DATE** 09/29/2021

**LAST UPDATED** 09/01/2022

**RELATED POLICIES AND PROCEDURE(S)**

### **SECTION 123-10. PURPOSE AND SCOPE**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Administrative Policies and Procedures governs employment-related complaints of disability discrimination.

### **SECTION 123-20. PROCEDURE**

#### **(a) GENERAL**

- (1) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- (2) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

ADA Compliance Manager  
PO Box 1329  
Killeen, TX 76540

- (3) Within fifteen (15) calendar days after receipt of the complaint, ADA Compliance Manager, or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15)



calendar days of meeting, the ADA Compliance Manager or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

- (4) If the response by ADA Compliance Manager or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the Killeen City Manager or his/her designee.
- (5) Within fifteen (15) calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (6) All written complaints received by the ADA Compliance Manager or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the City for at least three (3) years.

## SECTION 123-40. DOCUMENT APPROVAL

The procedures in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from all parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2022.08.30 08:30:15  
-05'00'

*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2022.08.29 16:13:46  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 130 – PROBATIONARY EMPLOYMENT PERIOD (PEP)

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	07/2020	<b>LAST UPDATED</b>	07/2020
<b>RELATED POLICIES AND PROCEDURES</b>	<a href="#">Policy 1, Contract Disclaimer</a> <a href="#">Policy 430, Disciplinary Action and Appeals Process</a> <a href="#">Policy 610, Employee Performance Appraisal</a>		

## SECTION 130-10. PURPOSE AND SCOPE

To complete the new employee selection process by providing a Probationary Employment Period (PEP) with on-the-job training and relevant work experience during which the new employee and the City may evaluate employment suitability in terms of knowledge, skill, ability and interest.

## SECTION 130-20. POLICY

### (a) GENERAL

#### (1) Classified Employees

- (A) Newly hired, promoted, transferred, and voluntarily demoted employees will serve a PEP of six (6) months from the effective date of employment in the position.
- (B) During the PEP, frequent informal and formal employee performance appraisals may be completed. Completing a PEP does not assure or guarantee continued employment. All employees are “**at-will**” employees.
- (C) Upon completion of the PEP, a performance appraisal will be conducted and the employee will be subject to the standard performance appraisal process.
- (D) Continued employment does not imply or create a contract for the employment or otherwise alter the at-will status of

employment.

- (E) An employee in the PEP may be corrected or disciplined, up to and including separation from employment at any time during this period.
- (F) Probationary employees do not have the right to appeal suspensions or dismissals. (Exception: Promoted, reclassified, transferred, and voluntarily demoted employees.)
- (G) Probationary employees cannot serve in an on-call status.

(2) Probationary Fire Rescue and Police Officers

- (A) For probationary Fire Rescue Officers and probationary Police Officers, the first 18 months is considered their defined probationary period.
- (B) Probationary Fire Rescue Officer and probationary Police Officers cannot donate to or use leave from military leave pools.

## SECTION 130-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

 Kent Cagle

Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.18 16:32:29 -0500'

Kent Cagle  
City Manager

 Eva Bark

Digitally signed by Eva Bark  
Date: 2020.08.18 10:30:20  
Date

Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 136 – INTERIM POSITIONS

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	01/2017	<b>LAST UPDATED</b>	4/1/2023
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 210, Wage and Hour Administration</a> <a href="#">Policy 320, Leaves of Absence Without Pay</a> <a href="#">Policy 321, Military Leave</a> <a href="#">Policy 322, Family and Medical Leave (FMLA)</a>		

### SECTION 136 – 10. PURPOSE AND SCOPE

To fill position vacancies temporarily until such time as the incumbent returns from extended leave or an applicant best suited to the requirements of the position can be hired. This policy applies to all classified full-time positions. Civil Service employees will be handled in accordance with Texas Local Government Code, Chapter 143.

### SECTION 136 – 20. POLICY

#### (a) GENERAL

- (1) Positions which are anticipated to be vacant for 30 days or more may be considered for interim appointment. The 30-day duration applies to extended leaves of absence as well as vacancies.
- (2) The City Manager will approve all interim position appointments and their duration.
- (3) Persons appointed to an interim position will receive the beginning salary for that position, not less than a 6% increase of the employee's current salary, unless otherwise approved by the City Manager.
- (4) Non-exempt employees holding an exempt interim position will be treated as exempt employees with regard to overtime, in accordance with Policy 210. Non-exempt compensatory time balances will not be paid out upon assignment to an interim position.



- (5) Anniversary dates and performance evaluations for an employee holding an interim position will be conducted consistent with the employee's regular position, not the interim position. Performance in the interim position will be a factor considered when performance evaluations are conducted.
- (6) Appointment into an interim position is not a guarantee or entitlement for permanent appointment into the position.
- (7) Upon return of the incumbent or the selection of an applicant for the vacant position, the interim position will end the day before the return of the incumbent or new employee's first day of work.
- (8) Upon closure of the interim position, the employee shall be returned to the pay grade equal to that which would have been received if the employee had remained in the regular position, taking into account any salary adjustments that would have occurred during the interim period due to annual appraisals, COLAs, or for other reasons.

## SECTION 136 – 30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.03.24 11:27:44  
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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.03.16 10:24:14  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 140 – CONFIDENTIALITY, PERSONNEL RECORDS, AND RECORDING DEVICES

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 07/2020

**LAST UPDATED** 07/2020

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**RELATED POLICIES AND PROCEDURE(S)** [Policy 45, Protected Health Information, Access, Security, and Disclosure](#)  
[Policy 416, Use of Property and Equipment](#)  
[Policy 420, Computer Hardware and Software Security](#)

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## SECTION 140-10. PURPOSE AND SCOPE

To establish standards by which privacy of personnel records and confidential City information is regulated in the workplace. This policy applies to all employees.

## SECTION 140-20. POLICY

### (a) GENERAL

#### (1) Confidentiality

- (A) City employees shall not disclose any confidential information concerning the property, operations, policies, legal matters, medical information, or affairs of the City; and are to ensure such confidential information is not used to advance the employee's or other's personal interest. All employees are expected to comply with this policy and confidential agreements maintained within each department.
- (B) The Executive Director of Human Resources, or designee, is the Privacy Officer who oversees City policy on Protected Health Information (PHI) and is also available to employees for consultation on any issues or concerns about PHI (see Policy 145).

#### (2) Personnel Records

- (A) Changes of an employee's address, telephone number, and/or family status (births, marriage, death, divorce, etc.) must be

submitted to Human Resources via the employee self-service system or by submitting an updated employee information packet within thirty (30) days of the occurrence.

- (B) Official personnel files are the property of the City and may not be removed from the Human Resources (HR) office without permission. In accordance with the Texas Public Information Act (TPIA), most information in a personnel file is available to the public upon request. Department/Division personnel files are subject to the same permissions and may not be accessed or removed without permission. In accordance with TPIA, information contained in a department/division personnel file may be available upon request.
- (C) Upon hire, employees receive the opportunity to state whether they want certain information about themselves made available to the public (e.g. home telephone and family information) in accordance with the TPIA. In addition, there are legal restrictions on the release of a photograph of a police officer. Employees may change their requested restrictions at any time by contacting Human Resources.
- (D) All requests for information and employment references from employee files (current or former employees) shall be directed to Human Resources.
- (E) Supervisors and other employees shall not provide personal or employment references on former employees or current employees. All reference requests shall be directed to Human Resources.
- (F) Employees may examine their own files at any reasonable time at Human Resources with a Human Resource representative present.
- (G) Employees may fill out an open records request and a copy will be provided to the employee in accordance with the TPIA. Employees will be provided one (1) copy of their personnel file at no charge. Subsequent copies will be charged to the employee in accordance with the TPIA.

### (3) Recording Devices

- (A) The City prohibits the use on City property or while on City business, of any recording devices, except as authorized by management, and prohibits the unauthorized publication and/or distribution of such recordings. (Recording devices include, but are not limited to, tape recorders, cassette recorders, cell phones with recording, photography or video capability, video cameras, handheld devices, etc.)
- (B) Employees will be allowed to use recording devices only when in a called meeting setting and when all parties have been notified that the discussion will be recorded and have agreed to participate in such recorded session. Recordings made, through any means, in violation of this policy will subject the employee to disciplinary action.
- (C) The City may require the use of recordings in the conduct of normal business, (i.e. Civil Service Board and Commission hearings, investigations conducted by the Police or Human Resources Departments, etc.) Employees called upon to participate in these settings will be required to participate.

## SECTION 140-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**

Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.18 16:32:58 -05'00'

Kent Cagle  
City Manager

**X Eva Bark**

Digitally signed by Eva Bark  
Date: 2020.08.18 10:30:04  
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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 145 – PROTECTED HEALTH INFORMATION (PHI): ACCESS, SECURITY, AND DISCLOSURE

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 07/2020

**LAST UPDATED** 07/2020

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**RELATED POLICIES AND PROCEDURE(S)** [Policy 420, Computer Hardware and Software Security](#)

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## SECTION 145 – 10. PURPOSE AND SCOPE

To provide a policy and procedure on limiting access, disclosure, and use of Protected Health Information (PHI), to comply with the Health Insurance Portability and Accountability Act (HIPAA), and to outline employee rights and the City of Killeen's responsibilities regarding PHI.

## SECTION 145 – 20. DEFINITIONS

Health Insurance Portability and Accountability Act (HIPAA): Provides rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibit discrimination against employees and dependents based on their health status; and allow a special opportunity to enroll in a new plan to individuals in certain circumstances. HIPAA may also give an employee a right to purchase individual coverage if the employee has no group health plan coverage available, and have exhausted COBRA or other continuation coverage.

Protected Health Information (PHI): Individually identifiable health information that is created or received by a health care provider, health plan, employer, or health care clearinghouse that relates to the past, present, or future physical or mental health or condition of an individual. PHI includes information of persons living or deceased.

## SECTION 145 – 30. POLICY

The City of Killeen retains strict requirements on the security, access, disclosure and use of PHI. Access, disclosure and use of PHI will be based on the role of the individual

staff member in the organization, and should be only to the extent that the person needs access to PHI to complete necessary job functions.

Employees shall make every effort, except in patient care situations, to access, disclose and use only the minimum amount of PHI necessary to accomplish the intended purpose.

Employees may exercise their rights to access, amend, restrict, and request an accounting, as well as lodge a complaint with either the City of Killeen or the Secretary of the Department of Health and Human Services.

**(a) GENERAL**

- (1) Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Executive Director of Human Resources maintains these confidential medical files.
- (2) All current and new hired employees will be made aware of this policy.
- (3) The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.
- (4) Employee medical records are confidential, but the confidentiality may be waived when the employee provides medical information to the supervisor or to Human Resources.
- (5) When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.
- (6) To protect the employees' own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

**(b) EMPLOYEE MEDICAL RECORDS**

- (1) The City of Killeen will, to the extent required by law, protect, in a confidential manner, medical records it receives about employees.
- (2) In accordance with laws concerning disability discrimination, all medical records of staff will be kept in separate files apart from the employee's general employment file. These records will be secured with limited access.
- (3) In accordance with the Privacy Rule of HIPAA, medical records that are not considered employment records will be treated in accordance with the safeguards of the Privacy Rule with respect to their use and disclosure.
- (4) Employment records are not considered to be PHI, subject to HIPAA safeguards, including certain medical records of employees that are related to the job. These employment records not covered under HIPAA include, but are not limited to information obtained to determine suitability to perform the job duties (such as physical examination reports), drug and alcohol tests obtained in the course of employment, doctor's excuses provided in accordance with the attendance policy, work-related injury and occupational exposure reports, and medical and laboratory reports related to such injuries or exposures, especially to the extent necessary to determine workers' compensation coverage.
- (5) Examples of information that may be provided to the City by an employee or the employee's health care provider and maintained in the confidential medical file include the following:

  - (A) a note to justify an absence;
  - (B) a note to request a leave;
  - (C) a note to verify the employee's ability to return to work;
  - (D) medical records to support a claim for sick pay or disability benefits;
  - (E) insurance records;
  - (F) workers' compensation records; and
  - (G) medical history records

- (6) Nonetheless, despite the fact that such records are not considered HIPAA protected, the City of Killeen will limit the use and disclosure of these records to only those with a need to have access to them, such as certain management staff, a designated physician, and state agencies pursuant to state law.
- (7) With respect to employees of the City of Killeen, only health information that is obtained about employees in the course of providing ambulance or other medical services directly to them is considered PHI under HIPAA. In the event of an emergency situation with an employee, medical information obtained by employees will be considered PHI under HIPAA per city policy. In other words, if the City of Killeen provides emergency medical or ambulance service to an employee, the protections typically given to such information of our ambulance service patients applies to the employee. These protections are subject to HIPAA exceptions, such as in the situation in which the staff member who used the ambulance service provided by the City of Killeen was involved in a work-related injury while on duty.
- (8) If an employee's medical record is created or received in the course of the City of Killeen's ambulance service providing the employee with treatment and/or transport, the staff member's medical record is PHI. If, however, the employee submits a doctor's statement to a supervisor to document an absence or tardiness from work, then that statement is not treated as PHI.
- (9) Other health information that could be treated as employment related, and not PHI, includes medical information that is needed to carry out its obligations under the FMLA, ADA and similar laws, as well as files or records related to occupational injury, disability insurance eligibility, drug screening results, workplace medical surveillance, and fitness-for-duty-tests of employees.

**(c) COMPUTER SYSTEMS AND EQUIPMENT**

- (1) Making fraudulent statements or transmitting fraudulent information when dealing with employee or billing information and documentation, accounts or other medical information, including the facsimile or electronic transmission of medical reports and billing reports and claims, is strictly prohibited.
- (2) Providing information about, or lists of, City of Killeen employees or

patients to parties outside of the City of Killeen is strictly prohibited, unless required to comply with a public information request.

- (3) Remote devices, i.e., laptops, PDAs, etc., containing confidential or patient information must never be left unattended.
- (4) All devices (remote or otherwise) storing confidential medical information must employ access controls to protect against improper access. This includes, where possible, the use of passwords and other security mechanisms.
- (5) Remote device users will not permit unauthorized users to operate company- owned remote devices for any purpose.
- (6) Users of company-owned remote devices will immediately report the loss of a remote device to their immediate supervisor, as well as the Information Technology department.
- (7) Please refer to Policy 420 for additional security measures.

**(d) INCIDENTAL DISCLOSURES**

Incidental disclosures will typically occur in telephone, radio, or face-to-face conversation, or when patient care information in written or computer form is left out in the open for others to access or refer to.

The fundamental principle is that all staff needs to be sensitive to the importance of maintaining the confidentiality and security of all material created or used that contains patient care information. Coworkers and other staff members should not have access to information that is not necessary for the staff members to complete their job.

However, all personnel must be sensitive to avoiding incidental disclosures to other health care providers and others who do not have a need to know the information. Conversations about patients/employees and their health care should not take place in areas where those without a need to know are present.

**(1) Verbal Security:**

- (A) **Waiting or Public Areas:** If patients/employees are in waiting areas to discuss the service provided to them, have billing questions answered, or have questions about information

contained in their employee medical record, ensure there are no other persons in the waiting area, or if so, bring the patient into a screened area before engaging in discussion.

- (B) Other Areas: Employees should only discuss health care information with those who are involved in the care of the patient/employee. Employees should be sensitive to the level of voice and to the fact that others may be in the area when you are speaking.

**(2) Physical Security:**

- (A) Employee Medical Records/Patient Care Records: These records must be stored in safe and secure areas. Only those with a need to have the information for the completion of their job duties should have access to any paper records.
- (B) Billing Records: Billing records, including all notes, remittance advices, charge slips or claim forms should be stored in files or boxes that are secure and in an area with access limited to those who need the information for the completion of their job duties.
- (C) Computers and Entry Devices: Computer access terminals and other remote entry devices such as PDAs and laptops should be kept secure. Access to any computer device should be by password only. Employees should be sensitive to who may be in viewing range of the monitor screen and take simple steps to shield viewing of the screen by unauthorized persons. All remote devices such as laptops and PDAs should remain in the physical possession of the individual to whom it is assigned at all times (Refer to Policy 420).

**(e) PENALTIES FOR VIOLATION**

- (1) The City of Killeen takes its responsibility to safeguard employee medical information very seriously. There are significant legal penalties against companies and individuals that do not adhere to the laws that protect patient privacy, to include fines of up to \$250,000 and prison sentences up to 10 years.

- (2) Employees who do not follow City policies on employee medical record privacy will be subject to disciplinary action, up to and including termination.

**(f) PRIVACY OFFICER**

- (1) The City has appointed a Privacy Officer to implement and monitor compliance with City policies and procedures regarding PHI. The Privacy Officer is also available to employees for consultation on any questions or concerns employees have about PHI.
- (2) The Privacy Officer for the City of Killeen is the Executive Director of Human Resources or designee.

**(g) PROVISIONS**

- (1) Access to PHI will be limited to those who need the access to carry out their duties.
- (2) Access to PHI is limited to certain employees, i.e., EMT/paramedic, billing clerks, supervisors, etc., based upon the reasonable determination by the Privacy Officer of the persons or classes of persons who require PHI, and the nature of the health information they require, consistent with their job responsibilities.
- (3) Access to an employee's entire medical record by someone other than the employee will not be allowed except when expressly permitted by policy or approved by the Privacy Officer.
- (4) Requests by the City of Killeen for PHI from another health care provider on a routine or recurring basis must be limited to only the reasonably necessary information needed for the intended purpose.
- (5) Employees may request a copy of their medical record or information contained in their medical record file by completing a Request for Access form and submitting the request to the Privacy Officer.
- (6) Employees have the right to file a complaint with the City of Killeen Complaint Officer or to the Secretary of the U.S. Department of Health and Human Services at [www.hhs.gov](http://www.hhs.gov) or at the following address, if they

believe their privacy rights have been violated:

U.S. Department of Health and Human Services  
1301 Young Street, Suite 106  
Dallas, TX 75202

- (7) The Complaint Officer for the City of Killeen is the Executive Director of Human Resources or designee.
- (8) The City will not retaliate against any employee who expresses a concern or complaint about any policy or practice related to the safeguarding of medical information and the City's legal obligations to protect employee privacy.

## SECTION 145 – 40. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**  
Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.18 16:33:39 -05'00'

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Kent Cagle  
City Manager

**X Eva Bark**  
Digitally signed by Eva Bark  
Date: 2020.08.18 10:29:35  
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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 147 – WORKPLACE LACTATION ACCOMMODATION

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 12/14/2020

**LAST UPDATED** 12/14/2020

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**RELATED POLICIES AND PROCEDURE(S)**

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## SECTION 147-10. PURPOSE AND SCOPE

To establish guidelines for promoting a breastfeeding-friendly work environment.

## SECTION 147-20. POLICY

### (a) GENERAL

- (1) Departments are responsible for maintaining compliance with Texas Government Code, Chapter 619 regarding the expression of breast milk in the workplace.
- (2) Departments must provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express milk. If possible, the lactation time is to run concurrently with any break time already provided.
- (3) The department will provide a clean private room (not a toilet stall or public restroom) or other location, in close proximity to the work area, where an employee can express her milk in privacy. The room should be either lockable or have a way to indicate that others may not enter, and have a chair and an accessible electrical outlet and, if possible, a small table. When possible, it would be optimal to have a clean water source for washing hands and rinsing out any nursing equipment available in or near the private room, such as a restroom or break room with a sink. It is the employee's responsibility to keep the location clean after each use and remove any personal items.
- (4) Breastfeeding women, when using a common refrigerator, will provide

their own containers.

- (5) The City will accommodate the breastfeeding-related needs of employees for a period up to one year from the birth of a child.

## SECTION 147-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent Cagle  
Date: 2020.12.04 15:27:21 -06'00'

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Kent Cagle  
City Manager

**X Eva Bark** Digitally signed by Eva Bark  
Date: 2020.11.25 15:07:41 -06'00'

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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 150 – ALCOHOL AND DRUG USE

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	07/2020	<b>LAST UPDATED</b>	12/1/2022
<b>RELATED POLICIES AND PROCEDURE(S)</b>			

### SECTION 150-10. PURPOSE AND SCOPE

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition in order to perform their jobs in a satisfactory and safe manner.

### SECTION 150-20. POLICY

#### (a) GENERAL

- (1) Prohibition Against Alcohol. While on duty, while conducting City-related business or other City business activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment for business purposes, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below).

The use of alcohol by a City employee during a business lunch is prohibited. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas unless the unopened alcoholic beverage is contained in the locked glove compartment or trunk of an employee's personal vehicle, and may not store or transport alcohol in a City-owned or leased vehicle.

City employees are allowed to consume alcohol at City functions and/or at City facilities for community functions so long as the function is not during



the employee's normal work hours and they are not working the event.

- (2) Prohibition Against Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.
- (3) Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.
- (4) Permissive Use of Prescribed and Over-the-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.
- (5) Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their direct supervisor or to their Department Head if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the



workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

The employee does not need to disclose what specific medication is being taken. If a department feels such information is necessary, Human Resources must be contacted to have this conversation with the employee. Departments shall not engage in conversation about specific medication or medical treatments with their employees.

- (6) Authorized Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures and/or general orders.

Authorized employees may deliver, distribute, and sell alcohol only in the normal course of doing business, such as transport of alcohol or liquor between the Killeen Civic and Conference Center and authorized facilities/locations, and distribute and sell beer and wine at the City's golf course. These employees will be predetermined by their Department Head and Human Resources.

- (7) On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence of drugs in the system, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

- (8) Mandatory Reporting of Arrests and Convictions. The immediate supervisor and the Department Head shall be notified of any alcohol or drug-related arrest and any convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace within twenty-four (24) hours after such incident or prior to returning to work, whichever is sooner.

- (9) Off-Duty Conduct. The City may take disciplinary action, up to and



including dismissal, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or adversely affects the employee's job performance.

- (10) Reporting to Work. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including dismissal.

**(b) REHABILITATION/TREATMENT**

- (1) It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
- (2) Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action. The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
- (3) Although the cost of any rehabilitation or treatment may be covered under the City's group health insurance policy, the employee is responsible for all costs associated with any rehabilitation or treatment program.
- (4) During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory



time off, or other accrued paid leave time.

- (5) If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
  - (A) Initial negative test for drugs and/or alcohol before returning to work;
  - (B) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
  - (C) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
  - (D) In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section shall also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
  - (E) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Executive Director of Human Resources. The employee must meet with the Executive Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

**(c) POLICY VIOLATIONS**

- (1) Violations of this policy may lead to disciplinary action, up to and including immediate dismissal and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are



encouraged to discuss these matters with their supervisor or the Executive Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

**(d) TESTING**

- (1) Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally-accepted testing procedure.
- (2) Testing of Applicants. All applicants holding safety or security sensitive positions, as determined by the Human Resources Department, to whom a conditional offer of employment has been made shall be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result will render the applicant ineligible for consideration of employment for a period of six (6) months. A second positive test result by an applicant will render the applicant ineligible for consideration of employment or future employment with the City. Refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment with the City.
- (3) Testing of Employees.
  - (A) Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety or security-sensitive positions as determined by the Human Resources Department.
  - (B) Employees shall be tested for alcohol and/or illegal and unauthorized drugs after a work related vehicle accident. All employees requiring post-accident testing will be handled according to the post-accident testing section of the City’s Drug and Alcohol Policy for DOT Employees.
  - (C) Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
  - (D) For purposes of this policy, reasonable suspicion is a belief based



on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

- (E) Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
- (F) Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including dismissal.
- (G) A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including dismissal. Any employee who is dismissed for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
- (H) The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.
- (I) Testing Procedures.
  - (i) For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or



unauthorized drugs or alcohol. Testing can only be authorized by the Department Head, Executive Director of Human Resources, or Risk Manager. Testing should be arranged as soon as possible after the supervisor's articulable observations.

- (ii) If a work place accident, injury or "near miss" has occurred, or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative is required to stay with the employee at the testing facility during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
- (iii) All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
- (iv) Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Executive Director of Human Resources; supervisors on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

(J) Drug and/or Alcohol Testing occur as Follows:



- (i) *Pre-employment* - All job offers (for safety sensitive positions) are contingent upon selected applicant passing a drug test.
- (ii) *Pre-assignment* - Before assuming a safety sensitive position, current employees must pass a drug test.
- (iii) *Reasonable Suspicion* - If individualized reasonable suspicion exists that an employee is under the influence of alcohol or has used or possessed any illegal drug, in violation of this policy, the employee is required to submit a urine specimen for drug testing and/or breath sample for alcohol testing, by the City's designated physician/designated testing facility, ***immediately or as soon as practicable.***
- (iv) *Post-Accident* - Whenever a driver/operator employed by the City is involved in an accident, involving a motor driven vehicle or motor driven equipment, regardless of fault, an employee is required to submit a urine specimen for drug and a breath sample for alcohol testing immediately after the accident or as soon as practicable.
- (v) *Return-to-Duty* - A City employee who returns from leave taken for any reason for longer than thirty (30) calendar days, who is covered by this policy, is required to undergo a drug and alcohol test before the employee may return to work.
- (vi) *Self-Referral* - Before returning to duty, an employee absent due to leave associated with self-referral under the policy is required to pass return-to-work drug and alcohol testing, and a fitness for duty test by the City's designated physician, and is subject to follow-up drug and alcohol testing without prior notice for up to 12 months from the date of return.
- (vii) *Random Testing* - Employees in safety sensitive positions are subject to random testing.

(4) Random Testing for Drivers.



Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing will be immediately driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process and will drive the employee back to their assigned work site or home, as appropriate, after the testing is complete.

- (A) State and Federal Laws may require additional testing, based on an employee's position. For example, employees whose position requires possession of a Commercial Driver's License, are subject to additional alcohol and drug testing requirements.

## SECTION 150-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2022.11.30 16:21:23  
-06'00'

Kent Cagle, City Manager

**Eva Bark** Digitally signed by Eva Bark  
Date: 2022.11.29 14:48:51  
-06'00'

Eva Bark, Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 151 – ALCOHOL AND DRUG USE - CDL LICENSED EMPLOYEES

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**RESPONSIBLE  
DEPARTMENT/  
DIVISION** Human Resources

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**EFFECTIVE  
DATE** 07/2020

**LAST  
UPDATED** 07/2020

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**RELATED  
POLICIES AND  
PROCEDURE(S)**

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## SECTION 151-10. PURPOSE AND SCOPE

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

## SECTION 151-20. POLICY

### (a) EMPLOYEES/APPLICATIONS SUBJECT TO TESTING

- (1) City employees who drive a motor vehicle (MV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) and as outlined in this policy. The employee's supervisor or the Director of Human Resources will advise the employee if the employee is subject to CDL testing and the terms of this policy. Employees who are not required by the City to hold a CDL are not subject to this policy (with the exception of those expressly stated in Policy I.K., Alcohol and Drug Use.) Applicants for employment for a position requiring a CDL are also subject to testing under this policy.
- (2) Employees covered by this policy are also required to comply with Policy I.K., Alcohol and Drug Use. This CDL Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of Policy I.K., Alcohol and Drug Use. CDL tests will be completely separate from non-CDL tests in all respects. All

drug and alcohol testing performed under this CDL policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

- (3) An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City, or an employee of such contractor. Employees required by the City to hold a CDL due to the type of equipment they operate are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

**(b) PROHIBITED ALCOHOL USE**

- (1) On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
  - (A) While having a breath alcohol concentration of 0.02 or more as indicated via breath test;
  - (B) While using alcohol; or
  - (C) Within four (4) hours after using alcohol.
- (2) Use Following an Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol foreign (8) hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

**(c) PROHIBITED DRUG USE**

- (1) Illicit use of drugs by CDL drivers is prohibited both on and off duty. An employee shall not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a motor vehicle (MV). An employee will not report for duty, remain on duty or perform a safety or security sensitive function if the employee tests positive for controlled substances or has attempted to alter or tamper with a test specimen.

**(d) REQUIRED ALCOHOL AND DRUG TESTS**

- (1) DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.
- (2) Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing CDL functions for the first time. These tests are also required when employees are promoted, or transferred into a CDL driver position.
- (3) Post-accident Testing.
  - (A) Drug and alcohol tests will be conducted after vehicle accidents. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a City vehicle operating on a public road in commerce.
  - (B) An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.
  - (C) In accordance with the Federal Motor Carriers Safety Administration (FMCSA), a federal DOT Drug and Alcohol test will be conducted post incident when one of the following actions occur:
    - (i) When there are one or more human fatalities;
    - (ii) When at least one individual requires medical attention away from the scene **AND** the driver receives a citation for a moving violation;

- (iii) When at least one vehicle incurs disabling damage so that it cannot be driven from the scene **AND** the driver receives a citation for a moving violation.
  - (D) All other vehicle involved incidents will require a standard drug and alcohol test that provides the employee with instant results.
  - (E) In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, as long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's request.
  - (F) Post-accident Alcohol Testing. If alcohol testing cannot be administered within two (2) hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within eight (8) hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.
  - (G) Post-accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.
- (4) Reasonable Suspicion Testing. Reasonable suspicion drug and alcohol testing is conducted when a supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal

effects of controlled substances. The supervisor must consult with the Department Head and affirm the basis of the suspicion. If the Department Head concurs, the employee will be required to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

- (A) Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, CDL functions. If alcohol testing cannot be administered within two (2) hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within eight (8) hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of CDL functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform CDL functions until:

- (i) An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- (ii) 24 hours have elapsed since the reasonable suspicion observation was made.

- (B) **Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.
- (5) **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing will be immediately driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process and will drive the employee back to their assigned work site or home, as appropriate, after the testing is complete.
- (6) **Return-to-duty and follow-up testing.** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing CDL duties. Follow-up tests are unannounced, and at least six (6) tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

**(e) ADDITIONAL INFORMATION ABOUT TESTING**

- (1) Refusal to Test. Any employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform CDL functions and will be subject to discipline up to and including dismissal. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).
- (2) Consequences of a Positive Alcohol Test. An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from CDL functions and may be dismissed. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform CDL functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not dismissed, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including dismissal. The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.
- (3) Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Any employee with a test considered “negative” but resulting in an alcohol concentration higher than 0.00 will be sent home for the remainder of their assigned shift. Testing procedures that ensure accuracy,

reliability and confidentiality of test results will be followed pursuant to DOT regulations.

- (4) Drug Testing Procedures. Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. "Split" urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City's Director of Human Resources. The second test will be at the driver's own expense.

(A) Drugs Tested For. DOT requires testing for the following drugs:

- (i) Marijuana (THC)
- (ii) Cocaine
- (iii) Amphetamines
- (iv) Opiates
- (v) Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms "drug," "drugs" or "controlled substances" are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, (1) test for other controlled substances pursuant to Policy 50, Alcohol and Drug Use; or (2) modify the list of CDL tested drugs at the direction of CDL.

(B) Review of Drug Test Results. All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver either in person or by telephone and will conduct an interview to

determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

- (5) Consequences of a Positive Drug Test. A driver will be removed from CDL duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in immediate dismissal.
- (6) Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.
- (7) Information from Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform CDL functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals

must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform CDL functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including dismissal. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, CDL transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform CDL functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform CDL functions and will likely be disciplined (up to and including dismissal) if employed, or not hired if applying for employment.

- (8) Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.
- (9) Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.
- (10) Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with Policy 50, Alcohol and Drug Use; provided, however, the employee may not self-identify in

order to avoid the testing requirements of this CDL policy. Further, the employee must make the admission prior to performing a CDL function, i.e., prior to reporting for duty. The employee may not perform a CDL function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with Policy 50, Alcohol and Drug Use. A drug and alcohol abuse evaluation expert, i.e., a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing CDL functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

- (11) Transportation to Testing Site. With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

**SECTION 151-30. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City’s legal team and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City’s legal team and the responsible Department/Division Head or designee. Signatures from all parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**  
Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.18 16:28:06 -05'00'

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Kent Cagle  
City Manager

**X Eva Bark**  
Digitally signed by Eva Bark  
Date: 2020.08.18 10:28:04  
-05'00'

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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 160 – USE OF CITY VEHICLES AND MOTORIZED EQUIPMENT

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 07/2020

**LAST UPDATED** 07/2020

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**RELATED POLICIES AND PROCEDURE(S)** [Policy 50, Alcohol and Controlled Substance Use and Testing](#)  
[Policy 70, Criminal History](#)  
[Policy 410, Standards of Conduct](#)  
[Policy 713, Safety Committee](#)

## SECTION 160-10. PURPOSE AND SCOPE

To establish standards of safety, reduce the City's liability, and establish guidelines for proper use of City vehicles and motorized equipment.

This policy applies to:

- An employee who drives a City vehicle or his/her personal vehicle for City business;
- An employee receiving a monthly car allowance;
- An applicant for a position that requires the operation of a City vehicle or motorized equipment; and
- An applicant or employee subject to the performance of any driving duties as assigned.

## SECTION 160-20. DEFINITIONS

1. Accident / Incident: Any vehicle or motorized equipment related occurrence which results in an injury and/or property damage.
2. Corrective Action, to Include Disciplinary Action: Action taken to prevent reoccurrence which focuses on the employee's knowledge, skill and abilities. Such action may include reviewing procedures, retraining, re-evaluation performance, transferring to a different work environment, using modifications or purchasing new equipment, etc.
3. Damage: May include damages that result from acts of neglect, abuse or occur from the failure to follow safe working procedures. F or motor vehicle accidents,

damages will be reviewed for both “preventable” and “non-preventable” incidents.

4. Driving for City Business: Includes driving a City vehicle, a piece of City equipment, and driving a personal vehicle while or in order to conduct City business.
5. Minor Incident: No lost work time or modified duty resulting from the incident. May result in some damage, but no down time with equipment. (See Table 2)
6. Moderate Incident: Employee had lost work time or modified duty resulting from the incident. May include damage which results in equipment down time. (See Table 2)
7. Non-Preventable Accident: One which the employee could not have avoided, due to an act of God, nature or other cause over which the employee had no control.
8. Preventable Accident/Incident: One in which the employee failed to do something he or she reasonably could have done to prevent the accident.
9. Previous 2-Years: The 2 -year period prior to and including the date of the accident under review.
10. Safety Probation: Period of time (in months) assigned after an incident that allows employees to demonstrate they can safely perform their job without any safety violations. If a preventable incident occurs during this time period, the employee will be subject to more stringent corrective action up to and including dismissal.
11. Severe Incident: The disregard or failure to follow safe work practices or procedures, safety rules, or City policy that could or did result in a life- threatening injury to oneself, a co-worker, and/or a citizen.
12. Suspension without Pay: Period of time an employee is off work and not paid due to a preventable accident/incident. The number of days off is designated by the Discipline Chart.
13. Vehicle: Any motor vehicle or motorized equipment which requires a state-issued license or certification to drive.
14. Wireless Communications Device: Any device cap able of accessing, sending, storing, or receiving messages or information, whether verbally, electronically, or in text format. The definition excludes vehicle-mounted handheld radios and

police/fire Mobile Data Terminals (MDTs).

## SECTION 160-30. POLICY

### (a) GENERAL

- (1) Applicants/employees applying for a position which will involve driving a City vehicle or operating motorized equipment for City business must meet the safe driving record standards required for all City drivers.
- (2) Departments/Divisions may adopt more stringent rules than provided in this policy. Such rules must be reviewed and approved by the Executive Director of Human Resources and their assigned representative from the City Attorney's office.

### (b) PROVISIONS ON PRIVILEGE

- (1) Eligibility. To be eligible for the privilege of operating a City vehicle or equipment as stated in this policy, and/or a personal vehicle to conduct City business, employees shall adhere to the following:
  - (A) Possess and maintain a valid Texas driving license, in the appropriate class for the type of vehicle/equipment to be driven that is not under suspension or revocation. An occupational license is not acceptable;
  - (B) Be 18 years of age or older; and
  - (C) Have less than 10 points accumulated in previous 2 years based on the risk assessment table for convictions for offenses listed below. This list is intended to be representative of the types of citations which may results in point accumulation. It is not intended to be comprehensive and does not alter the employment-at-will relationship between employees and the City. All citations issued but not listed below will be reviewed on a case by case basis.

**Table 1. Risk Assessment**

Citation	On-Duty Conviction	Off-Duty Conviction
Criminally negligent homicide	10 points	10 points
Manslaughter (with a vehicle)	10 points	10 points

<b>Citation</b>	<b>On-Duty Conviction</b>	<b>Off-Duty Conviction</b>
Driving While Intoxicated (DWI)	10 points	10 points
Driving Under the Influence (DUI)	10 points	10 points
Negligent homicide	10 points	10 points
Leaving the scene of an accident	8 points	8 points
Driving while license invalid	5 points	2.5 points
Reckless driving	5 points	2.5 points
Negligent collision	5 points	2.5 points
Racing	5 points	2.5 points
Speeding in a school zone	4 points	2 points
Fail to stop for a school bus	4 points	2 points
Cell phone use in school zone	4 points	2 points
Moving violation in construction zone	4 points	2 points
Fail to yield to emergency vehicle	4 points	2 points
Fail to yield to pedestrian on sidewalk	4 points	2 points
Improper passing emergency vehicle	4 points	2 points
Texting while driving	3 points	1.5 points
Unsafe backing	3 points	1.5 points
Unsafe start from park	3 points	1.5 points
Fail to yield right of way	3 points	1.5 points
Fail to stop & identify	3 points	1.5 points
Improper turn	3 points	1.5 points
Failure to control/unsafe speed	3 points	1.5 points
Fail to drive single lane	3 points	1.5 points
Seat belt violation	3 points	1.5 points
Passing in no passing zone	3 points	1.5 points
Speeding	3 points	1.5 points
Drive left of center	2 points	1 point
Fail to signal	2 points	1 point
Follow too close	2 points	1 point
Impeding traffic	2 points	1 point
Spinning of tires	2 points	1 point
Unsafe lane change	2 points	1 point
Wrong way in a one way	2 points	1 point

- (D) If driver's safety classes have been taken for citations received, those citations are not considered in calculating driving

violations; however, the citations should be listed on the City of Killeen employment application when applying for jobs.

(2) Applicants.

- (A) The eligibility requirements stated within f this policy pertain to all applicants required to drive a vehicle or equipment as previously stated.
- (B) The time frames reviewed for the driving offenses within this policy are the two years preceding the date of application submission.
- (C) Applicants will be subject to verification of their driving history upon the acceptance of a conditional offer of employment.

(3) Duty to Report. Employees must immediately report to their supervisor all information/events that potentially affect that employee's ability to comply with this policy. This duty to report information/events applies to both on- and off-duty occurrences such as traffic citations, traffic accidents, and arrests for DWI/DUI.

Supervisors must report all information/events that potentially affect the employee's ability to comply with this policy to their Department/Division Head and to the Human Resources department.

(4) Penalties. Failure to comply with this policy and failure to report any driving offenses as defined in this policy may make the employee subject to disciplinary action, up to and including dismissal. Applicants not meeting this policy may be found unqualified for the position.

(5) If an employee is charged with an offense(s) totaling 10 or more points according to Table 1 of this policy, the employee's City driving privileges may be immediately revoked.

(6) If an employee is convicted of an offense(s) totaling 10 or more points according to Table 1 of this policy, or if the employee's license is suspended, the following guidelines are established:

- (A) Employees in violation of this policy are subject to disciplinary action up to and including dismissal;
- (B) Employees receiving a monthly car allowance unable to drive a vehicle on behalf of the City shall immediately cease receiving a

car allowance until otherwise eligible to drive a vehicle;

- (C) If driving or operating machinery (as previously defined) is an essential function of the employee's job duties (as specified in the employee's job description), the employee may be subject to dismissal.

- (7) Periodic Review. By applying for or continuing employment in a position that is subject to this policy, a person thereby consents to annual reviews of his or her driving record.

**(c) PROVISIONS ON USE OF VEHICLE**

- (1) Use of a City vehicle (owned or leased) shall be limited to City business. Brief stops for personal errands while commuting to and from work are permitted if the brief stop is on a reasonably direct route.
- (2) Employees are strictly prohibited from driving a City vehicle to any bar, nightclub, dance hall, etc., except as necessary for legitimate City business while on-duty.
- (3) Passengers in a City vehicle are restricted to include only persons who are being transported for a bona fide City purpose.
- (4) Employees are strictly prohibited from transporting alcoholic beverages in any City vehicle. Exceptions: (1) authorized employees who operate solid waste or grounds maintenance vehicles carrying waste (the containers must never be in the cab); (2) authorized law enforcement employees engaged in an authorized investigation requiring the transportation of alcohol or liquor; (3) authorized employees who transport alcohol or liquor between the Killeen Civic and Conference Center and authorized facilities/locations; (4) authorized employees who distribute and sell beer and wine at the City's golf course.
- (5) Vehicles shall not be driven recklessly. Seatbelts shall be worn at all times when operating a City vehicle or heavy equipment (e.g., forklift, excavator, backhoe, etc.). The only exceptions to this policy are those provided by the Texas Transportation Code, Section 545.413, and the use of a riding lawnmower that is equipped with a roll bar or roll cage.
- (6) Unattended vehicles shall be locked at all times. Vehicle and/or heavy equipment keys or key fobs are to remain with the employee at all times.

- (7) There shall be no smoking or use of tobacco products in any City owned vehicle.

This provision includes electronic cigarettes, vapor devices, and chewing tobacco.

- (8) When stopped on any roadway or on the shoulder of a roadway, the driver of a City vehicle shall activate warning/safety/emergency lights.

(A) Exceptions include:

(i) When lawfully parked at the curb or street side; or

(ii) When, in a law enforcement officer's opinion, the use of such lights would alert a suspect to the officer's presence or approach.

- (9) In the event of an accident while operating a City vehicle, the employee must:

(A) Stay at the scene of the accident; do not move the vehicle until the law enforcement officer or supervisor instructs otherwise;

(B) Immediately activate warning/safety lights, if the vehicle is so equipped;

(C) Immediately contact emergency services (911);

(D) Immediately contact the supervisor to request his/her presence at the accident scene and inform them of any bodily injury to any person or property damage resulting from the incident as the City Attorney's Office (or if after office hours, Killeen Police Department who will contact the Legal Advisor) must be notified;

(E) Not admit responsibility for the accident and minimize discussion with other parties. Accurately describe what happened to the law enforcement officer and City attorneys who arrive on the scene;

(F) Submit to alcohol/drug testing if required. Employees required to submit to alcohol/drug testing will not be permitted to drive for City business until the results of the testing have been received and reviewed by Human Resources (Refer to Policy 150);

**(d) USE OF WIRELESS COMMUNICATIONS DEVICES**

- (1) Phone calls, Text Messages and E -mail. Employees are prohibited from reading, checking or sending written or typed messages or talking /listening on cell phones or wireless communications devices while operating City owned motorized equipment or City owned motor vehicles, unless:
  - (A) the vehicle is stopped; or
  - (B) the wireless communication device is used with a hands-free device.
- (2) Civil service employees shall be subject to separate departmental orders, rules, policies, or regulations.
- (3) Violation of this wireless communications devices section will be just cause for disciplinary action, up to and including dismissal.

**(e) CORRECTIVE/DISCIPLINARY ACTION**

- (1) All accidents/incidents will be reviewed by the employee's department and corrective and/or disciplinary action shall be taken per the discipline chart below.
- (2) If an employee accumulates 10 or more points within any 2 -year period, that employee may not drive a City-owned or privately-owned vehicle to conduct City business.
- (3) The City Safety Committee shall review all vehicle accidents on a monthly basis.

The committee is tasked with determining the preventable nature of the incident and reviewing the respective department's actions to determine if the employee adhered to proper processes and procedures. The City Safety Committee is not responsible for disciplinary action but can make recommendations.

**Table 2. Discipline Chart –City of Killeen Equipment / Property and Private Property Damage**

*The table below illustrates the disciplinary process for “preventable” City equipment / property and/or private property damage incidents in the previous 2 years*

<b>Preventable Incidents in last 2 years</b>	<b>Outcome</b>	<b>Level</b>	<b>Corrective Action</b>	<b>Points</b>
First Offense	Damage, but no down time with equipment, or "near miss" without injury or damage to City or private property, but is deemed as an unsafe act which could have caused an incident	Minor	Verbal Counseling and re-instruction on equipment	1
First Offense	Damage to City and/or private property which results in equipment down time	Moderate	Written Warning and re-instruction on equipment	2
First Offense	Failed to follow safe work practice, procedure, safety rule, or City policy that could or did result in a severe incident	Severe	Suspension without pay 1-5 days, 6-month safety probation and/or up to dismissal*	3
Second Offense	Damage to City or private property, but no down time with equipment	Minor	Written warning, re-instruction on equipment, and 6-month	2
Second Offense	Damage which results in equipment down time	Moderate	Suspension without pay 1-3 days and 6-month safety probation	3
Second Offense	Failed to follow safe work practice, procedure, safety rule, or City policy that could, or did, result in a severe incident.	Severe	Suspension without pay 1-5 days, 6-month safety probation and/or up to possible	4

Preventable Incidents in last 2 years	Outcome	Level	Corrective Action	Points
Third Offense	City or private equipment / property damage incident of any type.	Minor to Severe	Penalty may range between 3-10 days off without	5
<p style="text-align: center;"><i>* In some cases, immediate suspension with pay may be necessary while the incident is reviewed and a decision is made.</i></p>				

## SECTION 160-40. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent Cagle  
 DN: cn=Kent Cagle, o=City of Killeen,  
 ou=City Manager's Office,  
 email=kcagle@killeentexas.gov, c=US  
 Date: 2020.08.18 16:30:14 -05'00'

Kent Cagle  
 City Manager

**X Eva Bark** Digitally signed by Eva Bark  
 Date: 2020.08.18 10:27:36  
 -05'00'

Eva Bark  
 Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 161 – TAKE-HOME CITY VEHICLES

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	12/14/2020	<b>LAST UPDATED</b>	12/14/2020
<b>RELATED POLICIES AND PROCEDURE(S)</b>	Policy 150, Alcohol and Drug Use Policy Policy 151, Alcohol and Drug Policy for CDL Licensed Employees Policy 160, Use of City Vehicles and Driving Privileges Policy 730, Use of Tobacco in the Workplace Policy 910, Travel Authorization and Expenses		

## SECTION 161-10. PURPOSE AND SCOPE

A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement or as is necessary to protect public health, safety, and welfare. The purpose of this policy is to establish the rules and procedures governing the assignment, use, and reporting requirements of City take-home vehicles. This policy implements federal- and state- mandated regulations and City policy and procedures. This policy applies to all City of Killeen employees.

## SECTION 161-20. DEFINITIONS

1. Take-home Vehicle. A City vehicle driven directly to and from work by an authorized employee and parked overnight at the employee's home on a temporary or regular basis
2. Bona Fide City Purpose. Conducting official City business only
3. Personal Use. Operation of a City vehicle for a purpose other than official City business, or as described in Section 161-30.a.3 of this policy.
4. Driving Record Check. A driver's license status check and driving record history check requested through the Texas Department of Public Safety on all employees authorized to drive a City vehicle
5. City Vehicle. A vehicle owned or leased by the City of Killeen

6. Change of Status. Occurs upon reorganization of duties to include, but not limited to, promotion, voluntary demotion, or transfer to a different position and/or department/division.
7. Non-Exempt Vehicles. The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" take-home vehicle is assigned will incur a federal income tax liability for the fringe benefit of commuting to and from work, unless it is for temporary on-call purposes only. Most pickups, vans, and automobiles are classified as "non- exempt" vehicles.
8. Exempt Vehicles. Also referred to as "qualified non-personal use vehicle" by the IRS, an exempt vehicle is any vehicle the employee isn't likely to use more than minimally for personal purposes because of its design. Employees may commute in an exempt vehicle because they are required to respond directly to scenes of emergency or other needed service. Personal use, other than incidental stops while commuting to and from duty locations, is prohibited. "Exempt" vehicles have no impact on the taxable income of the employee to whom the use of the vehicle is assigned. Qualified non-personal use vehicles generally include all of the following vehicles as outlined in Internal Revenue Service Publication 15-B:
  - a) Clearly marked, through painted insignia or words, police, fire, and public safety vehicles.
  - b) Unmarked vehicles used by law enforcement officers if the use is officially authorized.
  - c) An ambulance or hearse used for its specific purpose.
  - d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
  - e) Delivery trucks with seating for the driver only, or the driver plus a folding jump seat.
  - f) Bucket trucks, cement mixers, combines, cranes and derricks, dump trucks (including garbage trucks), flatbed trucks, forklifts, qualified moving vans, qualified specialized utility repair trucks, and refrigerated trucks.

## **SECTION 161-30. POLICY**

### **(a) ELIGIBILITY**

- (1) The employee is the only operator of the vehicle, unless public safety

needs dictate differently;

- (2) The employee resides within Killeen City limits (except for authorized Police and Fire employees);
- (3) The employee is authorized to drive a City vehicle;
- (4) The employee has not had driving privileges revoked or suspended per Policy 60;
- (5) Vehicle is to be used to respond to emergencies or as a part of "on-call" responsibilities;
- (6) The employee does not receive a car allowance; and
- (7) The employee's supervisor, Division Head, and Department Head recommend approval.

**(b) REQUIREMENTS**

- (1) An employee authorized to operate a City vehicle must meet all criteria of Policy 60. Operators and their supervisors must also comply with Policy 60, which includes post-accident drug and alcohol testing.
- (2) The Human Resources Department will complete an annual check of the driving record of all employees authorized to drive a City vehicle to include those assigned a take-home vehicle. The Human Resources Department will notify Department Heads of any negative findings.
- (3) Operators of City vehicles must comply with the following:
  - (A) Operators shall obey all traffic rules and regulations prescribed by law and use every safety measure possible to prevent accidents.
  - (B) Operators and passengers will wear a seatbelt at all times.
  - (C) Operators are responsible for keeping up the appearance of the vehicle (interior and exterior) so as to make it presentable for subsequent users.
  - (D) Operators are responsible for reporting to their supervisors and Fleet Services any defect in the mechanical equipment, and to use every precaution to prevent property loss, expense, or recurrence of such condition.

- (4) In accordance with Policy 730, operators and passengers will not use tobacco in a City vehicle. City vehicles are designated “tobacco-free” environments.
- (5) The Executive Director of Human Resources (or designee) shall consider the following criteria in approving an employee to be permitted to take a City vehicle home after normal working hours:
  - (A) The employee meets all the eligibility criteria as outlined in Section 161-30.1 of this policy.
  - (B) The employee’s use of the vehicle is necessary to:
    - (i) Respond to emergency situations in the protection of life and property, or
    - (i) Respond to other situations which contribute to the efficiency and/or effectiveness of City operations as approved by the City Manager.
- (6) The Executive Director of Human Resources may, based on special circumstances, authorize an employee to take a vehicle home outside the Killeen City limits as long as the employee’s residence is within 30 minutes driving time of the City limits.
- (7) The Executive Director of Human Resources may authorize an employee to take home a City vehicle on a temporary basis. The employee who is temporarily authorized to take home a City vehicle must meet the eligibility requirements of Section 161-30 (a) of this policy.
- (8) Operators of take-home vehicles are responsible for providing the current mileage for purposes of refueling and requesting service at any City facility or when receiving fuel/services outside the City facilities.
- (9) It is the responsibility of each Department Head to enforce this policy, and to make certain the reporting and recordkeeping requirements are handled thoroughly and accurately.

**(c) GENERAL PROVISIONS**

- (1) City vehicles are to be used for a bona fide City purpose. The City reserves the right to search those vehicles at any time, for any purpose. Employees have no expectation of privacy in City vehicles.

- (2) All precautions shall be taken to ensure the security of City vehicles. This includes, but is not limited to, locking all doors and/or compartments and properly parking vehicles in accordance with applicable laws and ordinances.
- (3) Use of a City vehicle (owned or leased) shall be limited to City business. Brief stops for personal errands while commuting to and from work are permitted if the brief stop is on a reasonably direct route.
- (4) Employees authorized to take a City vehicle home must drive the vehicle to and from work by the most direct route, without any deviation.
- (5) Use of a City vehicle for going to and from authorized meal periods shall be restricted to use within the City of Killeen limits.
- (6) Passengers in a City vehicle are restricted to include only persons who are being transported for a bona fide City purpose.
- (7) The City of Killeen extends defense and indemnification automobile liability coverage to authorized City operators pursuant to the City's Personal Liability Indemnity Plan.
- (8) City employees involved in accidents, if in conflict with this policy, are responsible for all liabilities arising from the accident. Employees will be subject to post-accident drug/alcohol screenings for any accident occurring in a City vehicle, regardless of the purpose for which the vehicle is being driven.
- (9) Employees shall not possess or use alcohol or other controlled substances while operating any City Vehicle in accordance with Policies 150, 151, and 160.

## **SECTION 161-40. PROCEDURES**

- (a) The Human Resources Department/Risk Management Division will be considered the primary repository for the take-home vehicle records and will be responsible for initiating the annual approval process (to be effective at the beginning of each new fiscal year). Modifications to the list of employees who are authorized a "take-home" vehicle will be reported to the Executive Director of Human Resources.
- (b) For security purposes, all records for Police undercover vehicles will be maintained in the Police Department following approval by the City Manager.

- (c) Once the assignment to take home a vehicle has been approved by the Executive Director of Human Resources, new requests are necessary only when changes in status occur. Each department will be provided a list annually to verify and/or update take-home vehicle assignments.

## SECTION 161-50. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**  
Digitally signed by Kent Cagle  
Date: 2020.12.04 15:21:40  
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Kent Cagle  
City Manager

**X Eva Bark**  
Digitally signed by Eva Bark  
Date: 2020.11.25 15:08:56  
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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 170 – CRIMINAL HISTORY

**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

<b>EFFECTIVE DATE</b>	07/2020	<b>LAST UPDATED</b>	07/2020
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Applicant Criminal History Flow Chart</a> <a href="#">Employee Criminal History Flow Chart</a> <a href="#">Policy 431, Appeals of Disciplinary Action</a>		

## SECTION 170 – 10. PURPOSE AND SCOPE

To establish standards of review for the criminal history record of applicants/employees and to promote public safety while ensuring compliance with non-discrimination laws.

## SECTION 170 – 20. POLICY

### (a) GENERAL

(1) Application for employment, conditional offers of employment, and continued employment are contingent upon an acceptable criminal history record. An applicant may be disqualified, or an employee may be transferred, disciplined, or dismissed, if it is found that the applicant/employee has a criminal history record that is inappropriate for the position. In the interest of public safety and welfare, the City may consider all aspects of criminal history, whether it resulted in a fine, imprisonment, deferred adjudication, probation, community supervision, parole, or other disposition. The following will be considered in determining whether the criminal offense is inappropriate for the position in question:

### (2) Applicants:

(A) If the criminal history includes a disposition other than dismissal for aggravated sexual assault, aggravated robbery, kidnapping or false imprisonment, felony involving a child victim, manslaughter or murder, the applicant will not be considered for employment. For purposes of this Policy, dismissal due to completion of deferred disposition is not a dismissal.

- (B) If the criminal history does not include a disposition other than dismissal for the above offenses, consideration for employment will depend on:
  - (i) Nature of the offense
  - (ii) Number of offenses
  - (iii) Amount of time since offense occurred
  - (iv) Remoteness of the criminal activity
  - (v) Age when offense occurred
  - (vi) Position applied for (e.g. involves children, handling money, access to private information which may easily be converted into fraudulent use, going into homes and businesses, operating heavy machinery)

(3) Employees:

- (A) Employees must immediately report any arrest, charge, or indictment related to on-duty or off-duty events to a person in their supervisory chain, who must then immediately report up the chain of command until the Department Head is informed. The Department Head will, in turn, immediately notify the Executive Director of Human Resources regarding all related incidences and reports. The following factors will be considered by HR and the City Attorney in determining whether the criminal offense will impact continued employment:
  - (i) Nature of the offense
  - (ii) Pattern of disregard
  - (iii) Ability to come to work
  - (iv) Current position
  - (v) Ability to perform essential duties of position.
- (B) During the pendency of any charges, the above criteria will be used to determine whether the employee will remain in his/her current position, be transferred, given time off work in a paid or

unpaid status, or dismissed. Any employee who fails to immediately report the event under this section may be disciplined up to and including dismissal. The burden to provide proof to change a determination under this policy is placed on the employee. If an employee believes the discipline or dismissal was discriminatory or disproportionate to the charges received, the employee may submit a written request for a hearing. (Refer to Policy 431.)

- (C) The employee shall keep his/her supervisor informed and updated of the status, where charges or an indictment is pending. Court documents, attorney letters, or any legal documents shall be provided to the supervisor as to the final disposition of the charges. The supervisor shall provide the Department Head with information regarding the final disposition of the charges, at which time the Department Head shall consult with the City Attorney's Office and the Human Resources Office to make a decision regarding employment status.

## SECTION 170 – 30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**  
Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.18 16:30:52 -05'00'

Kent Cagle  
City Manager

**X Eva Bark**  
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Date: 2020.08.18 10:26:08  
-05'00'

Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 180 – POLITICAL ACTIVITY

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**RESPONSIBLE DEPARTMENT/  
DIVISION** Human Resources

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**EFFECTIVE DATE** 07/2020

**LAST UPDATED** 07/2020

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**RELATED POLICIES AND PROCEDURE(S)**

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## SECTION 180 – 10. PURPOSE AND SCOPE

To establish standards of employment with the City of Killeen and protect the City, its employees, and its applicants from potential conflicts of interest. This policy applies to all City employees and job applicants.

Civil Service employees must also comply with this policy, the provisions of Chapter 143 of the Texas Local Government Code, and Department Policies and Procedures. In the event of a conflict between this policy and federal or state laws and regulations, those laws and regulations will prevail.

## SECTION 180 – 20. DEFINITIONS

Political Activity: Refers to engaging in the support or non-support of a candidate running for elected office (school board, City, county, state, national, etc.) or another issue on a ballot.

## SECTION 180 – 30. POLICY STATEMENTS

### (a) POLITICAL ACTIVITY

- (1) Employees are not permitted to directly or indirectly use working time or City resources, property, or funds for any political purpose. This includes making political speeches or solicitations, distributing political literature, writing or handling letters related to a political activity, and signing petitions.
- (2) Employees shall not use their official authority to affect the results of an election or nomination for office.

- (3) Employees shall not wear, use or display political paraphernalia to influence a political purpose (e.g. clothing, pins, writing implements, signs, bumper stickers, mugs, etc.) while on City property or while on duty.
- (4) Employees may sign a letter or other communication by using their official title or City position only when the item is written in an official capacity for City business; otherwise, employees shall not use their title or position when signing personal correspondence.

**(b) POLITICAL ELECTIONS AND APPOINTMENTS**

- (1) City employees may seek election to any public office. Employees who decide to run for any political office shall notify their supervisor and Department Head prior to officially entering a political race. It is the responsibility of the Department Head to notify Human Resources and the City Manager's office before an employee officially enters a political race. Employees must request a leave of absence when campaigning interferes with the employee's work-related duties.
  - (A) Employees who are under consideration for appointment to a political office shall notify their supervisor and Department Head before officially accepting the appointment.
  - (B) Salaried Public Officers: Employees who are elected or appointed to a salaried public office are required to resign from City employment no later than the date on which they take office.
  - (C) Killeen City Council: If employees win elections or accept appointments to serve on the Killeen City Council, they shall immediately resign their position with the City no later than the date on which they take office.
  - (D) Other Political Offices: The City Manager will determine when conflicts of interest may exist. The City Manager's determination may require employees to resign their positions with the City.

**(c) CITY BOARDS, COMMISSIONS, AND COMMITTEES**

- (1) These forums are designed for engagement of citizens who are not also employees. Unless statutes and/or ordinances require their membership,

employees do not serve as voting members on City's boards, commissions, and committees. Employees may serve in staff or support roles as ex-officio members, as appointed by the City Council or the City Manager as determined by the City Council's Governing Standards and Expectations.

[Note: If an individual who is currently serving on a citizen board, commission, or committee is hired by the City, he or she may complete the current term; however, the employee's service will end at the end of the current term and the employee is not eligible for reappointment.]

**SECTION 180 – 40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2020.08.18 16:31:22 -05'00'

Kent Cagle  
City Manager

**X Eva Bark** Digitally signed by Eva Bark  
Date: 2020.08.18 10:26:55  
-05'00'

Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 182 – MEDIA RELATIONS

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Communications and Marketing		
<b>EFFECTIVE DATE</b>	04/2016	<b>LAST UPDATED</b>	12/01/2024
<b>RELATED POLICIES AND PROCEDURES</b>			

### SECTION 182 – 10. PURPOSE AND SCOPE

To provide guidelines for employees concerning communication with members of the news media when the employee is on the job or acting in his or her capacity as a city employee and to ensure that all information regarding the City of Killeen is accurate and from the appropriate source. This policy applies to all City employees.

### SECTION 182 – 20. POLICY

#### (a) GENERAL

- (1) All media inquiries and requests shall be directed to the Executive Director of Communications and Marketing (EDCM) or designee. All city employees must receive prior authorization from the City Manager or the Executive Director of Communications and Marketing (EDCM) to speak to the media in an official capacity.

#### (b) OFFICIAL SPOKESPERSON

- (1) The EDCM is the official spokesperson for all city departments except as otherwise indicated in this Policy or as directed by the City Manager.

#### (c) PUBLIC SAFETY

- (1) The Police Chief and Fire Chief shall each designate a member of their respective departments to serve as the department's official spokesperson for public safety topics. On the scene of an active police or fire incident, the incident commander will serve as the media contact until the designated



departmental spokesperson is present; the EDCM shall serve as the media contact if the designated departmental spokesperson is not available. The EDCM and department designees shall jointly coordinate the release of all other material to news media outlets. Exception: In the event of a declared emergency/crisis, see below.

**(d) DECLARED EMERGENCY/CRISIS**

- (1) An incident is considered a declared emergency or disaster if the emergency operations plan has been activated.
- (2) In the event of a declared emergency or disaster, the City Manager or the EDCM will act as the official spokesperson for the City in the dissemination of information.

**(e) PRESS RELEASES**

- (1) Only the Communications and Marketing Department may issue press releases, except as otherwise indicated herein.

**(f) EMPLOYEE RESPONSIBILITIES**

- (1) Media Calls. Employees shall immediately refer a message or request to the EDCM when receiving calls or inquiries from the media.
  - (A) An employee who receives a request from media for an interview will forward the request to the EDCM. The EDCM will determine how to best respond to the request and provide guidance to both staff and media.
  - (B) The EDCM will accommodate reporters' deadlines, when possible.
- (2) Agenda Items. Employees will not provide information to media regarding agenda items that have not been presented to City Council and/or committees.
- (3) Professional Publications. Employees are encouraged to submit articles promoting city services/programs to professional journals. Employees shall notify their department head and EDCM of any articles or information prior to submitting for publication. The EDCM is available to provide writing and



editing help when requested

(4) Media Requests for Public Information and Records.

- (A) All media requests for records, other than those described in Section 182-20(c) of this policy shall be referred to the EDCM and/or the City Attorney's Office.
- (B) Responses to records requests shall be made in compliance with the provisions of federal and state law and the Texas Public Information Act, including those that pertain to timeliness of the response.

**(g) DEPARTMENT HEAD RESPONSIBILITIES**

- (1) Corrections to Media Stories. If there are factual errors in published or broadcast media stories and/or negative reporting regarding a City department, the Department Head or subject matter expert will immediately notify the EDCM. The EDCM will be responsible for issuing corrections to reporters or media outlets.
- (2) Providing Information. The Department Head or designee will provide information related to their department, services or issues to the Communications and Marketing Department for dissemination to the media and public.

**SECTION 182 – 30. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2024.11.20 08:58:36  
-06'00'

*Kent Cagle, City Manager*

**Janell J. Lewis  
Ford** Digitally signed by Janell J. Lewis  
Ford  
Date: 2024.11.18 08:24:58 -06'00'

*Janell Lewis Ford, Executive Director of Communications  
and Marketing*



*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

**200. Hours of Work and Payroll Practices**



## ADMINISTRATIVE POLICY 205 – PAY

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	09/01/2022	<b>LAST UPDATED</b>	4/1/2023
<b>RELATED POLICIES AND PROCEDURE(S)</b>	Salary Determination Form		

### SECTION 205-10. PURPOSE AND SCOPE

To establish, maintain and responsibly administer, where economically feasible, a market and competency-based pay plan and structure. The pay plan should be competitive with a credibly identified comparison market for job types, internally equitable and flexible enough to reward extraordinary performance and effectively recruit and retain a quality workforce.

### SECTION 205-20. DEFINITIONS

Equity Adjustment. Adjustment in pay intended to remedy pay issues within a job classification such as internal salary compression and retention considerations.

Extraordinary Performance. Contributions that provide significant, quantitative, qualitative, and documented value to the organization.

Market. Collection of demographically similar cities and organizations to which the City may compare pay competitiveness. Market will vary by position.

Market Adjustment. An adjustment to pay based on results of a market pay survey. The assigned pay grade of a position may be adjusted to a grade higher when the affected incumbent's current salary falls below the minimum of the new grade.

Pay Grade. Range of pay an employee is eligible to receive based upon like positions within the position's specific market.

Pay Plan. Council-approved pay structure, which includes grades and ranges specific to employee pay by position.

Promotion. The movement of an employee to a higher pay grade either within the same



department or to another department due to a change in duties and not due to a market adjustment in salary. Or, when changing from a seasonal or regular part-time position to a regular full-time position.

Pay Period. A pay period is comprised of two work weeks.

## **SECTION 205-30. POLICY**

### **(a) ALL CITY EMPLOYEES**

- (1) Pay decisions will be based upon each position's unique responsibilities, requirements and influence within the organization, competition in the City's employment market, competencies in the core functions of the position, and other bona fide business factors; including but not limited to scope of work, level of responsibility, and extraordinary performance.
- (2) Administration of salaries within the pay plan adopted by the City shall be based upon an individual's demonstrated skill level regarding the core functions of the specific position. This demonstrated skill level is to be evaluated by the appropriate authority within the individual's department and reviewed and approved by the Department Head and Human Resources.
- (3) Recognizing that an employee has taken on additional duties, expanded the scope/breadth and accountabilities or increased their individual skills/competencies becomes the basis for recommendations for salary adjustments. Additionally, there may be instances which may result in recommendations for salary adjustment based on analysis. These available actions include competency-based increases, equity adjustments, market adjustments, extraordinary performance increases, and promotion. Requests for salary adjustment analysis should be routed to Human Resources.

### **(b) CIVIL SERVICES EMPLOYEES**

- (1) Civil Service employees will be paid in step increments based upon internal equity and tenure as established in Texas Local Government Code, Chapter 143. Step increases are given to officer positions dependent upon tenure. Step increases vary for promoted positions.



**(c) CLASSIFIED EMPLOYEES**

- (1) Each classified position is assigned a pay grade based upon its comparable market and other justifiable business factors such as scope and responsibility. Employees are placed into their pay grade's range based upon their demonstrated skills and core function competency.

**(d) EXECUTIVE EMPLOYEES**

- (1) Executive employees will be paid dependent upon the comparable market for the position. This allows for increased flexibility regarding recruitment efforts as well as performance pay. Employee pay is determined based upon demonstrated skill and core functional competencies.

**(e) RECRUITMENT**

- (1) Starting pay over the minimum for the position may be considered when applicants possess skills, education/certifications, or experience in addition to what is minimally required for the position.
  - (A) Requests for starting pay between 0 – 10% over the minimum starting salary may be approved by the Department Head and the Executive Director of Human Resources. Requests should begin with the Human Resources Generalist and utilize the Salary Determination Form.
  - (B) Requests for starting pay of more than 10% over the minimum starting salary must be approved by City Manager or Assistant City Manager (dependent upon the requesting department) via the Executive Director of Human Resources. Requests should begin with the Human Resources Generalist and utilize the Salary Determination Form.

**(f) GENERAL PROCEDURAL REQUIREMENTS**

- (1) All pay adjustments and personnel changes will be effective on the first day of a pay period (exceptions: Civil Service step increases, modified duty related to work related injuries, and ADA/AAC accommodation).



- (A) The effective date shall never be prior to the date of issuance of the pay adjustment and/or personnel change.
- (2) All pay adjustments and other personnel changes that are made in accordance with the provisions of the Administrative Policy require the completion and approval of a Personnel Action Form (P-3).
- (3) P-3s must be received in the Human Resources Department by 12:00 p.m. on the Thursday before the last day of the pay period (the deadline for Fire personnel will be the Tuesday before the last day of the pay period) in order for the change to be implemented in that pay period. Any P-3 received after this deadline will not be processed until the next pay period and the effective date will be updated to the first day of the next pay period.
- (4) Any P-3 that is to be made outside the provisions of this Administrative Policy will require prior written approval of City Manager or the Assistant City Manager (dependent upon the department requesting) and the Executive Director of Human Resources with adequate written supporting documentation. P-3s for terminated employees shall be submitted as soon as the effective date is known, but not later than the effective date. Termination P-3s shall not be held for the end of the pay period.
- (5) Employees hired after January 1, 2023, will not receive physical paychecks. Instead, as a condition of employment, employees are required to sign up and maintain an account for direct deposit prior to their first day of employment. Exceptions to this provision must be approved by the Executive Director of Finance and the Executive Director of Human Resources. Employees hired prior to January 1, 2023, will be grandfathered.
  - (A) A pre-note check is required for each newly established direct deposit account. Therefore, the first check received will be a physical check. This is also the case when changing direct deposit accounts.

## **SECTION 205-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are



made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.03.24 11:26:04  
-05'00'

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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.03.16 10:24:54  
-05'00'

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*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 206 – TIMEKEEPING

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	4/1/2023	<b>LAST UPDATED</b>	
<b>RELATED POLICIES AND PROCEDURE(S)</b>			

### SECTION 206-10. PURPOSE AND SCOPE

Accurately recording time worked is the responsibility of every employee and records should represent actual time worked on the job performing assigned duties. Federal and state law requires that the City of Killeen keep accurate records of time worked in order to calculate employee pay and benefits.

### SECTION 206-20. POLICY

#### (a) ALL CITY EMPLOYEES

- (1) Employees must accurately record all work time and review their time sheet promptly to identify and report all errors prior to the time sheet approval deadline. When an employee approves a time sheet, the employee is verifying that the reported hours worked are complete and accurate (and that there is no unrecorded or “off the clock” work). The employee’s time sheet must accurately reflect all regular and overtime hours worked (if applicable), any absences, early or late arrivals, early or late departures and meal breaks. At the end of each week, an employee should approve a completed time sheet for verification and approval.
- (2) Employees and their supervisors must approve their time sheet in the electronic timekeeping system, and by doing so, are certifying the accuracy of the time and leave hours reported for that pay period. Failure of an employee and/or their supervisor to ensure the accuracy of their time sheet by the payroll deadlines listed below may subject the employee and the supervisor to disciplinary action, up to and including dismissal.
  - (A) All employees must approve their time no later than 9am on the first



business day of a pay period. First line supervisors must have their employee's time approved by 10am, Department Heads must have their employee's time approved by 11am, and the City Manager's Office must have all time approved by 12pm on the first business day of a pay period.

- (i) When a holiday occurs during the week in which payroll will run, all time must be approved by all levels no later than 10am.
- (B) No employee will be allowed to edit their own time sheet. All changes to a time sheet must be made by the employee's supervisor, or if unavailable, a supervisor in the employee's direct chain of command.
- (3) When an employee receives each paycheck, the employee is required to verify immediately that they were paid correctly for all regular and overtime (if applicable) hours worked each workweek. If an employee believes a mistake has occurred or if an employee has questions, they are to immediately report the issue to their supervisor who must then contact Human Resources department. If an error is discovered, it will be corrected during the next pay cycle and appear on the next paystub.
- (4) No person shall tamper with, alter, or falsify their timesheet or payroll information for wages or personal benefit. An employee found to be acting in such a manner may be disciplined up to and including dismissal.

## SECTION 206-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.03.24 11:27:14  
-05'00'

*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.03.16 10:25:26  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 210 – WAGE AND HOUR ADMINISTRATION

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 12/14/2020

**LAST UPDATED** 12/14/2020

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**RELATED POLICIES AND PROCEDURE(S)** Policy 213 – On-Call Incentive Pay

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## SECTION 210-10. PURPOSE AND SCOPE

The City administers its wage and hour program in compliance with the provisions of the Fair Labor Standards Act (FLSA), as amended. It is the expectation of the City that supervisory staff administer this policy in a fiscally responsible manner.

## SECTION 210-20. DEFINITIONS

1. Exempt Employee. An exempt employee is an employee who is exempt from the overtime requirements of the FLSA. Exempt employees are expected to invest hours necessary to complete their assignments with an acceptable level of quality in a timely manner.
2. Non-exempt Employee. A non-exempt employee is an employee who is covered by the minimum wage and overtime provisions of the FLSA.
3. Work Week: The work week begins at 12:01 a.m. on Monday, and ends at midnight on the following Sunday for most employees. If an employee's shift crosses over two work weeks, then all the hours of that shift will be included in the first of the two work weeks.
4. Hours Worked. This is the time an employee physically performs work for the City. Employees are responsible for reporting all hours worked on their time record. Time off, whether paid or unpaid, is not hours worked.
5. Pay Period. A pay period is comprised of two work weeks.
6. On-call. On-call status is defined as the period of time that a City employee is scheduled to remain available to be called back to work on short notice, if the

need arises.

7. Call-out. Call-out is defined as a period of time that a City employee in an on-call status or an employee who is off duty has been requested to report to work immediately. This includes instances where Departments must call personnel out to reach minimum staffing requirements or when responding to an emergency situation. Employees called out are guaranteed a minimum of two (2) hours of call-out pay, up to the number of hours actually worked. Call-out pay is compensated at a rate equaling 1.5 times the hourly rate of pay for the employee who is called out regardless of the number of hours worked previously in the week or pay period. Exempt employees are not eligible for call-out pay or the two hour minimum.
8. Employees who are in an on-call status, but can respond remotely and do not have to physically report to an alternate location, are not eligible for call-out pay or the two hour minimum. These remote responses will be compensated as hours worked and per FLSA guidelines. Employees must track time spent on remote responses by clocking in and out remotely, or by reporting the time worked to their direct supervisor (supervisor's preference). Only instances that require a physical response to an alternate location will be eligible for the provision of call-out pay and the two hour minimum listed above.
9. Call-back. Call-back is defined as a period of time that occurs when a City employee left work with an unfinished or forgotten task and was called to return to complete it (ex: forgot to leave the keys needed by the employee working the next shift; a document due by 8:00 AM the next morning that was not completed when the employee left at 5:00 PM).

## **SECTION 210-30. POLICY**

### **(a) GENERAL**

- (1) The Human Resources Department shall be responsible for administering the city's wage and hour administration program in accordance with the FLSA. Human Resources will determine whether a position is exempt or non-exempt. The FLSA establishes minimum wage, overtime, required record keeping, and child labor standards.
- (2) Departments are responsible for managing time in compliance with the FLSA, and in a fiscally responsible manner. No Executive Director, Division Director, or Supervisor may pay employees outside of or in

addition to, or create pay practices outside of or in addition to the guidelines set in FLSA without prior written approval from the City Manager.

**(b) NON-EXEMPT EMPLOYEES**

- (1) Overtime for a non-exempt City employee (for hours worked physically in excess of 40 hours in a seven-day work week) shall be compensated. The acceptance and continuance of City employment is considered consent to receive overtime compensation in the form of compensatory time. The Department Head will determine whether compensation is monetary or compensatory.
- (2) Eligibility for Compensatory Time. Non-exempt employees are eligible for compensatory time, in lieu of overtime pay, as follows:
  - (A) Category A: 40-hour employees are eligible for compensatory time (at the rate of one-and-a-half [1.5] times the time worked over 40 hours) for actual time worked over 40 hours per week.
  - (B) Category B: Fire personnel working on shift are handled in accordance with FLSA Section 207(k).
  - (C) Category C: Seasonal employees are eligible to be paid overtime; seasonal employees are not eligible for compensatory time.
- (3) Compensatory Time Process. A non-exempt employee will receive payment for all accumulated compensatory time upon promotion, voluntary demotion, or transfer:
  - (A) to a different classification,
  - (B) to a different department/division, or
  - (C) from a non-exempt position to an exempt position.

Upon separation from the City, a non-exempt employee will be paid for any unused compensatory time. If employees work overtime after reaching their accrual cap (120 hours), then overtime compensation shall immediately switch to monetary payment form for the hours worked in excess of the 120 cap. The calculation will be based on employees'

current hourly rate.

- (4) Use of Compensatory Time. Supervisor may require employees to use their banked compensatory time; they cannot deny employees' requests to use banked compensatory time unless the timing of the request constitutes a hardship for the Department (i.e. shift shortage). It is the responsibility of the supervisor to monitor his/her employees' compensatory banks and begin to require employees to use their compensatory hours when the balance reaches 80 hours accrued, based on business needs.
- (5) Unauthorized Overtime or Compensatory Time. All overtime or compensatory time worked and taken by non-exempt employees must be authorized in advance by the employees' supervisor or Department Head. Employees who work unauthorized overtime or compensatory time may be subject to disciplinary action, up to and including dismissal.
- (6) Flexible Scheduling. For non-exempt employees, schedules may be modified occasionally by the supervisor for business purposes, or at the request of the employee and as approved in advance by the supervisor. Timesheets shall accurately reflect such modified schedules. Permanent changes to schedules must be approved by the Department Head and Human Resources.
- (7) On-Call Duty. On-call status is defined as the period of time that a City employee is scheduled to remain available to be called out to work on short notice, if the need arises. Employees must be regular full-time or part-time employees, capable of completing any task or emergency they may be called out to work; employee must not have pending disciplinary action. If an employee is called out to work during the on-call status, they will be compensated for the hours worked, including travel time to and from the assignment.
- (8) Call-back. Employees called back to work, by their supervisor, to complete an assignment or task not completed during their normal work day, as assigned/required, will receive pay for the time worked. Employees called back are not entitled to compensation for travel time or the minimum two (2) hour call-out pay and may be subject to disciplinary action, up to and including dismissal.
- (9) Working from Home. The City Manager's Office and the appropriate

Executive Director may approve employees to work from home in instances when the employee may need extended time away from work due to approved leave under the Family Medical Leave Act (FMLA) or as an accommodation under the Americans with Disabilities Act Amendments Act (ADAAA). Working from home may be approved as hours worked, only by exception made by the City Manager's Office and the appropriate Executive Director in advance of the hours worked.

- (10) Volunteer Service. Non-exempt employees may not volunteer their time doing work for the City that is directly related to their job function in a manner that results in their working more than 40 hours in the work week. They may volunteer their services in other capacities, if they choose. (Exception: Civil Service employees will be handled in accordance with Chapter 143 of the Local Government Code and Local Rules.)
- (11) Special Pay. Requests for special pay not addressed in this policy must be made in writing to the City Manager by the respective Department Head via the Special Pay Request Memo. This memo should outline the purpose and articulate the need for such pay practices that are not outlined in City policy.

**(c) EXEMPT EMPLOYEES**

- (1) Eligibility for Overtime. Exempt employees are excluded from receiving overtime.
- (2) Eligibility for Compensatory Time. Exempt employees are excluded from receiving compensatory time.
- (3) Flexible Scheduling. For exempt employees, schedules may be modified occasionally by the supervisor for business purposes, or at the request of the employee and as approved in advance by the supervisor. Permanent changes to schedules must be approved by the Department Head and Human Resources.

**(d) ALL CITY EMPLOYEES**

- (1) Work Schedules: Operational hours for employees may be defined in shifts and may vary by department, depending upon the business purpose the Department Head or designee determines the hours and work schedules for departmental employees.

- (2) Meal Periods. A 30-minute to one-hour allowance for meal breaks is customarily granted to regular full-time employees. The meal period is not considered hours worked if employees are completely relieved of their work duties.
- (3) Breaks. If permitted, breaks should be fewer than 15 minutes twice each day and shall be counted as time worked. Breaks cannot be used to offset other work time in any work week.
- (4) Time Keeping.
  - (A) All employees are required to maintain daily time records, via the electronic timekeeping system, reflecting all time worked and/or not worked in accordance with City policy and HR administrative policies.
    - (i) All employees must approve their time no later than 9am on the first business day of a pay week. First line supervisors must have their employee's time approved by 10am, Department Heads must have their employee's time approved by 11am, and the City Manager's Office must have all time approved by 12pm on the first business day of a pay week.
    - (i) No employee will be allowed to edit their own time sheet. All changes to a timesheet must be made by the employee's supervisor, or if unavailable a supervisor in the employee's direct chain of command.
  - (B) Falsification of Time Records. "Doctoring" or otherwise falsifying time records is in violation of FLSA and City policy and may be subject to disciplinary action, up to and including dismissal.
- (5) Back-Pay. An employee may be entitled to back-pay for the following reasons:
  - (A) Delayed pay raises
  - (B) Miscalculated wages

If back-pay is owed to an employee, Human Resources and Finance will determine the effective date of the pay raise or miscalculated wages and determine how to pay the employee for back-pay that may be owed.

**SECTION 210-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent Cagle  
Date: 2020.12.04 15:28:46  
-06'00'

Kent Cagle  
City Manager

**X Eva Bark** Digitally signed by Eva Bark  
Date: 2020.11.25 15:11:21  
-06'00'

Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 213 – ON-CALL INCENTIVE PAY

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	12/14/2020	<b>LAST UPDATED</b>	4/1/2023
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 210, Hours of Work and Paydays</a> <a href="#">Policy 312, Holiday Leave</a> <a href="#">Policy 313, Sick Leave</a> <a href="#">Incentive Pay Schedule</a>		

### SECTION 213-10. PURPOSE AND SCOPE

To establish a procedure for compensating “on-call” personnel, who provide emergency responses for those City services that are deemed vital. All City employees are subject to being called to return to duty after normal working hours, but may not be eligible for compensation. This policy applies to all non-civil service employees who are in non-exempt positions.

### SECTION 213-20. POLICY

For purposes of this policy, “on-call” status is defined as the period of time that a City employee is scheduled to remain available to be called to return to work on short notice, if the need arises.

#### (a) GENERAL

- (1) The City may compensate employees who are required to be in a scheduled “on-call” status for service during off work hours. Department Heads may establish schedules to designate specific positions in an “on-call” status to ensure the continuous delivery of essential services after regularly scheduled working hours. Only employees on an approved “on-call” schedule are eligible for compensation, except as noted in this policy. Exempt employees are not eligible for the on-call incentive. Exempt positions should not be placed in an on-call schedule.

#### (b) REQUIREMENTS

- (1) City employees who are called to return to work after regular work hours are eligible for call-out pay. (See Policy 210.)



- (2) Employees in a scheduled “on-call” status, when called in to work during the scheduled “on-call” period, will be compensated for the hours worked during the “call-out,” in accordance with Policy 210.
- (3) Failure to respond as required while performing designated “on-call” duty or failure to comply with this policy shall result in forfeiture of “on-call” pay, as well as disciplinary action, up to and including termination.

**(c) COMPENSATION**

- (1) Travel time to and from an event where an employee has been called to return to work outside of regular work hours is considered compensable for employees designated as “on-call” and for other employees who may be called in to assist with an emergency. (Refer to Policy 210.)
- (2) An “on-call” period is designated in days. A scheduled “on-call” period shall not exceed seven (7) consecutive calendar days. After an employee is scheduled for “on-call” for seven (7) consecutive calendar days, there must be a minimum of two (2) consecutive calendar days that the employee is not scheduled for “on-call” duties. Should extenuating circumstances create a need to have an employee “on call” for more than seven consecutive days, the supervisor must receive approval from the Department Head.
- (3) Employees scheduled as “on-call” shall be paid an incentive pursuant to the Incentive Pay Schedule. This incentive pay will be paid for each day that the employee is scheduled for “on-call” without regard to whether or not the employee is called in to work.
- (4) When an employee is scheduled for “on-call” on a day designated by the City as an official holiday (Refer to Policy 312.), the employee will receive double the on-call incentive pay for that day (Refer to Incentive Pay Schedule).
- (5) An employee who is not on the “on-call” schedule but is called to return to work, outside of the normal work schedule, will be compensated in accordance with Policy 210.
- (6) Employees not scheduled as “on-call,” but who are called to replace the person that is scheduled as “on-call,” will receive the additional daily compensation for each day they are designated as “on-call.” The employees replaced will not be eligible to receive the daily compensation



for each day they are unable to be “on-call,” regardless of the reason that they are unable to serve in the “on-call” status. Employees who are scheduled for “on-call” and fail to comply with Section 213-20 (b) of this policy may be subject to disciplinary action, up to and including dismissal.

- (7) Employees not scheduled as “on-call,” but who are called in to assist with an emergency, will not receive the additional “on-call” pay. They will be compensated for hours in accordance with Policy 210.

## **SECTION 213-30. PROCEDURE**

### **(a) RESPONSIBILITIES – DEPARTMENT**

- (1) The supervisor has the primary responsibility of identifying the positions for which an “on-call” schedule is needed.
- (2) The supervisor will identify the specific positions and the employees who occupy those positions that will be on an “on-call” schedule based on the following guidelines:
  - (A) Employee must be a regular (neither in the probationary employee period [PEP] or seasonal) full-time or part-time employee; if necessary, a probationary employee may be approved, by exception, by the Department head.
  - (B) Employees must be capable of completing any task or emergency that they may be called back to work to complete while on call; and
  - (C) Employee must not be pending disciplinary action.
- (3) The supervisor must submit in advance an “on-call” schedule, which includes the positions and the incumbents which will be on call, to the Department Head for approval.
- (4) Department Head (or designee) is responsible for approving the specific employees who will be on the “on-call” schedule.

### **(b) RESPONSIBILITIES – ON CALL EMPLOYEE**

- (1) Any employee scheduled for “on-call” status will respond to a call for service, which is received after normal working hours, within a required response time established by the supervisor.



- (2) Employees on the “on-call” schedule must be in compliance with Section 213-20 of this policy.
- (3) The employee shall immediately respond to calls when scheduled as “on-call.” Employees shall provide a telephone number (land or cellular) where they can be contacted for “on-call” purposes.
- (4) The employee will be responsible for following established procedures and supervisor’s directions while serving on designated “on-call” duty.
- (5) The employee is prohibited from consuming alcohol, illegal/illicit drugs, or any other substance while scheduled for “on-call” status that may impair the employee’s ability to perform duties in a safe and capable manner. Employees designated for “on-call” status must be both mentally and physically able to accomplish “on-call” services needed within the time frame required.
- (6) Employees in a position that has been designated as having “on-call” responsibilities cannot refuse to be placed on the “on-call” schedule. Refusal to be placed on the “on-call” schedule and/or refusal to respond on request when called will render the employee subject to disciplinary action, up to and including termination.
- (7) An employee who has a personal emergency or becomes incapacitated while “on-call” shall be required to immediately notify his/her supervisor of his/her inability to continue serving “on-call.”
- (8) An employee who has a temporary medical condition that prevents the employee from complying with “on-call” responsibilities may be required to give supporting signed documentation from a licensed medical professional to his/her supervisor. (See Policy 313.)
- (9) Employees will not receive the additional “on-call” incentive pay (Section 213-20(c)(3)) for any days they are unable or refuse to perform “on-call” responsibilities.
- (10) An employee cannot change scheduled “on-call” duty with another employee without advance approval from the supervisor.

## **SECTION 213-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney’s Office, and the City Manager.



Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.03.24 11:26:47  
-05'00'

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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.03.16 10:26:11  
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*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 220 – BILINGUAL INCENTIVE PAY

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	12/14/2020	<b>LAST UPDATED</b>	09/01/2022
<b>RELATED POLICIES AND PROCEDURE(S)</b>	Incentive Pay Schedule P-12 Form		

### SECTION 220-10. PURPOSE AND SCOPE

To establish pay practices for administering bilingual incentive pay to employees skilled in communication in languages in addition to English on behalf of the City. This policy does not apply to seasonal employees.

### SECTION 220-20. POLICY

For purposes of this policy, “a language other than English” refers to German, Korean, Spanish, Tagalog, and American Sign Language.

#### (a) GENERAL

- (1) Employees may receive bilingual pay if they have demonstrated proficiency in a language, other than English, and their use of bilingual skills will provide necessary services to the City and public. The employee must demonstrate the ability to communicate verbally and/or in writing by passing a test or tests issued by a certifying organization, as approved by the City Manager or designee. A copy of the employee’s certification for proficiency in a language other than English will be maintained in the employee’s personnel file in the Human Resources Department.

#### (b) REQUIREMENTS

- (1) The City of Killeen may require employees who receive bilingual incentive pay to translate documents or communicate with citizens the following City services:
  - (A) Public notices;



- (B) Instructions for training;
  - (C) Public information that must be disseminated concerning the general health and safety of citizens;
  - (D) Any other official documents relating to City business; and
  - (E) Citizens' concerns or questions.
- (2) The employee must pass the language proficiency test for the appropriate language(s) and at the approved level.
  - (3) The date the employee passes the City approved language proficiency test will be the effective date for incentive pay eligibility.

**(c) COMPENSATION**

- (1) The City will incentivize two levels of bilingual proficiency:
  - (A) Level I - Oral Proficiency. The employee will demonstrate the ability to control speech, in the use of simple and complex phrase patterns and the use of relevant terminology.
  - (B) Level II - Oral, Writing, and Reading Proficiency. The employee must first pass the Level I proficiency exam, demonstrate the ability to read and write in the use of simple and complex phrase patterns, and understand the use of relevant terminology.
- (2) The City will incentivize two levels of American Sign Language proficiency:
  - (A) Level I. To receive the Level I incentive, employee must obtain and provide the Basic certificate which ensures that the interpreter meets the minimum competency standards to interpret in K-12 and postsecondary settings. The performance test emphasizes terms and scenarios found not only in general lecture and teaching situations, but in other educational contexts as well.
  - (B) Level II. To receive the Level II incentive, employee must obtain and provide the Advanced certificate which ensures that the interpreter has skills necessary to interpret in more complex setting than educational. The performance test emphasizes terms and scenarios in routine medical, public forums,



government workforce, mental health, and social service settings.

## **SECTION 220-30. PROCEDURE**

### **(a) PROCESS**

- (1) If the Department Head determines a need for bilingual services, they will submit a request for bilingual incentive pay via Form P-12 to the Executive Director of Human Resources for approval.
- (2) After approval, the employee will test for proficiency in the language. The Human Resources Department will coordinate testing in accordance with Section 220-30(b) of this policy.

### **(b) TESTING**

- (1) A certified language center identified by the City will administer the language proficiency tests.
- (2) Employees will be allowed to take the test one time at the City's expense. The City will pay testing fees, and the test may be taken on City paid time. If employees do not pass the language proficiency test, they will be allowed to retake the test at their own expense.
- (3) An employee seeking Level II proficiency must first pass the Level I proficiency test, then complete the Level II proficiency tests in the following order: Oral, Writing, and Reading. Each test will be scheduled when the preceding test is passed.
- (4) To receive incentive pay for American Sign Language, employees must present a "Basic" or "Advanced" certificate of proficiency awarded by a recognized state or federal agency (example: Texas Department of Assistive and Rehabilitative Services).

## **SECTION 220-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's



Office and the responsible Department/Division Head or designee. Signatures from all parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2022.08.05 15:26:56  
-05'00'

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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2022.08.05 07:55:48  
-05'00'

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*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 230 – LONGEVITY PAY

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	10/2010	<b>LAST UPDATED</b>	10/01/2022
<b>RELATED POLICIES AND PROCEDURE(S)</b>			

### SECTION 230-10. PURPOSE AND SCOPE

To reward City employees for continuous years of service and to attract and retain top talent. This policy applies to all regular, full-time and part-time employees. Employees with five (5) years of service or more as of May 1, 2020, will be handled in accordance with the City Manager memorandum issued on that same date until such time that the longevity amounts listed in the policy below surpass those being received in accordance with the City Manager's memorandum. Employees hired after May 1, 2020, and prior to October 1, 2022, will be grandfathered and will move to the plan effective October 1, 2022, once they hit their third year of continued employment with the City.

### SECTION 230-20. DEFINITIONS

Civil Service Employee Longevity Pay: An additional monthly rate of pay to recognize the tenure of civil service employees in accordance with Local Government Code 141.032.

Classified Employee Longevity Pay: An additional monthly tiered rate to recognize classified employee tenure.

### SECTION 230-30. POLICY STATEMENTS

#### (a) CLASSIFIED EMPLOYEES

- (1) A Classified employee's date of hire with the City is used to calculate Classified Employee Longevity Pay. That date will remain the same during the course of an employee's continuous service to the City.
- (2) Classified employees will be paid Classified Employee Longevity Pay per month for every year of service according to the following schedule:



- (A) Less than 3 years of service = \$0.00
- (B) 3-7 years of service = \$5.00
- (C) 8-12 years of service = \$7.00
- (D) 13-17 years of service = \$9.00
- (E) 18-22 years of service = \$11.00
- (F) 23 and above years of service = \$13.00

- (3) Classified employees who are re-employed with the City of Killeen will receive Classified Longevity Pay based on their return date of hire.
- (4) For classified employees, longevity pay will not be included in the adjusted hourly rate for the separation payout.

#### **(b) CIVIL SERVICES EMPLOYEES**

- (1) A Civil Service employee's date of hire with the City is used to calculate Civil Service Employee Longevity Pay. That date will remain the same during the course of an employee's continuous service to the City.
- (2) Civil Service employees will be paid Civil Service Employee Longevity Pay at the rate of \$4.00 per month for each year of service until they have worked for the City for 20 years. On obtaining 20 years of service employees are paid Civil Service Employee Longevity Pay at the rate of \$6.00 per month for each year of service with the City of Killeen until the employee exits the organization.
- (3) Civil Service employees who are re-employed with the City of Killeen will receive Civil Service Employee Longevity Pay based on their return date of hire.

#### **(c) PART-TIME AND SEASONAL EMPLOYEES**

- (1) Temporary and seasonal classified employees will not be eligible for Civil Service or Classified Employee Longevity Pay.

### **SECTION 230-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.



**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.09.15 16:53:16  
-05'00'

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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.09.15 16:45:06  
-05'00'

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*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

**Policy 240 - PROMOTION, TRANSFER, VOLUNTARY DEMOTION, AND RECLASSIFICATION (Iss. 10/17)**

I. **PURPOSE AND SCOPE.** To establish practices for administering the movement of employees due to a promotion, transfer, voluntary demotion, or reclassification; also to establish practices for administering salary for these employees. This policy applies to all non-civil service employees.

II. **DEFINITIONS.**

Promotion. When an employee changes from a lower pay grade to a higher pay grade or when changing from a seasonal or part-time position to a regular position.

Transfer. When an employee changes from one position to another without a change in pay grade. Transfers shall be mandatory due to business necessity as approved by the department head and the Executive Director of Human Resources. Employees who apply for, interview for, and are selected for other positions within the City are not transfers

Voluntary Demotion. When an employee voluntarily changes from a higher pay grade to a lower pay grade (regardless of position title) or from a full-time to a regular part-time or seasonal position.

Reclassification. Any changes made to an employee's job title, essential job duties, or pay grade while the employee remains in the same position.

III. **POLICY.**

A. Promotion.

1. A promoted employee shall be appointed into the new position's pay grade at the interval closer to, and not less than, a 6% increase for the employee's current salary. If the promotion includes a change in departments, two weeks' notice is required; any exception to this two-week expectation must be approved by both Department Heads involved. The employee's annual evaluation will be due one year from the effective date of the promotion.
2. A promotion does not constitute a commitment or binding agreement for continued employment in the new position, nor is there a guarantee that an employee will be able to return to his/her former position if he/she is unsuccessful in his/her new position.

B. Transfer.

If an employee is transferred into another position within the City due to business necessity, the transferred employee's pay grade, step, salary, and annual salary evaluation date will remain the same. (For example: An employee who is currently

at a grade 54 step 4 and is transferred into another position of the same grade will remain at a grade 54 step 4.) For transfers that include a change in Department, due notice will be coordinated by both Department Heads involved and the Executive Director of Human Resources.

C. Voluntary Demotion.

1. If an employee is voluntarily demoted to a position he/she previously held, the employee shall be placed at the same pay interval last held in the position. The employee's annual evaluation will be due one year from the effective date of the demotion.
2. If an employee is voluntarily demoted to a position or classification he/she has not previously occupied, the employee shall receive the entry level salary for the lower position. The employee's annual evaluation will be due one year from the effective date of the voluntary demotion.

D. Reclassification

1. A reclassification that results in a change in job title, essential job duties, and/or pay grade may have an impact on the salary as determined by the City Manager.

Refer to Policy 610, Employee Performance Appraisal.

**300. Employee Benefits and Services**

# ADMINISTRATIVE POLICY 305 – SEASONAL EMPLOYEES

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**RESPONSIBLE DEPARTMENT/  
DIVISION** Human Resources

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<b>EFFECTIVE DATE</b>	12/14/2020	<b>LAST UPDATED</b>	12/14/2020
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<b>RELATED POLICIES AND PROCEDURES</b>	Policy 315, Paid Leaves of Absence Policy 340, Insurance and Other Programs
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## SECTION 305 – 10. PURPOSE AND SCOPE

To provide guidelines for determining pay and benefits for all seasonal employees.

## SECTION 305 – 20. POLICY

### (a) PROVISIONS FOR SEASONAL EMPLOYEES

- (1) The employment period for seasonal employees shall not exceed 120 calendar days.
- (2) Seasonal employees do not accrue vacation or sick leave.
- (3) Seasonal employees do not accumulate compensatory leave, but are eligible to be paid overtime.
- (4) Seasonal employees are not eligible to participate in the City's retirement plan, or medical, dental, or life insurance plans.
- (5) Seasonal employees are not paid for City paid holidays unless they work on a holiday.
- (6) Seasonal employees are eligible for workers' compensation benefits (refer to Policy 340) and certain paid absences (refer to Policy 315).
- (7) A seasonal appointment requires approval of the City Manager, or designee, and the Executive Director of Human Resources.

### (b) WAGES FOR SEASONAL EMPLOYEES

- (1) Seasonal employees shall be paid the minimum starting hourly wage for

the job classification.

- (2) Seasonal employees shall be paid no less than minimum wage.

## SECTION 305 – 30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle** Digitally signed by Kent Cagle  
Date: 2020.12.04 15:30:27 -06'00'

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Kent Cagle  
City Manager

**X Eva Bark** Digitally signed by Eva Bark  
Date: 2020.11.25 15:12:56 -06'00'

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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 306 – PART-TIME EMPLOYEES

**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

<b>EFFECTIVE DATE</b>	12/14/2020	<b>LAST UPDATED</b>	12/14/2020
<b>RELATED POLICIES AND PROCEDURES</b>	Policy 311, Vacation Leave Policy 312, Holiday Leave Policy 313, Sick Leave Policy 315, Paid Leaves of Absence		

## SECTION 306 – 10. PURPOSE AND SCOPE

To provide guidelines for determining pay and benefits for all part-time employees.

## SECTION 306 – 20. POLICY

### (a) PROVISIONS

- (1) Employees who work 25 hours or less in a work week are considered part-time.
- (2) Part-time employees are eligible to accrue vacation and sick leave.
- (3) Part-time employees are not eligible to accrue compensatory time. Part-time employees are eligible for paid leave on City-approved holidays if the holiday falls on the employee's normal scheduled workday. The number of holiday leave hours paid is equal to the number of hours normally worked by the employee on his/her regularly scheduled workday.
- (4) Part-time employees are eligible to participate in the City's retirement plan if they work at least 1,000 hours in the year.
- (5) Part-time employees are eligible for workers' compensation benefits and certain paid absences. See related policies regarding paid leave.

## SECTION 306 – 30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**  
Digitally signed by Kent Cagle  
Date: 2020.12.04 15:30:58 -06'00'

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Kent Cagle  
City Manager

**X Eva Bark**  
Digitally signed by Eva Bark  
Date: 2020.11.25 15:13:12 -06'00'

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Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 310 – MENTAL HEALTH LEAVE FOR SWORN OFFICERS

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 09/01/2021

**LAST UPDATED**

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**RELATED POLICIES AND PROCEDURE(S)**

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### SECTION 310-10. PURPOSE AND SCOPE

To establish a policy for Mental Health Leave, in accordance with Texas Government Code section 614.015. This policy is intended to provide time away from work for sworn officers (as defined below) who experience a traumatic event in the scope of their employment.

### SECTION 310-20. DEFINITIONS

Fire Fighter. A paid employee of the City’s fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.

Peace Officer. An individual holding a peace officer license issued under Chapter 1701 of the Texas Occupations Code and having been appointed by the City of Killeen to serve as an officer. This includes Police Officers, City Marshals, and Fire Marshals.

Sworn Officer. An individual meeting the definition of Fire Fighter or Peace Officer above.

Traumatic Event. An event which occurs in the sworn officer’s scope of employment where the officer took an active role 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.



## SECTION 310-30. POLICY

### (a) GENERAL

- (1) Traumatic events may include, but are not limited to the following:
  - (A) Major disasters which may include response to weather related events involving multiple casualties.
  - (B) Explosions, shootings, traffic accidents or search and recovery missions involving multiple casualties.
  - (C) Line of duty death or suicide of a department member.
  - (D) Death of a child resulting from violence or neglect.
  - (E) Officer involved shooting of a person.
- (2) If an officer believes there is a need for Mental Health Leave, it is the officer's responsibility to request leave in writing within six (6) months of the event. Approval and use of Mental Health Leave is determined by the Department Head.
- (3) Mental Health Leave carries no deduction in salary or other compensation. Hours away from work will be noted on the officer's timesheet by the Department Head or designee as Administrative Leave with Pay to provide anonymity. However, the request for leave and any/all related notes will be placed in the officer's medical file by Human Resources to provide a record of time away as well as a record that the leave was granted.
- (4) The Department Head or designee may grant up to one (1) work week of Mental Health Leave per year. If time off beyond one (1) work week is required, the officer may request use of eligible accrued leave.
- (5) Any request for Mental Health Leave shall be treated as priority and as strictly confidential by all parties, shall not be discussed or disclosed outside of the officer's immediate chain of command, and only as necessary to facilitate the use of the leave.

The reason for the officer's absence shall not be provided to other officers/employees and shall only be notated on any documents to which officers/command staff/employees have access for valid administrative reasons.



Any breach of confidentiality shall be grounds for discipline.

- (6) The requesting officer may inquire about mental health services available to employees.

## SECTION 310-40. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from all parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2022.09.27 16:03:47  
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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2022.09.27 09:09:38  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 311 – VACATION LEAVE

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	09/2018	<b>LAST UPDATED</b>	12/01/2024
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 306, Part-Time Employee</a> <a href="#">Policy 320, Leave of Absence Without Pay</a> <a href="#">Policy 322, Family and Medical Leave</a> <a href="#">Policy 711, Workers' Compensation</a> <a href="#">Policy 712, Work-Related Modified Duty Assignment</a> <a href="#">Policy 810, Employee Separation</a> <a href="#">Policy 811, Reduction in Force</a>		

### SECTION 311-10. PURPOSE AND SCOPE

To provide paid time off for a restful break and support the City's goal to attract and retain quality employees. This policy applies to all regular employees. For employees with one (1) to four (4) years of service, and greater than 160 hours of accrued vacation leave on or before October 1, 2022, their leave balances will not be reduced. However, they will not accrue addition leave until their balance drops below 160 hours or they reach five (5) years of service.

### SECTION 311-20. POLICY

#### (a) GENERAL

- (1) The City encourages employees to use their accumulated vacation leave. The City does not provide vacation pay unless time is actually taken off from work, or after the employee's ten-year anniversary date in accordance with this policy. For the purposes of the Fair Labor Standards Act (FLSA), hours designated as vacation leave are not considered to be hours worked.

#### (b) PROVISIONS

- (1) Accrual. Vacation leave shall begin to accrue after the first full pay period of employment, but an employee shall not be allowed to use any accrued vacation leave until three months from the date of hire. Employees shall not be paid for any accrued vacation leave if they leave the service of the City, voluntarily or otherwise, during the first year of employment.



- (A) Non-Civil Service, Regular Full-Time Employees shall accrue vacation leave according to the chart below:

Years of Employment	Accrual Rate/Pay Period	Maximum Accumulation
Years 1-4	3.08 hrs./pay period (max. 80 hrs./calendar yr.)	160 hrs.
Years 5-9	4.62 hrs./pay period (max. 120 hrs./calendar yr.)	240 hrs.
Years 10+	6.15 hrs./pay period (max. 160 hrs./calendar yr.)	320 hrs.

- (B) Probationary Police Officers, Probationary Fire Rescue Officers, Civil Service Fire personnel, and Civil Service Police personnel, shall accrue vacation leave according to the chart below:

Years of Employment	Accrual Rate/Pay Period	Maximum Accumulation
Years 1-9	4.62 hrs./pay period (max. 120 hrs./calendar yr.)	240 hrs.
Years 10+	6.15 hrs./pay period (max. 160 hrs./calendar yr.)	320 hrs.

- (C) Fire personnel working a fifty-three (53) hour shift schedule shall accrue vacation leave according to the chart below:

Years of Employment	Accrual Rate/Pay Period	Maximum Accumulation
Years 1-9	6.92 hrs./pay period (max 120 hrs./calendar yr.)	360 hrs.
Years 10+	9.23 hrs./pay period (max 160 hrs./calendar yr.)	480 hrs.

- (2) Each fiscal year after an employee's ten-year anniversary date, the employee may exchange up to 40 hours (time increments will kept to two decimal places) and receive the salary equivalent up to a maximum of \$800



gross pay. Accumulated vacation will be reduced by the amount exchanged. Part-time employees are not eligible for the vacation buyback option.

- (A) An employee is not eligible for the vacation buyback option if the buyback would drop his/her leave balance below 40 hours.
- (3) Part-time Employees. Part-time employees must work at least 20 hours per week in order to accrue vacation leave and shall accrue vacation leave on the basis of percent employed. (Refer to Policy 306.) They are not eligible for the vacation buyback option.
- (4) Use of leave.
- (A) Vacation leave must be approved in advance. Employees not requesting time off in advance will be considered as having unscheduled time off; supervisors may disapprove leave not requested in advance. Any accumulation of unscheduled time off may lead to disciplinary action, up to and including dismissal.
  - (B) Supervisors shall work with employees whenever practical to approve vacation leave when requested in advance. However, supervisors may disapprove leave due to deadlines, events, or to ensure adequate staff is present during the workday. When a leave request is disapproved, the supervisor must provide alternative time periods to allow the employee to utilize vacation leave.
  - (C) Employees shall accrue vacation leave while on paid leave.
  - (D) Upon voluntary separation of employment, an employee, (who has completed more than 12 months of continuous employment) shall be paid all unused, accrued vacation leave up to the maximum accumulation. Accrued vacation leave will not be paid to employees who fail to give a two-week written notice (exception: approval by City Manager).
  - (E) Upon involuntary separation or resignation in lieu of dismissal, an employee is not authorized for payment of unused, accrued vacation leave.
  - (F) Vacation leave shall be used in no less than 15-minute increments for non-exempt employees and no less than half-day increments for



exempt employees.

## SECTION 311-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2024.11.20 09:06:29  
-06'00'

*Kent Cagle, City Manager*

**Kate McDaniel** Digitally signed by Kate McDaniel  
Date: 2024.11.18 11:03:01 -06'00'

*Kate McDaniel, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 312 – HOLIDAY LEAVE

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	03/2018	<b>LAST UPDATED</b>	12/18/2023
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 306, Part-time Employee</a> <a href="#">Policy 320, Leave of Absence Without Pay</a> <a href="#">Policy 322, Family and Medical Leave</a> <a href="#">Policy 711, Workers' Compensation</a> <a href="#">Policy 712, Work-related Modified Duty Assignment</a> <a href="#">Policy 810, Employee Separation</a> <a href="#">Policy 811, Reduction in Force</a>		

### SECTION 312-10. PURPOSE AND SCOPE

To provide paid time off during approved holidays. This policy applies to all regular employees. The schedule of City-paid holidays set forth in this policy will be approved by the City Council annually as part of the budget process.

### SECTION 312-20. POLICY

#### (a) GENERAL

- (1) City-Paid Holidays. The following days are recognized as City-paid holidays:

1	New Year's Day	January 1 <sup>st</sup>
2	Martin Luther King Day	3 <sup>rd</sup> Monday in January
3	President's Day	3 <sup>rd</sup> Monday in February
4	Good Friday	Friday before Easter
5	Memorial Day	Last Monday in May
6	Juneteenth	June 19 <sup>th</sup>
7	Independence Day	July 4 <sup>th</sup>
8	Labor Day	1 <sup>st</sup> Monday in September
9	Veteran's Day	November 11 <sup>th</sup>
10	Thanksgiving Day	4 <sup>th</sup> Thursday in November
11	Day after Thanksgiving	4 <sup>th</sup> Friday in November
12	Christmas Eve	December 24 <sup>th</sup>
13	Christmas Day	December 25 <sup>th</sup>



*	Patriot's Day	September 11 <sup>th</sup>
<i>* Fire Fighters have the option to receive holiday leave on September 11th in lieu of the Juneteenth holiday on June 19th.</i>		

- (2) For pay purposes, City-paid holidays which fall on a Saturday will be recognized and observed on the preceding Friday, and City-paid holidays which fall on a Sunday will be recognized and observed on the following Monday by those employees working Monday-Friday.
- (3) If a City-paid holiday falls during an employee's use of other leave, then that day will be counted as a holiday and not as other leave; unpaid leaves remain unpaid.
- (4) Employees who have unpaid leave on the workday before and the workday after the holiday will not receive holiday pay.
- (5) An employee who separates employment on the last scheduled workday before a holiday will not receive holiday pay.
- (6) Non-exempt employees scheduled to work on a holiday shall be compensated in one of the two following manners at the supervisor's discretion:
  - (A) The employee shall be paid for the holiday in addition to receiving his/her normal hourly wage for the time worked on the holiday; or
  - (B) The employee shall bank the holiday as leave to be taken at a later date and receive the normal hourly wage for the time worked on the holiday. If the employee only works a partial day on the holiday, he/she may bank the number of hours actually worked as leave to be taken at a later date, and the hours not worked will be paid as holiday pay. Only the hours physically worked on a holiday will be used to determine if an employee is eligible for overtime compensation for that week.
- (7) Exempt employees are not eligible to bank holidays.
- (8) Regular full-time non-exempt employees will be allowed to take the holiday on another day if the holiday falls on the employee's regular day off.



- (9) Regular part-time employees will not receive holiday pay if the holiday falls on the employee's regularly scheduled day off.
- (10) Seasonal and temporary employees are not eligible to receive holiday pay.
- (11) Fire personnel working a fifty-three (53) hour shift schedule shall receive twelve (12) hours of holiday leave for each City authorized holiday.
- (12) Any holiday time earned must be used within six (6) months following the day for which the holiday time was earned. Employees must receive approval from their supervisor before using accrued holiday time. Holiday time not used within the previous six (6) months will expire and may not be used. Holiday time may be taken incrementally and does not have to be taken a full day at a time.
- (13) All employees will receive payment for all accumulated holiday time upon promoting, voluntarily demoting, or transferring to a different classification, to a different department or division or from a non-exempt position to an exempt position. Thus, the holiday time balance in a new position begins at zero hours. Upon separation from the City, non-exempt employees will be compensated for any unused holiday time accrued within the previous six (6) months, with the following exception: Accrued holiday pay will not be paid out to employees who fail to give a two-week written notice (exception: approval by City Manager), are dismissed, or who resign in lieu of dismissal.
- (14) With the approval of their supervisor, employees wishing to observe religious holidays not included within City-recognized holidays shall be given time off without pay or allowed to use other eligible leave. Holiday leave accruals must be used prior to other eligible leave.
- (15) For the purposes of the Fair Labor Standards Act (FLSA), hours designated as holiday leave will not be considered hours worked.

**(b) PROVISIONS**

- (1) Regular Full-Time Employees. Regular full-time employees are eligible for paid leave on City-approved holidays. Holidays will be paid in increments consistent with an employee's regularly scheduled workday. For purposes of this policy, a workday consists of eight hours, however, the number of



hours will be converted to shift equivalents for persons regularly assigned to other than an eight-hour workday. (A regular workday for Fire personnel who work a 53-hour shift is counted as 12 hours.)

- (2) Regular Part-Time Employees. Regular part-time employees are eligible for paid leave on City-approved holidays if the holiday falls on the employee's normally scheduled workday. The number of holiday leave hours paid is based upon the employee's percent employed (number of hours worked per pay period) and shall be equal to the number of hours normally worked by the employee on his/her regularly scheduled workday (Refer to Policy 306 - Part-Time Employees).
- (3) Seasonal and Temporary Employees. Seasonal and temporary employees are not eligible for paid leave on City-approved holidays. Seasonal or temporary employees who work on a holiday shall receive their normal hourly wage for the time worked on the holiday. With the approval of their supervisor, seasonal or temporary employees may have their work schedule adjusted for a week in which a holiday falls on their regularly scheduled day to work.

## SECTION 312-20. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.12.07 12:58:16  
-06'00'

Kent Cagle, City Manager

**Eva Bark** Digitally signed by Eva Bark  
Date: 2023.12.05 10:42:11  
-06'00'

Eva Bark, Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 313 – SICK LEAVE

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	10/2016	<b>LAST UPDATED</b>	6/1/2024
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 306, Part-time Employee</a> <a href="#">Policy 320, Leaves of Absence Without Pay</a> <a href="#">Policy 322, Family and Medical Leave</a> <a href="#">Policy 711, Workers' Compensation</a> <a href="#">Policy 712, Work-related Modified Duty Assignment</a> <a href="#">Policy 810, Employee Separation</a> <a href="#">Policy 811, Reduction in Force</a>		

### SECTION 313-10. PURPOSE AND SCOPE

To provide income protection for employees who, because of illness or injury, are temporarily absent from work. For employees with fifteen (15) cumulative years of service on or before October 1, 2022, the version of this policy with an issue date of October 2016 will be administered.

### SECTION 313-20. POLICY STATEMENTS

#### (a) GENERAL

- (1) Accumulated sick leave shall be used for absences during the regularly scheduled workweek due to inability to work resulting from a non-work-related illness; injury; or medical, dental, or optometry appointments, for the employee or his or her immediate family member. (Refer to Policy 322 for definition of immediate family member.) Pay for each hour of sick leave will be calculated at the employee's straight time hourly rate. For the purposes of the Fair Labor Standards Act (FLSA), hours designated as sick leave will not be considered as hours worked.

#### (b) PROVISIONS

- (1) Sick leave shall be accrued by all regular full-time employees at a rate of 3.08 hours per pay period, for a maximum of 80 hours annually. Part-time employees must work at least 20 hours per week in order to accrue sick leave and shall accrue sick leave on the basis of percent employed.



- (2) Probationary Police Officers, Probationary Fire Rescue Officers, and Civil Service Police and Fire personnel shall accrue sick leave according to the chart below.

Accrual Rate/Pay Period	Maximum Amount of Hours for Payment
4.62 hrs./pay period (max 120 calendar yr.)	720 hrs.

- (3) Fire personnel working a fifty-three (53) hour shift schedule accrue sick leave according to the chart below.

Accrual Rate/Pay Period	Maximum Amount of Hours for Payment
6.92 hrs./pay period (max 120 hrs./calendar yr.)	1080 hrs.

- (4) Non-civil service employees may accumulate sick leave to a maximum of 1,440 hours of sick leave (720 for part-time employees). Sick leave cannot be earned or accumulated in excess of the maximum limit.

In accordance with Texas Local Government Code, Chapter 143, civil service employees may accumulate sick leave without limit.

- (5) Employees are eligible to use accrued sick leave beginning the first of the month following their date of hire.
- (6) Sick leave shall be used in no less than 15 minutes increments for non-exempt employees and no less than half-day increments for exempt employees.
- (7) Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated, and their time charged to sick leave.
- (8) A Department Head may require that an employee provide a signed statement from a health care provider attesting to any illness or medical appointment for which sick leave is used.
- (9) A statement from a health care provider is required if an employee uses sick leave for three (3) or more consecutive workdays but can be



requested after a single day's absence.

- (10) Employees who use their sick leave in violation of the rules stated herein may be disciplined up to and including dismissal.
- (11) No City employee shall be entitled to use sick leave due to:
  - (A) Sickness or injury purposely inflicted or caused by willful misconduct.
  - (B) Use of illicit drugs, intoxicants, or "hangovers."
  - (C) Ordinary tiredness or restlessness.
- (12) Except as provided in Section 313-20(b)(13) and Section 313-20(b)(14) below and in accordance with Texas Local Government Code, Chapter 143, upon separation from service, the employee shall not receive any pay for any accumulated sick leave.
- (13) When an employee retires, the employee shall be paid his or her accumulated sick leave as follows:
  - (A) Non-Civil Service employees:

Total Years of Employment with the City of Killeen	Maximum Sick Leave Paid
5 Years	400 hours
6 Years	480 hours
7 Years	560 hours
8 Years	640 hours
9 Years and more	720 hours

- (B) Civil Service employees will be paid for sick leave in accordance with Texas Local Government Code (TLGC) Chapter 143 to a maximum of 720 hours or to a maximum of 1080 hours for civil service fire personnel working a 53-hour shift.
- (14) If an employee dies, the employee's beneficiary (in accordance with state law) is entitled to payment of sick leave as follows:
  - (A) Non-Civil Service employees:



Total Years of Employment with the City of Killeen	Maximum Sick Leave Paid
5 Years	400 hours
6 Years	480 hours
7 Years	560 hours
8 Years	640 hours
9 Years and more	720 hours

- (B) Civil Service employees will be paid for sick leave in accordance with Texas Local Government Code (TLGC) Chapter 143.
- (15) An employee who is dismissed due to inability to return to work as the result of a work-related injury/illness shall be paid for accumulated sick leave up to 320 hours (160 hours for part-time employees).
- (16) When possible, employees shall obtain approval prior to using leave. Employees not requesting time off in advance may be considered as having unplanned time off. Supervisors may disapprove leave not requested in advance. Any accumulation of unplanned and unapproved time off may lead to disciplinary action, up to and including dismissal.

## SECTION 313-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2024.05.30 10:00:47  
-05'00'

Kent Cagle, City Manager

**Eva Bark** Digitally signed by Eva Bark  
Date: 2024.05.30 08:23:22  
-05'00'

Eva Bark, Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 314 – CATASTROPHIC CONDITION LEAVE POOL

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	08/2017	<b>LAST UPDATED</b>	8/1/2024
<b>RELATED POLICIES AND PROCEDURE(S)</b>	Form P-9 – Catastrophic Leave Pool Donation Form Form P-10 – Catastrophic Leave Request Form Policy 322 – Family Medical Leave		

### SECTION 314-10. PURPOSE AND SCOPE

To provide income protection for regular full-time and part-time employees who have a “serious or catastrophic health condition” and have exhausted their accrued leave benefits, or who will exhaust all accrued leave benefits as a result of the “serious or catastrophic health condition” event. This policy does not include seasonal or temporary employees.

### SECTION 314-20. DEFINITIONS

Good standing: When an employee has not received a disciplinary suspension in the previous 90 days, is not under investigation, and does not have a disciplinary case pending.

Serious or Catastrophic Health Condition: An injury or illness that affects the employee, or the employee’s family members (as defined by Policy 322), which is non-job related, and requires prolonged hospitalization, recovery, and/or medical treatment; is supported by notes from a medical practitioner; and requires an employee to be absent for a period of at least one business day past the exhaustion of all leave balances, or requires long term continued treatment that may intermittently place them in an unpaid status. “Serious or catastrophic health condition” shall not include elective surgery or unforeseeable medical care rendered as a result of elective surgery.

### SECTION 314-20. POLICY

#### (a) REGULAR EMPLOYEES



- (1) The catastrophic condition leave pool will consist of vacation hours voluntarily donated by City employees. Employees who wish to contribute must donate no less than three (3) workdays of vacation leave per fiscal year to the pool. Leave can be donated to the pool through the use of [HR Form P-9](#) (Catastrophic Leave Pool Donation Form).
- (2) An employee with an approved catastrophic leave pool request is not eligible to use leave from the catastrophic condition leave pool until they have exhausted all of their accrued leave time.
- (3) Employees may not use more than 160 hours (non-exempt) or 20 days (exempt) per fiscal year from the catastrophic condition leave pool. The maximum amount of time an employee may use from the pool is 440 hours (non-exempt) or 55 days (exempt) in any five-year period of employment. This benefit may be used in increments of not less than 15 minutes (non-exempt) or half day (exempt).

**(b) FIRE AND RESCUE PERSONNEL WORKING A FIFTY-THREE (53) HOUR SHIFT SCHEDULE**

- (1) Fire and Rescue personnel may donate no more than 72 hours of vacation leave per fiscal year to the catastrophic condition leave pool.
- (2) Fire and Rescue personnel with an approved catastrophic condition leave pool request is not eligible to use leave from the catastrophic condition leave pool until they have exhausted all of their accrued leave time.
- (3) Fire and Rescue personnel are not eligible to use more than 240 hours per fiscal year from the catastrophic condition leave pool. The maximum number of hours an employee may use from the pool is 720 hours in any five-year period of employment. This benefit may be used in increments of not less than 15 minutes.

**(c) PROVISIONS**

- (1) To be eligible to use leave from the catastrophic condition leave pool, the request must be recommended for approval by the Department Head and the employee must be in good standing.
- (2) An employee may use catastrophic condition leave pool hours intermittently (a few days or a few hours at a time) or on a reduced leave schedule.



- (3) The catastrophic condition leave pool will be maintained by Human Resources.
- (4) Request for the use of leave from the catastrophic condition leave pool must be submitted to the Department Head using [HR Form P-10 \(Catastrophic Condition Leave Pool Request Form\)](#). Department Heads will forward requests for approval through the Executive Director of Human Resources to the City Manager's Office; approval or denial is solely at the discretion of the City Manager. If the Executive Director of Human Resources is making the request, HR Form P-10 shall be forwarded to the City Manager's Office. Medical documentation supporting the need for leave from the catastrophic condition leave pool must accompany all request forms.
- (5) Donations.
  - (A) The Human Resources Department will solicit for donations when a need arises.
  - (B) An employee donating time cannot donate for the use of one specific employee.
  - (C) An employee is not eligible to donate time if the donation would drop their vacation leave balance below 80 hours. There is no cap on the number of donated hours so long as this provision is met.
  - (D) Employees are not eligible to donate vacation leave when separating services with the City of Killeen.
  - (E) Employees who have donated vacation leave to the catastrophic condition leave pool will not receive payment for those donated hours upon their separation of employment from the City.

## **SECTION 314-30. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's



Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2024.07.17 14:26:32  
-05'00'

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*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2024.07.11 17:35:24  
-05'00'

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*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

# ADMINISTRATIVE POLICY 315 – PAID LEAVES OF ABSENCE

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 09/2016

**LAST UPDATED** 10/01/2021

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**RELATED POLICIES AND PROCEDURE(S)**

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## SECTION 315-10. PURPOSE AND SCOPE

To provide a means for employees to secure limited time off when needed for specified activities below. This policy applies to all regular employees except where provided otherwise.

## SECTION 315-20. POLICY

### (a) GENERAL

- (1) The City grants employees paid time off for the activities listed below. The employee shall be responsible for submitting a leave request via the electronic time keeping system to be approved by their department/division head or supervisor before using this leave.
- (2) Employees will continue to be covered under benefits while they are absent under this policy.

### (b) PROVISIONS

- (1) Bereavement. In the event of death in an employee's immediate family, the City grants up to six days with pay to handle family affairs and attend the funeral. "Immediate family" for this policy is defined as: spouse, parents, children, siblings, grandparents, or grandchildren. This leave also applies to the immediate family of the spouse and to an employee's immediate stepfamily. In the event of multiple deaths in one calendar year, the Department Head may make a recommendation, in writing, to the Executive Director of Human Resources to consider granting up to six

additional days of bereavement leave per occurrence.

- (2) Court Appearance. An employee who is subpoenaed to appear in court on a matter arising out of, or related to, City employment shall be paid as normal work hours. An employee required to appear in court for any other reason shall be required to use either vacation leave, comp time, or unpaid leave. The employee may keep any compensation received for appearing as a witness.
- (3) Jury Duty. The City will pay an employee's normal earnings during the period of jury service. The employee shall submit a copy of the jury summons when the request is submitted. The hours of jury duty that overlap the employee's scheduled work hours may be charged to jury leave. Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation. An employee serving on jury duty must report for work for the remainder of the day upon completion of jury duty. Time spent in jury duty shall not count as hours worked for overtime calculation purposes. Upon completion of jury duty, the employee shall provide proof of jury service to his/her supervisor. The employee may keep any compensation received for jury duty.
- (4) Time Off to Vote. Full-time employees may request up to one (1) hour off work with pay to vote in local, state, and national elections. Employees must schedule this time off with their supervisor prior to Election Day.
- (5) Parent/Teacher Meeting. A full-time employee may take up to eight (8) hours of paid leave, per calendar year, to visit with their children's teachers or school administrators for parent/teacher sessions. Employees must be a parent (natural, adopted, foster, or step) or legal guardian of the child. In this policy, "student" means a child attending Grade's pre- kindergarten through Grade 12 in public or private school.
- (6) Promotional Examinations and Interviews. All employees shall be entitled to necessary time off with pay for the purpose of taking promotional examinations or hiring interviews for other City of Killeen positions for which they are eligible. The amount of such time off with pay for these purposes shall be limited to eight (8) hours per calendar year. An employee who has exhausted the eight hours provided by this rule may request either paid (through use of other eligible accruals) or unpaid leave for this purpose.

## SECTION 315-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle**  
Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen, ou=City  
Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2021.09.24 11:35:59 -05'00'

*Kent Cagle, City Manager*

**Eva Bark**  
Digitally signed by Eva Bark  
Date: 2021.09.24 07:58:33  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



# ADMINISTRATIVE POLICY 316 – PAID QUARANTINE LEAVE

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	09/01/2021	<b>LAST UPDATED</b>	
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<u>Policy 210, Wage and Hour Administration</u> <u>Temporary Policy 307, Mitigations Measures</u> <u>Policy 322, Family and Medical Leave Act</u> <u>COVID-19 Exposure Procedure – FD Addendum A1</u> <u>COVID-19 Exposure Procedure – FD Addendum A2</u> <u>COVID-19 Exposure Procedure – PD Addendum B</u>		

## SECTION 316-10. PURPOSE AND SCOPE

Pursuant to Texas Local Government Code Section 180.008, the City of Killeen hereby adopts this paid quarantine leave policy for fire fighters, peace officers, and detention officers who are employed or appointed by the City and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

## SECTION 316-20. DEFINITIONS

Communicable Disease. An illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment.

County Health Authority. A physician appointed by the County to administer state and local laws relating to public health within the County’s jurisdiction, to include within the City.

Detention Officer. An individual appointed or employed by the City and whose job responsibilities include the care and custody of individuals incarcerated in the municipal jail.

Fire Fighter. A paid employee of the City’s fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government



Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.

Peace Officer. Police Officers and City Marshals licensed by the Texas Commission on Law Enforcement and employed or appointed by the City.

## **SECTION 316-30. POLICY**

This policy is effective September 1, 2021, upon the authorization of the City Manager. This policy will remain in effect until rescinded or revised by the City Manager. If in practice this policy is found to conflict with State or Federal law, the applicable law or laws will preempt this policy.

### **(a) QUARANTINE LEAVE**

1. A City fire fighter, peace officer, or detention officer who is ordered to quarantine or isolate by the person's supervisor or the County's health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave (TLGC 180.008(b)). Hours designated as paid quarantine leave shall not count as hours worked for the purposes of overtime calculation.
2. A City fire fighter, peace officer or detention officer on paid quarantine leave shall receive:
  - (A) All employment benefits and compensation, including leave accrual, pension benefits and health benefit plan benefits for the duration of the leave;
  - (B) If applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation.

### **(b) NO REDUCTION IN COMPENSATION AND BENEFITS**

The City will not reduce a fire fighter's, peace officer's, or detention officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

## **SECTION 316-40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.



Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

X Kent Cagle  
Digitally signed by Kent Cagle  
Date: 2021.09.01 15:40:48 -05'00'

Kent Cagle  
City Manager

X Eva Bark  
Digitally signed by Eva Bark  
Date: 2021.08.31 17:18:35 -05'00'

Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

## Policy 320 - LEAVES OF ABSENCE WITHOUT PAY (04/16)

- I. PURPOSE AND SCOPE. To provide a means for employees to secure limited unpaid time off when such time is needed for important personal reasons. This policy applies to all employees.
- II. POLICY. The granting of a leave of absence without pay is at the sole discretion of the City. Once approved by the Department Head, a leave of absence without pay may be subsequently cancelled by the approving authority. Employees must exhaust all paid leave they are eligible to use before their Department Head can consider approving a leave of absence without pay.
- III. PROCEDURE
  - A. Employee's Responsibility: Employees are responsible for maintaining their own leave accruals. Employees utilizing repeated, unauthorized leaves of absence without pay may be subject to disciplinary action, up to and including dismissal.
  - B. Brief Leave of Absence Without Pay. A Department Head may approve an employee to be absent without pay for a maximum of ten (10) business days per calendar year.
  - C. Extended Leave of Absence Without Pay per calendar year. A leave of absence without pay of more than ten (10) business days may be granted by the Department Head after consultation with the Director of Human Resources and as approved by the City Manager or designee.
  - D. Benefits shall not accrue while an employee is on a leave of absence without pay when time off for such leave exceeds time worked during that month.
  - E. Employees (except those on approved military leave) returning to work after a leave of absence without pay which is equal to or exceeding 30 calendar days will receive an adjusted service date and adjusted anniversary date to the date of return to work.
- IV. HEALTH BENEFITS AND OTHER DEDUCTIONS;
  - A. While an employee is on an approved, unpaid leave of absence, the City will continue to pay the City paid portion of an employee's insurance premium(s).
  - B. Employees will be required to maintain payment on insurance premium(s) normally paid through a payroll deduction. If payment is not made, insurance coverage may be cancelled.

## Policy 321 - MILITARY LEAVE (Iss. 06/08)

- I. PURPOSE AND SCOPE. To enable employees to receive extended time away from work to satisfy military service obligations. This policy applies to all employees.
  
- II. PROVISIONS
  - A. Employees who receive military orders must request military leave by submitting a leave request form and attaching a copy of their orders. Such employees must report to Human Resources in person to receive information about their employment/reemployment rights.
  
  - B. Employees on military leave do not accrue sick leave or vacation leave during the time off, but do receive seniority credit. Questions on coordination of benefits will be answered on a case-by-case basis. Non-civil service employees on military leave will receive time credit toward retirement but not monetary contributions to TMRS or the Fireman's Pension Plan.
  
  - C. An employee's position may be temporarily filled while the employee is on military leave. A supervisor may fill a non-civil service position with a provisional hire (Refer to Section III). Civil Service positions which need to be temporarily filled requires a decision from the City Council per Texas Local Government Coded 143.
  
  - D. Employees returning from military leave shall be reinstated to the position they left without competitive process, if the employee:
    - 1. receives an honorable discharge, and
    - 2. remains physically and mentally able to perform the essential functions of the position they left, as determined by appropriate medical personnel; and
    - 3. remains otherwise eligible for the position (e.g., certifications, criminal history, driving record, physical/drug screens, etc.), and
    - 4. after serving a military service period of 31-180 days, submits an application for reemployment through the City's Human Resources Department no later than 14 days from discharge; or
    - 5. after serving a military service period of 181 days or more, submits an application for reemployment through the City's Human Resources Department no later than 90 days from discharge.
  
  - 5. Civil Service personnel will be handled according to Texas Local Government Code Chapter 143.

- E. A returning employee who, prior to departing for military service, elected to leave eligible accruals on the payroll system shall have these benefits reinstated upon their return to work.
- F. If a returning employee is unable to perform the essential functions of the position due to an injury received while on military leave, the City will offer that individual a position in a classification whose duties he/she is able to perform, if a vacant position is available.
- G. When returning to work, the date of hire remains as the date of hire for the position served in before recall to active duty for seniority and benefit purposes.
- H. All employees shall be allowed paid leave for military duty, up to fifteen (15) days per federal fiscal year (October 1-September 30). When military duty exceeds the fifteen (15) days of paid leave, employees shall have the following options, if applicable:
  - 1. use eligible accruals until exhausted, or
  - 2. leave eligible accruals on the payroll system, only to be reactivated for use upon the employee's return to work.

(For fire civil service employees on shift, 15 days under this rule equates to 7.5 duty shifts)

Any paid leave that an employee chooses to use in conjunction with an absence occasioned by excessive military leave, is expended and not refundable to the employee merely because it was used in conjunction with military leave.

- I. After the exhaustion of eligible accruals, or at the end of the month following 30 days of time off due to military duty, whichever occurs later, employees will be exited from the payroll system pending release from active duty and application for reinstatement (**exception:** Civil Service personnel will be handled according to Texas Local Government Code Chapter 143).
- J. In the event of a conflict between this policy and the Uniformed Services Employment and Reemployment Rights Act of 1994 (or similar law), then federal law shall prevail.

### III. PROVISIONAL EMPLOYEES

- A. All positions vacated as a result of an employee's recall to active military duty are subject to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) in that the person whose absence is necessitated by reason of service in the uniformed services has the right to reemployment for a period of up to five (5) years from their date of recall.

- B. Positions vacated by employees on military leave may be temporarily filled via a provisional hire. Positions are considered vacated when an employee is removed from the payroll system. A provisional employee may be reassigned on the return of an employee from military leave. Reassignments of a provisional employee may result in a demotion or relocation.
- C. Provisional employees are eligible for the same benefits as probationary and regular employees.
- D. Upon the return of the employee on military leave, a provisional hire is subject to termination if no suitable vacancy is available for reassignment. A provisional employee may be reassigned on the return of the employee.
- E. Current City of Killeen employees promoted or transferred to fill a vacancy in a provisional status shall receive a salary that is equivalent to the lowest interval for the vacant position or the employee's current salary, whichever is greater. The annual evaluation date will not be changed
- F. On the return of the service member, employees may request a transfer or demotion to a position formerly held if a vacancy exists. If returning to a position previously held, the original anniversary date remains the same.
- G. Time in the position will count in determining longevity and leave accrual.

## **Policy 322 - FAMILY AND MEDICAL LEAVE (Iss. 01/18)**

**I. GENERAL PROVISIONS.** In accordance with the Family and Medical Leave Act (FMLA), the City will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- A. In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;
  - 1. Leave must be taken within 12 months following the child's birth or placement with the employee;
  - 2. If married spouses both work for the City, they are each entitled to 12 weeks of leave if the leave is taken for the birth or placement of a child.
- B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
- D. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

## **II. SERVICEMEMBER FAMILY LEAVE.**

Eligible employees who are the spouse, child, parent, or next of kin of a covered Servicemember are entitled to up to 14 weeks of additional leave during a single 12-Month Servicemember Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Servicemember Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Servicemember Family Leave, each is entitled to 26 weeks of leave.

## **III. DEFINITIONS.**

- A. "12-Month Period" means a calendar year.
- B. "12-Month Servicemember Period" means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
- C. "Child" means a child either under 18 years of age, or 18 years of age or older

who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for Servicemember Family Leave, the child may be of any age.

- D. “Immediate Family Member” means the spouse, child or parent of the employee.
- E. “Parent” means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- F. “Spouse” means a legal spouse under the law of the jurisdiction where the marriage was entered.
- G. “Next of Kin” means the nearest blood relative of a Covered Servicemember.
- H. “Covered Active Duty” means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
- I. “Covered Servicemember” means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
- J. “Veteran” means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
- K. “Serious Injury or Illness” means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
- L. “Qualifying Exigency” includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to 15 days with a military member who is on short-term,

temporary rest and recuperation leave during the period of deployment; 6) caring for a military member's parent who is incapable of self-care, when such care is necessitated by the military members' covered active duty (e.g., arranging for alternative care, providing care on an immediate need basis, admitting the parent to a care facility; or attending meetings with staff at a care facility); and 7) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.

M. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three consecutive calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

IV. **COVERAGE OF ELIGIBILITY.** To be eligible for family/medical leave an employee must have worked for the City for at least 12 months total and have worked at least 1,250 hours over the previous 12-month period.

V. **INTERMITTENT OR REDUCED LEAVE.** An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

VI. **USE OF PAID AND OTHER LEAVE.**

A. An employee will be required to use accrued paid leave for any part of a family/medical leave. The order in which paid leave must be used shall be: sick leave (if eligible), holiday leave, vacation leave, and compensatory leave.

B. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Servicemember Family Leave time).

C. The City reserves the right to count any leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

VII. **EMPLOYEE NOTICE REQUIREMENT.**

A. An employee must give 30 days' notice in the event of a foreseeable leave. A "**Request for Family/Medical Leave**" form should be completed by the employee and returned to the City. In unexpected or unforeseeable situations, an

employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

- B. If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
- C. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.
- D. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

## **VIII. EMPLOYER NOTICE REQUIREMENTS.**

- A. Notice of Eligibility Rights: Within five days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
- B. Notice of Designation of Leave: Within five days after the employee requests or the City learns of the need for FMLA leave, the City will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the City will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the City will provide written notice of and reason for denial, which may include a requirement of a second or third opinion, at the City's expense.

## **IX. MEDICAL AND MILITARY CERTIFICATION.**

- A. Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "**Physician or Practitioner Certification**" form and return the certification to the City. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible. The City does not Seek and should not be provided genetic information.

If an employee or applicant's genetic information is inadvertently received by the City, the City will return it to the health care provider and not use genetic information for any employment decision or action.

- B. City May Require Second or Third Opinion: The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
- C. Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Servicesbranch.
- D. Certification for Extended Servicemember Family Leave: Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.

**X CONFIDENTIALITY OF MEDICAL INFORMATION.** Confidential medical information that accompanies the application for leave, or is requested by the City, shall be submitted directly to the Human Resources Department. Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file. The City does not Seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City, the City will return it to the health care provider and not use genetic information for any employment decision or action.

**XI EFFECT ON BENEFITS**

- A. An employee granted a leave under this policy will continue to be covered under the City's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.
- D. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City (on a payroll deduction

schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

- E. If the employee fails to return from unpaid leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may Seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee (employer contribution) during the period of leave.
- F. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

## **XII. JOB PROTECTION**

- A. If the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Servicemember Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
- C. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

**XIII. ABSENCE WITHOUT AUTHORIZATION.** Employees who are absent prior to receiving approval to take leave, or who are absent even though leave has been denied, or who are absent without contacting their supervisor regarding that absence, will be considered absent without authorization, and may be subject to disciplinary action up to and including immediate dismissal for any amount of unauthorized absence.

**XIV. UNLAWFUL ACTIONS AND ENFORCEMENT OF FMLA RIGHTS.** It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

**Policy 323 - MILITARY LEAVE TIME ACCOUNTS (Iss. 06/07)**

- I. PURPOSE AND SCOPE: To provide income protection for civil service fire and civil service police personnel during recall to active duty in the United States Armed Services (Refer to Policy 321).
- II. POLICY: In accordance with Texas Local Government Code (TLGC), Section 143.075, this policy establishes “military leave time accounts”. This policy applies only to current City of Killeen employees in the police department and fire department who are civil service personnel.

The Human Resources department must maintain two separate military leave time accounts; one for eligible fire/rescue department personnel and one account for eligible police department personnel. Interdepartmental commingling of these two separate accounts in regards to donations and usage is prohibited according to TLGC 143.075.

A. Civil Service Police Department Personnel

- 1. Police civil service employees may donate vacation, holiday, sick and compensatory leave hours to the police military leave time account by completing form P-11, (Military Leave Time Account Pool Donation of Hours) and submitting the form to Human Resources
- 2. Eligible police civil service employees may use the military leave time account only after they have exhausted all of their own accrued leave (vacation, holiday, and compensatory leave time) and been on continuous active military duty of 12 continuous months or longer. Hours will be used in increments of not less than 15 minutes.
- 3. At the end of each pay period, Human Resources will divide the hours in the pool equally among all eligible police department employees; the maximum hours used to authorize pay to each eligible person is 80 hours per pay period.

B. Civil Service Fire Department Personnel

- 1. Fire civil service employees may donate vacation, holiday, sick and compensatory leave hours to the fire department military leave time accounts by completing form P-11 and submitting the form to Human Resources.
- 2. Eligible fire civil service employees may use the military leave time account only after they have exhausted all of their own accrued leave (vacation, holiday, and compensatory leave time) and been on continuous active military duty of 12 continuous months or longer. Hours will be used in increments of not less than 15 minutes.

3. At the end of each pay period, Human Resources will divide the hours in the pool equally among all eligible fire department employees; the maximum hours used to authorize pay to each eligible person is 80 hours per pay period.

### III. PROVISIONS

- A. Civil Service employees who would like to donate leave time hours (vacation, holiday, sick and compensatory leave time) to the military leave time account must complete HR Form P-11, Military Leave Time Account Donation of Hours.
- B. Hours must be donated in increments of not less than 15 minutes. There is no maximum amount of hours that may be donated to the pool. Any combination of accumulated vacation, holiday, sick or compensatory leave time may be donated to the military leave time account.
- C. Probationary Police and Fire Department employees are not eligible to donate hours to the military leave time accounts.
- D. Leave time (vacation, holiday, sick, or compensatory leave time) donated to a military leave time account will not, under any circumstances, be returned to the employee.
- E. To be eligible to use leave hours from the military leave time account, an employee must meet the following guidelines:
  1. Must not be in a probationary period in the fire or police department as a fire fighter, police officer or academy trainee;
  2. Must be a member of the Texas National Guard or the armed forces reserves;
  3. Must be recalled to active federal military duty while serving as a fire fighter or police officer for the City of Killeen;
  4. Must have served on active military duty for 12 continuous months or longer; and
  5. Must have exhausted the balance of their vacation, holiday, and compensatory leave time accumulations.
- F. Distribution of accumulated hours in the military leave time account will be divided equally among all eligible individuals at the end of the departments' regular scheduled pay period. Donations and disbursements to the military leave account are made on an hourly basis without regard to pay rate or cash value.

- G. The Human Resources Department is responsible for receiving requests for donations of hours, maintaining account balances and ensuring distribution of paid hours is completed in compliance with this policy.

Refer to Policy 321, Military Leave

**Policy 340 - INSURANCE AND OTHER PROGRAMS (04/16)**

- I. PURPOSE AND SCOPE. To comply with federal and state mandates regarding group insurance programs.
- II. POLICY. The City provides insurance programs as mandated by federal and state regulations. The City may provide comprehensive insurance programs for full-time employees in addition to those mandated by law.

Refer to the Employee Benefits Manual, located on the City of Killeen public drive.

# ADMINISTRATIVE POLICY 350 – INCLEMENT WEATHER AND NATURAL DISASTER

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**RESPONSIBLE DEPARTMENT/ DIVISION** Human Resources

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**EFFECTIVE DATE** 01/2018

**LAST UPDATED** 03/03/2021

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**RELATED POLICIES AND PROCEDURE(S)** [Policy 210. Wage and Hour Administration](#)  
[Policy 320. Leave of Absence Without Pay](#)

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## SECTION 350-10. PURPOSE AND SCOPE

To establish guidelines for accounting employee absences when inclement weather conditions occur. This policy applies to all employees.

## SECTION 350-20. POLICY

### (a) GENERAL

- (1) Regardless of weather conditions or natural disaster, the City never closes.
- (2) Employees decide whether or not they can safely arrive to work or continue at work under adverse weather conditions. Some responsibilities are deemed essential for the safety of the public. Essential personnel are always required to report for their assigned shift. Department Heads will identify and communicate with staff who are deemed essential personnel, staffing requirements, and schedule.
- (3) It is the City Manager's responsibility to decide and declare whether the policy for inclement weather or natural disaster conditions is in effect.

### (b) PROVISIONS

- (1) Only the City Manager or designee will declare inclement weather conditions or natural disasters.
  - (A) The City Manager or designee will notify department heads as well

as local radio and television. He will also ensure a notice is posted to the City's website. The employee's primary point of contact for determining whether the policy is in effect is his/her supervisor.

- (B) The City Manager will determine the reporting time when office openings are delayed or determine if offices should close early.
- (2) When the City Manager declares the policy to be in effect, the following rules apply:
- (A) When the City Manager designates a late reporting time, an early closing or that City offices be closed due to inclement weather or natural disaster, employees who are scheduled to work will be compensated and those hours will be designated as inclement weather.
  - (B) For the purposes of the Fair Labor Standards Act (FLSA), hours designated as inclement weather will not be considered hours worked.
  - (C) An employee arriving to work after the designated reporting time or leaving work when the City Manager has not closed City offices early must use eligible accrued leave in the following order:
    - (i) Compensatory Time
    - (ii) Holiday Leave
    - (iii) Vacation Leave
- Leave time will be credited against the time missed beyond the designated reporting time. If no eligible leave time exists, lost time may be made up during the remainder of that workweek. Time not made up will be unpaid time.
- (D) Non-exempt employees who arrive at work prior to the designated reporting time will not receive inclement weather pay in addition to the time worked. For example, if the City Manager designates the reporting time as 10:00 am and the employee arrives at 9:00 am, the employee will only receive one (1) hour of inclement weather pay, not two (2). Additionally, employees who arrive to work prior to the designated reporting time will not receive compensatory or overtime

unless the time worked for that week will render the employee eligible to receive compensatory or overtime in accordance with Policy 210.

- (E) Employees who are unable to arrive at work may use any accrued leave time, with the exception of sick leave, to account for a full day of absence.
  - (F) Employees who are scheduled to be off, for example using vacation, holiday, or sick leave, on a day that is declared inclement weather with a City closure, delayed start or early dismissal, are eligible to receive inclement weather pay and the employee's originally scheduled leave will not be charged.
- (3) If the City Manager declares, during the duty day, that inclement weather conditions or a natural disaster exists, employees must act accordingly, and the Department Heads must enforce the declaration.

## SECTION 350-40. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by both the City Manager and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**X Kent Cagle**  
Digitally signed by Kent Cagle  
DN: cn=Kent Cagle, o=City of Killeen,  
ou=City Manager's Office,  
email=kcagle@killeentexas.gov, c=US  
Date: 2021.03.11 07:54:46 -06'00'

Kent Cagle  
City Manager

**X Eva Bark**  
Digitally signed by Eva Bark  
Date: 2021.03.11 07:49:16  
-06'00'

Eva Bark  
Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

**400. Standards of Conduct and Employee Corrective Action**



## ADMINISTRATIVE POLICY 408 – ARTIFICIAL INTELLIGENCE

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Information Technology		
<b>EFFECTIVE DATE</b>	2/1/2025	<b>LAST UPDATED</b>	
<b>RELATED POLICIES AND PROCEDURE(S)</b>			

### SECTION 408 – 10. PURPOSE AND SCOPE

With the increasing popularity of generative AI chatbots, Large Language Models, and AI machine learning systems it has become necessary to outline the proper use of such tools while performing work at the city. We remain committed to adopting new technologies to assist in the efficient performance of our daily tasks. We also anticipate the risks and limitations of AI and want to ensure responsible use. As with any document or project we develop, we are responsible for the quality and accuracy of the work we produce, regardless of whether AI is used. While technology assists staff in their daily work, it does not relieve staff from exercising sound judgment nor being accountable to the public. The goal of this policy is to allow the beneficial use of AI in a responsible manner that prioritizes protecting the City and the public from harm.

### SECTION 408 – 20. DEFINITIONS

**Artificial Intelligence (AI):** Machines performing tasks that typically require human intelligence.

**City Data:** Data that was compiled or generated by City staff or consultants to support City operations.

**Generative AI:** A machine that automatically creates content such as text, audio, or images, often in response to information provided by typing in questions or requests.

**Large Language Models:** Algorithms that can summarize and generate content using large amounts of data.

**Machine Learning:** A type of AI in which computers use data to “learn” tasks through



algorithms.

## **SECTION 408 – 30. POLICY**

### **(a) GENERAL**

While AI can be used to perform a variety of functions, this policy addresses only the use of web-based AI interfaces that ask or "prompt" the chatbot in a conversational manner to find answers to questions or to create or edit written content.

Some examples of work products that could be created using an AI tool may include:

- Emails and letters
- Blog posts, reports, and other publications
- Policies and job descriptions
- Spreadsheet calculations
- Foreign language translations
- Computer programming or debugging of computer code
- Document or information sorting
- Outlines or summaries of internal or external information

There are risks in the use of AI technology. Staff must not input any information that may include sensitive information about an employee, resident, customer, or proprietary information that is exempt from Texas FOIA laws. Additionally, the accuracy of the content created by these technologies cannot be fully relied upon, as the information may be outdated, misleading or—in some cases—fabricated. It is the employee's responsibility to verify the information before relying upon it for work purposes.

### **(b) ETHICAL USE**

Employees should use AI in accordance with all City of Killeen administrative policies, specifically referencing the City's Electronic Communication Policy.

### **(c) SECURITY AND PRIVACY**

Do not submit any confidential information to AI systems. This may include personally identifiable information (PII), criminal history information (CHRI), criminal justice information (CJI), financial information including account and/or



payment information, or any information that is not already considered public information.

**(d) BIAS AND HARM**

All AI systems are subject to the bias of source materials used for training. Carefully review any content generated by AI for unintended or undesirable instances of bias or potentially harmful material.

**(e) ACCURACY AND COPYRIGHT**

AI uses statistical algorithms to produce results. Double check to ensure accuracy before using the content to conduct City business. The results may also include copyrighted material; make sure AI-produced content is appropriately used and attributed.

**(f) ACCOUNTABILITY AND TRANSPARENCY**

AI-generated content used to conduct City business should include information about how the material was reviewed and edited. AI-generated content released to external audiences should be clearly labeled as having been produced in whole or in part by AI. AI-generated content should be cited in the footnotes of a document and include the name of the tool, the tool publisher, the date the text was generated, and the tool's URL.

**(g) PUBLIC SAFETY**

Police and Fire Departments may have specific department policies, general orders, or directives that provide further guidance on AI.

**(h) USE CASES**

The use of AI will in many cases be allowed while performing work for the City. City email addresses, credentials or phone numbers can be used to create an account with these technologies. No proprietary City data may be submitted (copied, typed, etc.) into these platforms. The use of AI should be used as a tool to support staff work and not used to author final work products. City staff are required to author final work products.



Employees wishing to use AI should discuss the parameters of their use with their department or division head for feedback and ensure it meets City policy, legal requirements or other business needs.

AI-generated content must be properly cited, as must the use of AI chatbot-generated content when used as a resource for City work, except for general correspondence such as email. If AI is used to generate a document for the public or for an agenda item, it should be noted on the document that some of the content was generated by AI tools. If practical, the specific section of the document where AI was used should be called out.

All AI-generated content must be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify factual information generated by the chatbot, that information cannot be used for work purposes.

As generative AI may produce content that is plagiarized from its knowledge base, including copyrighted works, no text generated or partially generated from a chatbot will be eligible to have a City of Killeen copyright, trademark or patent at this time.

**Acceptable uses include:**

- To ask general-knowledge questions to enhance your understanding of a work-related topic.
- To brainstorm ideas related to projects.
- To create formulas for Excel spreadsheets or similar programs.
- To develop or debug code (this must be verified before deployment).
- To draft an email or letter.
- To summarize online research or to create outlines for content projects to assist in full coverage of a topic. Only content written by employees may be included in the final product.
- To draft staff memos.
- To help with summarizing large amounts of publicly available information

**SECTION 408 – 40. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney’s Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney’s Office and the responsible Department/Division Head or designee. Signatures from both parties



are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2025.01.31 11:07:35  
-06'00'

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*Kent Cagle, City Manager*

**Willie Resto** Digitally signed by Willie Resto  
Date: 2025.01.28 07:24:34  
-06'00'

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*Wilfred Resto, Executive Director of Information Technology*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*



## ADMINISTRATIVE POLICY 409 – PROHIBITED TECHNOLOGY

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<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Information Technology		
<b>EFFECTIVE DATE</b>	06/01/2024	<b>LAST UPDATED</b>	2/1/2025

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**RELATED POLICIES AND PROCEDURE(S)**      [Policy 420, Computer Hardware and Software Usage](#)  
[Use of Technology Manual](#)

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### SECTION 409-10. PURPOSE AND SCOPE

In accordance with Chapter 620 of the Texas Government Code, the City of Killeen hereby adopts this prohibited technology policy prohibiting the installation and use of and requiring the removal of certain applications on any devices owned or leased by the City of Killeen. This policy applies to all City of Killeen full and part-time employees including contractors, paid or unpaid interns, and users of City networks.

### SECTION 409-20. POLICY

#### (a) CITY-OWNED DEVICES

Except where approved exceptions apply, the use or download of prohibited applications or websites is prohibited on all City-owned devices, including, but not limited to, cell phones, tablets, desktop and laptop computers, and other internet capable devices.

The City must identify, track, and control City-owned devices to prohibit the installation of, or access to, all prohibited applications. This includes the various prohibited applications for mobile, desktop, or other internet capable devices.

The City must manage all City-issued mobile devices by implementing the security controls listed below:

- (1) Restrict access to “app stores” or non-authorized software repositories to prevent the install of unauthorized applications.
- (2) Maintain the ability to remotely wipe non-compliant or compromised mobile devices.



- (3) Maintain the ability to remotely uninstall un-authorized software from mobile devices.
- (4) Deploy secure baseline configurations, for mobile devices, as determined by the City.
- (5) No City device shall leave the United States without permission from the Executive Director of Information Technology.

**(b) PERSONAL DEVICES USED FOR CITY BUSINESS**

Employees and contractors may not install or operate prohibited applications or technologies on any personal device that is used to conduct City business or that is connected to any City secured network, including City internet. City business includes, but is not limited to, accessing any City-owned data, applications, email accounts, non-public facing communications, City email, VoIP, SMS, video conferencing, CAPPS, Texas.gov, or any other City databases or applications.

**(c) IDENTIFICATION OF SENSITIVE LOCATIONS**

Sensitive locations must be identified, cataloged, and labeled by the City. A sensitive location is any location, physical, or logical (such as video conferencing, or electronic meeting rooms) that is used to discuss confidential or sensitive information, including information technology configurations, criminal justice information, financial data, personally identifiable data, sensitive personal information, or any data protected by federal or state law.

Unauthorized devices such as personal cell phones, tablets, or laptops may not enter sensitive locations, which includes any electronic meeting labeled as a sensitive location.

Visitors granted access to secure locations are subject to the same limitations as contractors and employees on unauthorized personal devices when entering secure locations.

**(d) NETWORK RESTRICTIONS**

The City has blocked access to prohibited technologies on the City network. To ensure multiple layers of protections, the City will also implement additional network-based restrictions to include:



- (1) Configure firewalls to block access to Citywide prohibited services on all City technology infrastructures, including local networks, WAN, and VPN connections.
- (2) Prohibit personal devices with prohibited technologies installed from connecting to City technology infrastructure or City data.
- (3) Provide a separate network for access to prohibited technologies with the approval of the Executive Director of Information Technology.

**(e) ONGOING AND EMERGING TECHNOLOGY THREATS**

To provide protection against ongoing and emerging technological threats to the City's sensitive information and critical infrastructure, the Information Technology Department will regularly monitor and evaluate additional technologies posing concerns for inclusion in the policy.

The Texas Department of Information Resources will host a site that lists all prohibited technologies including apps, software, hardware, or technology providers. The prohibited technologies list can be found at below. New technologies will be added to the list after consultation between the City Attorney's Office and the Information Technology Department.

The City will implement the removal and prohibition of any listed prohibited technology or application. The City may prohibit additionally technology and/or applications which the City deems may be a threat.

**(f) POLICY COMPLIANCE**

All employees shall sign a document annually confirming their understanding of this policy. Compliance with the policy will be verified through various methods, including but not limited to, IT/security system reports and feedback to City leadership. An employee found to have violated this policy may be subject to disciplinary action, up to and including dismissal.

**(g) EXCEPTIONS**

Exceptions to the ban on prohibited technologies may only be approved by the Executive Director of Information Technology. This authority may not be delegated.



Exceptions to the policy will only be considered when the use of prohibited technologies is required for a specific business need, such as enabling criminal or civil investigations or for sharing of information to the public during an emergency. For personal devices used for City business, exceptions will be limited to extenuating circumstances and only granted for a pre-defined period of time. 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.

#### (h) PROHIBITED TECHNOLOGIES

The up-to-date list of prohibited technologies is published at <https://dir.texas.gov/information-security/prohibited-technologies>. The following list is current as of January 23, 2023.

### SECTION 409-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2025.01.31 11:08:14  
-06'00'

Kent Cagle, City Manager

**Willie Resto** Digitally signed by Willie Resto  
Date: 2025.01.28 07:25:00  
-06'00'

Wilfred Resto, Executive Director of Information Technology

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

## Policy 410 - STANDARDS OF CONDUCT (Iss. 12/12)

- I. PURPOSE AND SCOPE. To assure safe, efficient and harmonious operations by establishing minimum standards of conduct. This policy applies to all employees.
- II. POLICY. The following represents only a partial list of unacceptable behaviors and conduct for which infractions, whether on-duty or off-duty, will lead to corrective action up to and including dismissal. (Refer to Policy 430)

The following are causes for discipline, whether on-duty or off-duty:

- Submitting false or incomplete employment application, time records, personnel, or other City documents or records.
- Gambling, carrying weapons or explosives, or violating criminal laws on City premises.
- Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being or efficiency of any person or City property.
- Engaging in acts of dishonesty, fraud, theft or sabotage toward the property of the City or others.
- Lying
- Threatening, intimidating, coercing conduct, and/or using abusive or vulgar language.
- Interfering with the performance of other employees.
- Use of drugs or intoxicants in violation of City policy.
- Intentional bodily injury to any citizen (The mission of the City is to serve the public, not harm).
- Unauthorized absence or repeated tardiness.
- Insubordination or refusal to comply with instructions or failure to perform reasonable duties, which are assigned.
- Unauthorized use of City material, time, equipment or property.
- Damaging or destroying City property through careless or willful acts.
- Conduct which the City feels reflects adversely on the employee or City, (when the conduct occurs off-duty, the nature, severity, and publicity will be reviewed on a case-by-case basis as a possible cause for discipline).

- Inappropriate dress.
- Performance which, in the City's opinion, does not meet the requirements of the position.
- Discourteous treatment of the public or other employees.
- Engaging in such other practices as the City determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the City, its employees or citizens.
- Conviction (including after a plea of nolo contendere) of a felony or misdemeanor involving moral turpitude.
- Negligence in observing fire and accident prevention and safety rules.
- Violation of departmental rules, regulations, and/or codes of conduct, or this handbook.

This list is intended to be representative of the types of activities which may result in corrective action. It is not intended to be comprehensive and does not alter the employment-at-will relationship between employees and the City.

Refer to Policy 430, Disciplinary Actions and Administrative Leave

## Policy 411 - CONFLICT OF INTEREST (Iss. 12/14)

- I. PURPOSE AND SCOPE. The purpose of this policy is to provide City of Killeen employees with guidelines for identifying potential conflicts of interest and breaches of trust; to help ensure that City employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust; and to promote high standards of professional conduct and values among City employees.
- II. POLICY. It is the policy of the City of Killeen to ensure that all employees are aware of what constitutes a conflict of interest or breach of trust and are aware of the level of conduct and integrity which is expected of City employees. The City recognizes the right of employees to engage in activities outside their City employment which are of a private nature and unrelated to City business. However, a policy of full disclosure will be followed to assess and prevent potential conflicts of interest.
- III. LEGAL IMPLICATIONS.
  - A. City employees and public officials are agents of the public whose primary objective is to address the needs of the citizens by upholding and adhering to the City of Killeen Charter and Killeen Employee Policies and Rules (), as well as all applicable federal and state laws.
  - B. Employees should not exceed their authority, breach the law, or ask others to do so, and should work in full cooperation with the City Council and other employees, unless prohibited from doing so by law.
  - C. Employees shall not request or permit the use of City-owned vehicles, equipment, materials, property, or staff for personal convenience or profit, except where such privileges are granted to the general public.
  - D. Employees shall not grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that accorded to all citizens.
  - E. All employees are responsible to ensure that they do not improperly copy for their own use documents or computer programs in violation of applicable copyright laws or licensing agreements.
  - F. No employee shall accept other employment or compensation that could reasonably be expected to impair judgment in the performance of his/her City duties.
- IV. PROCEDURE
  - A. While describing all the circumstances and conditions which might give rise to a conflict is impossible, the following is set forth to guide employees.
    1. Full-time employees have an obligation to devote their time and energy to

employment with the City and may not engage in any outside work or hobby of the same kind as their City employment, without approval by their Department Head.

2. No employee may engage in outside work or a hobby of the same kind as his or her City employment that will interfere with his or her primary job with the City, nor will any employee engage in any activity of a nature that is in some way incompatible or adverse to the interest of the City.
3. No employee may accept gifts or favors from citizens or vendors. This does not include a meal, an award or recognition bestowed by a non-profit organization, a sample product to be used in the workplace only, or a memento or souvenir of \$50.00 value or less. All other gifts must be declined politely.
4. No employee may accept any alcohol, liquor, or other intoxicants from citizens or vendors.
5. No employee, or members of his or her immediate family, shall have any business relationship or activity with the City of Killeen in violation of the City of Killeen Charter, Section 132, or other applicable laws.
6. No personal or outside work may be done during regular work hours and no City facilities, equipment, labor, or supplies may be used to conduct personal or outside work or activity.
7. Any employee doing any outside work or activity is under obligation to advise his or her client that the work is in no way by, for, or in the name of the City.

B. Any questions regarding a possible conflict of interest or outside work and activities should be discussed with the Department Head. Any further questions on this matter can be directed to the City Attorney and the Executive Director of Human Resources.

V. EMPLOYEES AS INDEPENDENT CONTRACTORS. Employees may not provide services to the City as an independent contractor unless specific guidelines are met.

- A. Where the type of work performed as an independent contractor is separate and distinct from the type of work performed as an employee, an individual may qualify to work for the City as an employee and as an independent contractor.
- B. Work completed as an independent contractor cannot interfere with the regular work duties or hours completed by the employee. City-owned property, equipment, and staff may not be used to prepare any agreement/contract or to perform the services of the agreement/contract.

- C. There will be no contract for services with any City employee, including situations where an employee may own a business or is part owner of a business, without the written approval from the City Manager.
- D. Where there is a business need for an agreement/contract of services performed by a City employee or by City employee-owned business, in whole or part, the agreement/contract shall be handled as follows:
  - 1. There shall be a written agreement/contract between the City and the individual/business for the services to be rendered.
  - 2. The agreement/contract shall be submitted by the department requesting the services to the City Attorney and the Executive Director Human Resources.
  - 3. Following review, the agreement/contract shall be submitted to the City Manager for approval/disapproval. Services may not be provided by the employee or employee's business prior to the City Manager's approval.
- E. Individuals who work for the City and also perform duties as a volunteer firefighter, separate and distinct from their duties as a City employee, may be reimbursed for each month in which services were performed.

VI. REPORTING

Any person who believes a violation of this policy has occurred shall immediately report the matter to anyone listed below. No adverse action shall be taken against any employee who, acting in good faith, brings forward such information.

Department Head	City Auditor	Executive Director of Human Resources
City Attorney	Fraud Hotline	City Manager / Assistant City Manger

Persons who call the Fraud Hotline may remain anonymous by choice. Information provided by the caller will be treated as confidential and privileged to the extent permitted by law.

Reports of suspected violations should contain as much detail as possible, because facts and documentation will aid in the investigation.

VII. CORRECTIVE ACTION

Any reported violation of this policy will be subject to investigation by the City Manager (or his designee) and/or City Council. If an investigation finds an employee guilty of violation of this policy, disciplinary action up to and including dismissal may occur.

## Policy 412 - HARASSMENT OR DISCRIMINATION (Iss. 09/16)

I. PURPOSE AND SCOPE. This policy establishes guidelines and procedures for preventing and eliminating harassment in the workplace. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

### II. POLICY.

A. **Sexual Harassment.** All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes, and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal, or visual conduct.

B. **Other Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs, and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate

and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook.

Harassment of any nature will not be tolerated. Harassment based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship, or any other characteristic protected by law is prohibited.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

- C. **Mandatory Reporting.** The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

1. the Department Head;
2. the Executive Director of Human Resources or designee;
3. the Assistant City Manager; or
4. the City Manager.

Any supervisor, manager, or director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Head and/or the Executive Director of Human Resources or designee.

A formal complaint form is available from the Human Resources Department.

Under this policy, an employee may report to and/or contact the Executive Director of Human Resources or designee directly, without regard to the employee's normal chain of command.

- D. **Investigation.** All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.
- E. **Retaliation Prohibited.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is

prohibited. Acts of retaliation must be reported immediately as set out above.

- F. **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy.
  
- G. **Additional Responsive Action.** Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated, or when employees are untruthful during an investigation.

If the employee believes the complaint has not been appropriately resolved, the employee may file a written complaint with the Texas Workforce Commission (TWC)/Civil Rights Division within 180 days of the alleged incident or the federal Equal Employment Opportunity Commission (EEOC) within 300 days of the alleged incident. For more information, contact TWC or the nearest EEOC office.

Texas Workforce Commission  
Attn: Civil Rights Division  
P. O. Box 13006  
78711-3006  
(512) 437-3450

Equal Employment Opportunity Commission  
Dallas District Office  
207 S. Houston Street, 3<sup>rd</sup> Floor Austin, TX  
Dallas, TX 75202-4726  
(800) 669-4000

Refer to Harassment/Discrimination flow charts located on the City of Killeen public drive

## **Policy 413 - ATTENDANCE AND ABANDONMENT OF EMPLOYMENT (04/16)**

- I. **PURPOSE AND SCOPE.** To provide a method to control employee attendance to maintain efficient City operations and services. This policy applies to all employees.
- II. **POLICY.** Attendance is an implied requirement of every job. Every employee has the responsibility to maintain a good attendance record and arrive at his or her job site in a punctual manner. An employee who cannot arrive at work on time, or will be absent, shall contact the immediate supervisor as soon as practical, or as directed by their supervisor or department policy.
- III. **PROCEDURE.** Supervisors will administer the attendance standards and procedures outlined below, regardless of employee position or tenure of employee.
  - A. Attendance Standards. Employees are expected to keep a good attendance record. Supervisors shall use attendance records during the employee's performance appraisal to the extent allowed by law (e.g. no penalty for proper use of time off under the provisions of FMLA, ADA, military leave, etc.). (
  - B. Scheduling Absences. Employees who must be absent shall schedule such appointments outside working hours, if possible. When the need for being absent from work is known in advance, the employee will notify the supervisor as far in advance as possible.
  - C. Violation. Violation of this policy is cause for corrective action.
  - D. Abandonment of Employment. Any employee who is absent for three (3) consecutive workdays without notifying his/her supervisor, or not receiving approval to be absent or on leave, shall be deemed to have abandoned employment. Exceptions may be made in the event of severe illness or injury, if the employee or a family member provides notice as soon as practicable.
  - E. Unplanned Time Off. Employees shall obtain prior approval from their supervisor before using compensatory time, vacation, and/or sick leave. Employees not requesting time off in advance will be considered as having unplanned time off; supervisors can disapprove leave not requested in advance. Any accumulation (more than one instance) of unplanned time off can lead to disciplinary action, up to and including dismissal.

Refer to Policy 610, Employee Performance Appraisal

## Policy 414 - SOLICITATION AND DISTRIBUTION (04/16)

- I. PURPOSE AND SCOPE. To ensure a productive work environment where employees and business operations may function without disruption. This policy applies to employees and non-employees during work time and while on City premises.
- II. POLICY
  - A. The City strives to establish a work environment that is productive and without undue disruptions to the workday. Therefore, soliciting by one employee of another, collecting from one employee by another, distributing literature, and circulating petitions for any non-City purpose is prohibited while either employee is on work time, unless approved by the division head or Department Head
  - B. Soliciting or distributing literature by any non-employee, at any time, on City premises is prohibited.
  - C. The City may allow a business to distribute a flyer to employees if the City Manager or Assistant City Manager first determines that the City of Killeen is likely to experience a benefit by its employees participating in the advertised activity, service, or product. If approved, Human Resources will distribute.

Choosing to allow a distribution is not an endorsement or guarantee of the company, service, activity, or product, but is done for informational purposes only.
  - D. Political literature (such as buttons, banners, etc.) which promotes a candidate for office or advocates a position on an issue shall not be displayed, worn, or distributed by any person on or in, City property, buildings, or vehicles at any time.

**Policy 415 - DRESS AND PERSONAL APPEARANCE (Iss. 03/14)**

- I. **PURPOSE AND SCOPE.** The purpose of this policy is to establish guidelines for appropriate dress and appearance to project a professional image at all times.
- II. **POLICY.** As representatives of the City of Killeen, employees are expected to present a positive professional image to our customers and each other in both conduct and dress. Employees are expected to be neat, well groomed, and appropriately dressed in the workplace. This policy establishes guidelines for appropriate dress.
- III. **AUTHORIZATION.** The dress policy for regular workdays is ‘business casual.’ The need to dress in ‘business professional’ attire may be required based on job assignments and duties. On Fridays the dress policy includes the opportunity to dress more casually. (Refer to Chart IV D.) At times, it may be necessary to adjust the style of clothing depending on the degree of customer contact, nature of work, etc. The Department Heads are responsible for ensuring that employees within their department dress in a manner that is appropriate for the job.
- IV. **PROCEDURE.**
  - A. **Hair.** Hair should be clean, combed and neatly trimmed or arranged. This includes, but is not limited to, sideburns, mustaches, and beards. No shocking or provocative hair colors or colors that distract from the work environment are permitted (examples: pink, blue, orange, etc.).
  - B. **Personal Hygiene.** Good personal hygiene must be maintained. Excessive perfumes, lotions, and/or colognes, which may be disruptive in the workplace must be avoided.
  - C. **Personal Appearance.** Visible tattoos or body piercings that are provocative, or that distract from the work environment are not permitted. Department Heads have discretion, in keeping with the professional image of the City, to determine the appropriateness of visible tattoos and body piercings.
  - D. **Attire.** Appropriate dress is described below:

<b>BUSINESS PROFESSIONAL</b>	
<b>Examples of Appropriate Attire</b>	
Long- or short-sleeved dress shirt and tie	Dress slacks, dress shirt, sport coat/blazer and tie, sweaters, vests, cardigans
Suit, dress shirt and tie	Suits (pants or skirted), dresses, pant suits
Dress blouses or shells (not t-shirts) with suits, slacks or skirts	Dress shoes and socks, boots

<b>BUSINESS CASUAL</b>	
<b>Examples of Appropriate Attire</b>	
Dockers style dress slacks	Dress blouses or shells (not t-shirts) with suits, slacks or skirts

Long- or short-sleeved shirts or blouses	Pants with blazer or appropriate cover
Knit shirts, polo shirts with collars or banded collared shirts, turtleneck shirts	Jeans (without holes), denim skirts and denim dresses
Blazers, sport coats, sweaters, vests, cardigans	City of Killeen logo shirts (collar or button-down)
Loafers, flats, boots (no flip flops; no athletic shoes unless assignment or medical condition dictates)	

<b>CASUAL FRIDAY (worn only on Fridays)</b>	
<b>Examples of Appropriate Attire</b>	
Business casual attire	City of Killeen t-shirts
Athletic shoes, sneakers	Capri Pants (length – below the knee)

- E. Unusual circumstances as approved by the department/division head, i.e., weather conditions, worksite conditions, special work assignments, etc., may be sufficient reasons to grant an exception to the dress code policy; exceptions are for certain circumstances, but not on an on-going basis.
  - F. Supervisors are responsible for enforcing this policy in their area of supervision.
  - G. If employees who do not meet the dress code policy are sent home to change into proper attire, this time away from work will not be considered “hours worked.”
  - H. Exceptions may be made to comply with laws relating to disability accommodations, or religious beliefs or practices on a case-by-case basis. Employees with medical conditions that require clothing items that are not in compliance with this policy may be required to provide documentation of need from their medical provider. The Department Head with the consultation of the Executive Director of Human Resources must approve exceptions to the guidelines in this policy.
  - I. Dress codes may be relaxed with prior approval from the City Manager for special projects for designated occasions.
  - J. Employees who are in doubt as to the appropriateness of apparel or appearance should consult with their supervisor.
  - K. Complaints about the attire of an employee should be directed to the Department Head of the affected employee.
- V. UNIFORMS.
- A. New employees may be temporarily issued used City uniforms if available while awaiting the delivery of new uniforms.
  - B. Employees who are provided with uniforms will wear them while performing work

for the City.

- C. City-issued uniforms will be kept neat and presentable at all times with shirttails tucked in. When caps, jackets, coats or overalls are needed, only City-provided items will be allowed.
- D. Uniform replacements will be issued if damaged or worn-out. It will be the immediate supervisor's responsibility to determine the condition of such items and authorize replacement. The cost to replace or repair items lost or damaged outside of the workplace will be the responsibility of the employee.
- E. Uniform items supplied by the City of Killeen will not be worn while engaging in other employment or off-duty hours. (**Exception:** Peace Officers performing security during off duty hours.)
- F. Employees are not permitted to consume alcoholic beverages while in City uniforms at any time.
- G. Walking shorts, as part of a uniform, are only allowed for employees specified in this policy and as authorized by the Department Head.
- H. Terminated employees must turn in uniforms no later than the effective date of separation. (Refer to Policy 810)

Refer to Policy 80, Political Activity  
Policy 810, Employee Separation

## Policy 416 – USE OF PROPERTY AND EQUIPMENT (03/18)

I. PURPOSE AND SCOPE. To provide guidelines for the care, maintenance, use, and operation of all property and equipment, used for City business. This policy applies to all employees.

II. DEFINITIONS.

Accountable: answerable; liable; responsible; required to render account for City property/equipment: any item procured, owned or leased by the City.

III. POLICY. All property/equipment assigned to employees remains the property of the City and as such is used primarily for job-related purposes, and may be inspected by a Department Head or designee, without notice. Employees must adhere to the following guidelines:

A. Employee's use of City property/equipment for personal matters, should be de minimis (minimal) in nature.

Unauthorized use of City property and equipment, as defined by this policy and the City's Use of Technology Manual, or violation of this policy, may result in disciplinary action up to and including dismissal.

B. Employees utilizing City-owned and -leased computer hardware, software, and telephone systems are responsible for reviewing the City's Use of Technology Manual and signing and returning the appropriate acknowledgement pages to his/her supervisor.

C. Supervisors are responsible for ensuring that all new employees receive a copy of the Use of Technology Manual and that the proper acknowledgement pages are signed and returned to the Human Resources Department.

Employees should not have an expectation of privacy when utilizing city equipment and property, to include phone, desk, email, voicemail, etc..

D. Information created while performing City business is, in most cases, public information subject to disclosure under the Texas Public Information Act. If an employee uses a personal device for City business, the employee must provide copies of any documents, photographs, emails, text messages, or other items created by, or stored on, the device, upon request.

Non-work related communications made to, from, or within a City facility are not assured privacy. Some telephone lines at some City facilities are recorded and any area may be subject to camera surveillance. The only privacy assured in the workplace is that which is required either by law or by business necessity to accomplish the City's mission within the normal course and scope of City

employment.

- E. Employees are expected to exercise reasonable care to safeguard personal items brought to work. The City is not responsible for the loss, damage, or theft of personal belongings.
- F. If damage to or loss of City property is determined to be preventable and the fault of the employee, the City may require that the employee reimburse the City for the costs to repair or replace the property. This also includes damages that result from acts of neglect, abuse or occur from failure to follow safe working procedures.

After an investigation has been completed and damage to or loss of City property has been determined to be preventable and the fault of the employee, the supervisor and/or Department Head will determine appropriate employee discipline and/or reimbursement to the City for damaged or loss of City property per the matrix below.

*The table below illustrates the disciplinary process for damage to or loss of City equipment/property assigned to employees. Supervisors will use a two year look back period to determine the appropriate action to be taken.*

Damage or loss in the last 2 years	Outcome	Level	Corrective Action
First Offense	Damage to City issued property, but no down time for the replacement or repair of City issued property	Minor	Verbal Counseling
	Damage to City issued property which results in down time for replacement or repair	Moderate	Written Warning
	Damage to City issued property which results in replacement	Severe	Suspension without pay 1-5 days, dismissal, and/or reimbursement
Second Offense	Damage to City issued property, but no down time for the replacement or repair of City issued property	Minor	Written warning,

	Damage to City issued property which results in down time for replacement or repair	Moderate	Suspension without pay 1-3 days, dismissal, and/or reimbursement
	Damage to City issued property which results in replacement	Severe	Suspension without pay 1-5 days, dismissal, and/or reimbursement
Third Offense	Any damage to or replacement of City issued property	Minor to Severe	Suspension without pay 3-10 days, dismissal, and/or reimbursement

When the Department Head determines that reimbursement to the City should be made for the damaged or loss of City property, the Department Head will coordinate with Human Resources to establish a reasonable reimbursement plan for the employee.

- G. If damage or loss to a City identification card occurs, the employee will be required to reimburse the City the cost of his/her replacement card. This reimbursement will occur via a payroll deduction.
- H. The City Manager or his designee may search any City workplace, facility, fixture, or device, over which the City has control or access by law or contract.

IV. PROVISIONS. Refer to Use of Technology Manual, located on the City of Killeen public drive.

Refer to Policy 40, Personnel Records, Privacy, and Searches  
 Policy 60, Use of City Vehicles and Motorized Equipment  
 Policy 61, Take-home City Vehicles



# ADMINISTRATIVE POLICY 417 – SYSTEMS SECURITY AND INTEGRITY

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Information Technology		
<b>EFFECTIVE DATE</b>	12/2018	<b>LAST UPDATED</b>	2/1/2025
<b>RELATED POLICIES AND PROCEDURE(S)</b>			

## SECTION 417 – 10. PURPOSE AND SCOPE

City of Killeen employees can access city-owned applications and data with a computer and internet connection. Because strong and secure passwords and multi-factor authentication (MFA) help ensure the security and integrity of these systems, applications and information, City of Killeen employees, contractors, vendors, and others are responsible for securing their passwords in compliance with this policy.

This policy applies to City of Killeen employees, vendors, contractors, and others who access the City of Killeen’s systems and data. This policy will apply to all domain authentications including but limited to email, VPN connections, and computer logins.

## SECTION 417 – 20. POLICY

### (a) GENERAL

- (1) All City of Killeen users must adhere to the account password standards, take reasonable measures to protect their accounts and passwords, and are required to change their passwords on a regular basis.
- (2) If anyone demands to know any other person’s password, please refer the person to this document or have the person call the City of Killeen’s Information Technology Help Desk at (254) 501-8900.
- (3) When calling the help desk, users will be required to provide their full name, supervisor, role, department, date of birth, and last four number or their Social Security Number or employee ID number. The Help Desk will reset



the password to a generic password that follows the complexity rules of City of Killeen's password policy. Users will be required to change the password at the next login. Any user that does not personalize his or her password within three days after being reset will be locked out and will be required to contact the Help Desk for the new password.

- (4) All employees accessing the City of Killeen's systems and data are required to use MFA which is a security process that requires users to provide two or more forms of authentication to access systems or data.
- (5) Violations of this policy are to be reported to the Information Technology Help Desk and may lead to disciplinary action up to and including dismissal.

**(b) PASSWORDS**

**(1) PASSWORD STANDARDS**

- (A) Passwords shall be kept secure at all times.
- (B) Passwords shall be immediately changed if unauthorized personnel have accessed or compromised the account in any manner.
- (C) A password that is compromised shall be changed immediately and reported to the Information Technology Help Desk (254) 501-8900.
- (D) Individual employee account passwords will be changed every 90 days.
- (E) Passwords for applications will be changed every 90 days.
- (F) The passwords for generic accounts will be changed every 90 days.
- (G) Vendor and System account passwords will be changed every 90 days.
- (H) All passwords will meet the Password Requirements of this policy.

**(2) PASSWORD REQUIREMENTS**

- (A) The following are password requirements for all employees, contractors, vendors, and others accessing the City network:
- (B) At least eight (8) characters long



- (C) Include both upper- and lower-case characters (e.g., a-z, A-Z)
- (D) Include both numbers and special characters (e.g., 0-9, ~, @, #, \$, %, ^)
- (E) Do not use personal information (e.g., names of spouses, children, birthdays, anniversaries)
- (F) Do not maintain a repeating pattern when the password is changed (e.g., the first part of the password remains the same).
- (G) Password history – utilize a number of unique passwords before an old password is reused. Eight unique passwords are required.
- (H) Maximum password age – 90 days
- (I) Three (3) failed login attempts will result in the initiation of a system lockout. Information Technology will need to be contacted to unlock the account.

### (3) PASSWORD PROTECTION GUIDELINES

- (A) To keep your password from falling into the wrong hands, please follow these guidelines:
- (B) Do not make your City of Killeen password the same as the ones you use for personal accounts.
- (C) Do not share your password with anyone.
- (D) Do not send passwords in email.
- (E) Do not post your password on computers, under keyboards, etc.
- (F) Do not use the “Remember Password” or “Remember Me” feature on browsers or other applications.
- (G) Change your password immediately if you think it may have been compromised.
- (H) Be careful about letting someone see you type your password.

### (4) CHANGING PASSWORDS

- (A) When logging into computers, users will receive a message stating



their password is about to expire at least two weeks before their password expiration date. At any time, a Windows user may change his or her network password on City computers by pressing CTRL+ALT+DELETE, and then clicking Change a Password. Mac users may change their network password on computers through system preferences and selecting Change Password.

(5) **RESETTING PASSWORD ASSISTANCE**

- (A) Users that are unable to reset their password must contact the Help Desk themselves at (254) 501-8900.

**(c) AUTHENTICATION**

(1) **AUTHENTICATION DEVICE**

- (A) Employees who possess a City-issued cell phone must use it as their primary authentication to generate the MFA token.
- (B) Alternatives for Non-City Issued Phones
  - (i) Employees who do not have a City-issued phone will be provided with an MFA fob as the token key.
  - (ii) Alternatively, employees without a City-issued phone may opt to use their personal smartphone as the authentication device. If the employee chooses to use a personal device for the MFA application, there would be no expectation of reimbursement as this option is completely voluntary and only offered as a convenience.

(2) **PROVISIONING AND SETUP**

- (A) The Information Technology Department is responsible for provisioning MFA accounts for all employees.
- (B) Employees will receive instructions from the Information Technology Department on how to set up and configure MFA on their chosen authentication device.
- (C) Employees must follow the setup instructions promptly upon receipt.

(3) **COMPLIANCE**



- (A) Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.
  - (B) Exceptions to this policy must be approved by the Executive Director of Information Technology along with the City Manager.
- (4) RESPONSIBILITIES
- (A) The Information Technology Department is responsible for provisioning MFA accounts, providing setup instructions, and ensuring compliance with the policy.
  - (B) Employees are required to set up and use as per the instructions provided by the Information Technology Department.
  - (C) The Information Technology Department, in conjunction with Human Resources, will periodically audit compliance with this policy. Noncompliance may result in appropriate disciplinary action.
  - (D) The Information Technology Department will review this policy annually and update as necessary to reflect changes in technology, regulations, or organizational requirements.
  - (E) Questions or concerns regarding this policy should be addressed to the Information Technology Department via email at [helpdesk@killeentexas.gov](mailto:helpdesk@killeentexas.gov) or you may call the Help Desk from any City phone at extension 8900 or (254) 501-8900 if calling from a phone outside of the City's network.

## SECTION 417 – 30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2025.01.31 11:07:54  
-06'00'

*Kent Cagle, City Manager*

**Willie Resto** Digitally signed by Willie Resto  
Date: 2025.01.28 07:25:28  
-06'00'

*Wilfred Resto, Executive Director of Information Technology*



*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

**Policy 418 – FRAUD (Iss. 12/14)**

I. PURPOSE AND SCOPE. The purpose of this policy is to facilitate the development of controls which will aid in the detection and prevention of fraud against the City of Killeen. It is the intent of the City to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

II. POLICY. It is the policy of the City of Killeen to forbid any fraud involving employees, council members, consultants, vendors, contractors, or any other parties with a business relationship with the City of Killeen. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the City of Killeen.

III. DEFINITIONS.

FRAUD. Actions constituting fraud and other fiscal wrongdoings Refer to, but are not limited to, the following:

- A. Any dishonest or fraudulent act
- B. Forgery or alteration of any document or account belonging to the City of Killeen
- C. Misappropriation of funds, supplies, or other assets
- D. Impropriety in the handling or reporting of money or financial transactions
- E. Profiteering as a result of insider knowledge of City of Killeen activities
- F. Disclosing confidential and proprietary information to outside parties
- G. Accepting or Seeking anything of material value (more than \$50) from contractors, vendors or persons providing services/materials to the City of Killeen (Refer to 411.)
- H. Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment and/or
- I. Any similar or related inappropriate conduct.

IV. RESPONSIBILITY.

- A. It is the responsibility of every employee to immediately report activities of suspected fraud by others. The reporting individual is not responsible for investigating the activity or for determining fault or corrective measures.

- B. Management is responsible for identifying and mitigating the fraud risks in their areas.
- C. It is the responsibility of the City Auditor to immediately notify the City Manager of complaints received unless the complaint directly involves allegations concerning fraudulent activities of the City Manager. In such case, the Mayor will be notified immediately.
- D. The City Auditor has the primary responsibility of investigating all suspected fraudulent activities as defined in the policy. If an investigation substantiates that fraudulent activities have occurred, then the City Auditor will issue reports to appropriate designated personnel to include the City Manager and the Audit Committee.
- E. All substantiated fraudulent activity will be further investigated by the appropriate law enforcement agency and will be prosecuted. The City Council will be kept advised of any pending criminal investigations.
- F. Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by the Department Heads and Human Resources in accordance with policies.

V. REPORTING PROCEDURES.

- A. Fraud Hotline and Other Communication Methods
  - 1. The fraud hotline is a telephone hotline to the City of Killeen City Auditor's office that provides 24-hour access through voicemail for the purpose of reporting allegations of fraudulent activities. The fraud hotline number is (254) 501-6300.
  - 2. The fraud complaint form, which can be found on the City's website, may be filled out and submitted via mail or email to the City Auditor.
  - 3. Reports of allegations of fraudulent activities may be made by calling or sending correspondence to the City Attorney who will then notify the City Auditor.
  - 4. A reporting individual may inform his/her supervisor, manager, or department head of suspected fraud. When made aware of such potential activities, the Supervisor, Manager or Department Head, must immediately notify the City Auditor.
- B. Complaints may be submitted anonymously if the reporting individual chooses.

- C. To the extent allowed by Texas law and/or federal statutes, all information received shall be treated as confidential.
- D. The City of Killeen will not retaliate against an employee who reports fraudulent activity in good faith. The protection against retaliation does not include immunity for the reporting employee's personal wrongdoing that is alleged and investigated.
- E. An employee who knowingly or intentionally files a false report of fraudulent activity will be subject to disciplinary action, up to and including dismissal in accordance with policies.

**Policy 420 - COMPUTER HARDWARE AND SOFTWARE USAGE (Iss. 10/17)**

- I. PURPOSE AND SCOPE. To protect against the unauthorized use of City data and word processing facilities, equipment and software. This policy applies to any person using a City provided computer or service.
  
- II. POLICY. The City's data and word processing facilities, equipment, and software are valuable assets. Unauthorized use of these assets or violation of this policy will result in disciplinary action, up to and including termination. For additional information, refer to the City's Use of Technology Manual found on the public drive in the COK Handbook file.

## Policy 430 - DISCIPLINARY ACTIONS & ADMINISTRATIVE LEAVE (Rev. 11/18)

### **I. PURPOSE AND SCOPE**

It is the intent of this standard operating procedure to establish clear, progressive guidelines for preventing and correcting job performance deficiencies and misconduct and for administering employee disciplinary action.

### **II. STANDARDS AND EXPECTATIONS**

It is the responsibility of each employee to maintain satisfactory levels of job performance and conduct.

This policy and standard operating procedure does not modify the status of employees as “employees at will” or in any way restrict the City’s right to bypass the disciplinary procedures suggested.

Discipline will be administered without regard to race, color, religion, gender, national origin, age, disability, or other non-performance-related factors.

Depending on the facts and circumstances involved in each situation, or the amount of influence the employee holds over people, processes, and procedures, supervisors may choose to begin corrective action at any step up to and including immediate dismissal.

Executive Directors, Assistant Directors, and other exempt staff dependent upon the amount of influence the staff member holds over people, processes, and procedures may not be subject to progressive discipline. Rather the City may exercise its right to bypass progressive disciplinary procedures with regard to these types of employees, as determined by the City Manager.

### **III. TYPES OF DISCIPLINE**

#### **A. Verbal Reprimand:**

1. Verbal reprimands will be documented by the supervisor and maintained by the Department Head within department files for performance evaluation and record keeping purposes.
2. **No appeal.** Verbal reprimands may not be appealed by employees.

#### **B. Written Reprimand:**

1. Written reprimands shall be presented and a copy provided to the employee indicating the following:

The specific employee act(s) which demonstrated the unacceptable conduct or behavior,

- a. The expected conduct or behavior,
- b. That such act(s) must not be repeated,
- c. That further disciplinary action may result if the employee fails to show and maintain satisfactory improvement, and
- d. Signed acknowledgement of receipt of the written reprimand by employee.

2. **No appeal.** Written reprimands may not be appealed by employees; however, employees who disagree with the counseling action may discuss the basis of disagreement with their Department Heads and provide a written rebuttal.
3. Written reprimands become a part of employee's permanent personnel files and shall be forwarded, along with any employee responses/rebuttals, to Human Resources. Written rebuttals must be submitted within ten (10) business days of receiving the written reprimand.

C. Suspension:

Suspensions result in time off without pay.

1. A non-exempt employee may be suspended without pay for a period of not less than one work shift. Employees who are exempt under the FLSA must be suspended without pay for not less than one full work week (for example, 40 hours) and only in work week increments.
2. Prior to issuing a suspension, the Department Head, Human Resources, and the City Attorney's Office must confer.
3. When a consensus cannot be reached among the Department Head, Human Resources, and the City Attorney's Office, the suspension action will be reviewed by the Assistant City Manager. That determination of the Assistant City Manager will be final.
4. Suspensions become permanent parts of the disciplinary record maintained in the employee's permanent personnel file in Human Resources.
5. Suspensions may be appealed in accordance with City policy and standard operating procedures.

D. Dismissal:

Dismissals result in termination of City employment.

1. Prior to initiating any dismissal action, the Department Head and the Executive Director of Human Resources shall confer and present all relevant facts, circumstances, and information, including whether the employee will be placed on administrative leave pending the outcome of the proposed dismissal.
2. The Executive Director of Human Resources, the Department Head, and City Attorney's Office will review the information and discuss available options and their consequences.
3. When a consensus cannot be reached among the Department Head, Human Resources, and the City Attorney's Office, the dismissal action will be reviewed by the Assistant City Manager or designee. That decision will be final.
4. The dismissal will be issued by the Supervisor, Department Head, or the Executive Director of Human Resources, depending on where the action

was initiated. The Department Head and Executive Director of Human Resources, or a Human Resources designee will be present for each dismissal.

5. Dismissals may be appealed in accordance with City policy and standard operating procedures.

**IV. ADMINISTRATIVE LEAVE**

- A. When an employee is under investigation for a crime or official misconduct; is awaiting a hearing or trial in a criminal matter; is involved in an instance that does not rise to the level warranting an investigation (ex: two employees arguing, needing a cooling-off period), the Department Head, Human Resources, and the City Attorney's Office will review the facts of the alleged conduct to determine whether it will interfere with the employee's performance of the job functions. Depending on the type, nature and severity of the alleged conduct, the employee may be placed on administrative leave as determined by Human Resources and the City Attorney's Office.
- B. The imposition of discipline, in whatever form, shall in no way preclude a further sanction imposed against an employee in subsequent criminal or civil proceedings. Any sanctions imposed in criminal or civil proceedings against an employee shall not preclude the imposition of administrative sanctions.
- C. An employee may be placed on Administrative Leave to determine fitness for duty; this decision will be made collaboratively by the Department Head, Human Resources, and the City Attorney's Office.
- D. Administrative Leave may not be appealed by employees.

**Ron Olson**

 DN: cn=Ron Olson, o=City of Killeen, ou=City Manager's Office,  
email=rolson@killeentexas.gov, c=US  
Date: 2019.01.09 08:01:44 -06'00'

City Manager's Signature

Date



## ADMINISTRATIVE POLICY 431 – APPEALS OF DISCIPLINARY ACTION

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	11/2018	<b>LAST UPDATED</b>	09/01/2022
<b>RELATED POLICIES AND PROCEDURES</b>	Policy 130, Probationary Employment Period (PEP) Policy 305, Seasonal Employees		

### SECTION 431 – 10. PURPOSE AND SCOPE

To set forth guidelines for classified service employees appeals of disciplinary suspensions and dismissals. Seasonal employees and newly hired employees who have not completed their probationary employment period (PEP) have no appeal rights. Classified employees who have recently promoted, been reclassified, transferred, or voluntarily demoted will retain their right to appeal. (Refer to Policies 130 and 305).

### SECTION 431 – 20. POLICY

#### (a) APPEALS OF UNPAID SUSPENSIONS

- (1) Employees who are suspended without pay may appeal decisions to their Department Head. The employee must submit a written appeal to his/her Department Head within five (5) business days from the date notification of the suspension was provided. If the employee reports directly to the Department Head, the appeal shall be submitted to a representative from the City Manager's office, via the Human Resources Department. The Human Resources Department shall shepherd the appeal through the appeal process.
- (2) The recipient of the appeal shall, within ten (10) business days after receipt, respond in writing stating the decision to affirm, modify, or revoke the suspension. A copy of the response must be forwarded to Human Resources.
- (3) Employees who report directly to an Assistant City Manager or to the City Manager will have no right to appeal unpaid suspensions.



**(b) APPEALS OF DISMISSAL**

- (1) Employees receiving notification of dismissal may appeal to the Employee Review Committee (consisting of the City Attorney; Executive Director of Human Resources; and a Department Head other than the dismissed employee's Department Head). This work will be done in accordance with the following rules:
- (2) Within five (5) business days after receiving a dismissal notice, an employee must submit, in person to the Executive Director of Human Resources or designee, a written request to appeal his/her dismissal. In order for the request of an appeal to be valid, the written request must indicate the following:
  - (A) the manner in which the employee prefers to receive written communication and the address to be used for that purpose; and
  - (B) a statement that the employee believes the dismissal was made either on a discriminatory basis or that the dismissal was a disproportionate penalty.

It is the responsibility of the employee or delivery person to obtain a signed receipt from Human Resources.

- (3) An employee who appeals a dismissal shall receive a "final" paycheck calculated on base pay and overtime earned (if non-exempt) during the last pay period. If the separation is affirmed, then accruals will be paid immediately. If the separation is reversed, the employee shall continue employment with the accrued leave benefits.
- (4) The appeal shall be considered as soon as is reasonably possible, after the request has been received by Human Resources.
- (5) The employee shall be notified of the time, date, and location of the meeting using the communication method indicated in the appeal (See 1.a.). Failure to receive the notice by mail shall not affect the time or date of the meeting.
- (6) At the employee review meeting, the employee shall have the right to be accompanied by but not represented by another City employee.
- (7) The committee shall consider all information provided which the committee deems helpful and/or appropriate to consider in reaching a valid conclusion. Based on the information discussed at the time, the committee may recess



the meeting in order to further consider and then reconvene.

- (8) Within ten (10) business days following the conclusion of the process, the employee review committee shall submit to the Assistant City Manager its written recommendation, including upholding, modifying, or reversing the discipline.
- (9) Employee may be reinstated with back wages and restoration of any benefits lost, from the date of separation through the time of reinstatement. Such employee may be reinstated to the same or a different department or division by the Assistant City Manager.
- (10) Employees who report directly to an Assistant City Manager or to the City Manager will have no right to appeal their dismissal.

**(c) EXCLUSIVE REMEDY AND PROCESS**

- (1) As to the matters covered by this policy, an employee or former employee shall not be entitled to assert any claim for other or further relief than that provided herein. The remedies and procedures stated in this policy are the sole and exclusive remedy or recourse, and it survives termination of employment.

**SECTION 431 – 30. DOCUMENT APPROVAL**

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney’s Office, and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney’s Office and the responsible Department/Division Head or designee. Signatures from all parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2022.08.05 15:27:36  
-05'00'

Kent Cagle, City Manager

**Eva Bark** Digitally signed by Eva Bark  
Date: 2022.08.05 07:56:18  
-05'00'

Eva Bark, Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

**Policy 432 - GRIEVANCE PROCEDURE (Rev. 11/18)**

**I. PURPOSE AND SCOPE**

To provide guidelines for employees to resolve work-related disputes and grievances with supervisors which are not related to corrective action. This applies to all classified service employees.

**II. PROCEDURE**

An employee may have another employee present at all steps of the process (described in flow chart on page 3).

A. Employees who are not supervised by the Assistant City Manager or City Manager shall proceed as follows:

1. The employee shall submit the grievance in writing to the Department Head within five (5) business days of the concern regarding the meaning, application and/or interpretation of specific work rule(s). The Department Head shall, within ten (10) business days after receipt, respond in writing stating the determination to affirm, modify, or revoke the work rule. A copy of the response shall be given to the employee and forwarded to Human Resources.
2. If the employee considers the grievance to the Department Head to be unresolved, or if the employee reports directly to the Department Head, they may submit the grievance to the Assistant City Manager, via the Human Resources Department, within five (5) business days after receipt of the Department Head's written response. Unless circumstances require otherwise, within ten (10) business days after receipt of the grievance the Assistant City Manager, via the Human Resources Department, shall give a written determination to the employee. The determination of the Assistant City Manager will be final.

B. Employees who report directly to an Assistant City Manager or to the City Manager will have no right to grievance procedures.

**III. EXCLUSIVE REMEDY AND PROCESS**

As to the matters covered by this policy, an employee or former employee shall not be entitled to assert any claim for other or further relief than that provided herein. The remedies and procedures stated in this policy are the sole and exclusive remedy or recourse.

Refer to SOP 610, Employee Performance Appraisal

**Ron Olson**

City Manager's Signature

Digitally signed by Ron Olson  
DN: cn=Ron Olson, o=City of Killeen, ou=City Manager's Office,  
email=rolson@killeentexas.gov, c=US  
Date: 2019.01.09 08:02:26 -06'00'

Date

## Policy 440 - WORKPLACE VIOLENCE AND WEAPONS (Iss. 08/17)

I. PURPOSE AND SCOPE. To establish a **zero tolerance standard** with respect to acts of intimidation, threats of violence or acts of violence against co-workers, visitors, customers, or any other persons who have contact with City employees in the course of performing work duties.

II. DEFINITIONS.

Act of Violence. An intentional act that causes bodily harm, however slight, to another person or damage to the property of another.

Imminent Danger. The appearance of immediate danger by an individual who looks to be capable of and ready to cause serious injury or death to others.

Intimidation. Any intentional act toward another person, causing said person to reasonably fear for his/her safety or the safety of others. This threat can be delivered verbally, through the use of non-verbal communication (including but not limited to suggestive body language), or through the use of communications devices (including but not limited to telephone, text message, video chat or email).

Non-Imminent Danger. A threat, signs of intent to commit an act of violence or a non- life threatening act of violence.

Threat of Violence. Any intentional act that threatens bodily harm to another person or damage to the property of another. This threat can be delivered verbally, through the use of non-verbal communication (including but not limited to body language), or through the use of communication devices (including but not limited to telephone, text message, video chat or email).

III. POLICY. The City of Killeen prohibits any acts or threats of violence in the workplace by any City employee against co-workers or third parties who have contact with City employees in the course of his/her performance of work duties. **All reports of threats or actual occurrences of violence or weapons violations will be taken seriously.** Violation of this policy is subject to corrective action up to and including termination.

A. Workplace Violence. Examples of prohibited behavior include, but are not limited to the following:

1. Behaving in a manner that subjects another individual to extreme emotional distress, such as abusive language, cursing and vulgarity.
2. Throwing objects, regardless of the size or type of object being thrown, or whether a person is the target of the thrown object.
3. Physically touching another person in an intimidating, malicious, or harassing manner, including such acts as hitting, slapping, poking,

kicking, pinching, grabbing and pushing.

4. Physically intimidating others through acts of obscene gestures, shouting, and fist shaking.

B. Weapons. No employee shall

1. have, bring, carry, or possess;
2. on, about, or near his or her person;
3. any firearm, prohibited weapon (as defined by Texas Penal Code), or explosive or incendiary device;
4. while at, on, or in any building, structure, vehicle, or other property owned or leased by the City of Killeen (Public driveways, streets, sidewalks or walkways, parking lots, garages, or other parking areas are exempt.).

This prohibition applies to and includes:

1. all firearms and other devices described above, whether carried openly or concealed, without regard to whether classified as a handgun or a long gun, and regardless of whether the employee has a state-issued permit otherwise authorizing concealed carrying of a handgun;
2. an employee's personal (and City-issued) garments, handbags, briefcases, purses, suitcases, bags, sacks, boxes, pouches, bottles, desks, lockers, other containers and fixtures; and
3. all City employees, whether on or off duty, when they are on City owned or leased property (Public driveways, streets, sidewalks or walkways, parking lots, garages, or other parking areas are exempt.).

C. Exemptions. The following items and persons are exempt from this prohibition:

1. Ordinary cigarette lighters and matches.
2. An object or substance normally allowed or used in the ordinary course of an employee's City-related work duties (Examples: mechanics torch with explosive gases, certain cutting tools, an animal control officer's tranquilizer gun, etc.), and those of a contractor or vendor while actually performing service for the City.
3. An employee who holds a license to carry who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition, is allowed to store firearms and/or ammunition in a locked, privately-owned motor vehicle located in a City of Killeen parking lot, garage or area.

4. Any person employed full time as a magistrate, peace officer, railroad peace officer, or special investigator as defined in Texas Code of Criminal Procedures, Articles 2.09, 2.12, 2.121 and 2.122, as amended, and any employee then acting in the immediate presence of and under the direction of one of those enumerated persons. A reserve officer may carry a firearm on City owned or leased property during periods of active duty and when arriving and departing, immediately prior to and after a tour of duty.
  5. Any member of the United States military while in the actual discharge of official duties.
- D. Reporting. No employee shall be subjected to criticism, reprisal, retaliation or disciplinary action in his/her department for good faith reporting pursuant to this policy.

## VI. PROCEDURE.

- A. The City of Killeen urges employees who are upset or angry at the City, a supervisor, a fellow employee, a customer, or any other individual to use the City's formal grievance procedure (Refer to Policy 432.) Employees can also seek out a member of management to discuss the situation or seek appropriate outside guidance or counseling.
- B. Employees who are the subject of, or a witness to, a suspected violation of this policy is expected to report the violation to their immediate supervisor or (if the immediate supervisor is involved with the violation) the next-in-line supervisor as soon as possible after the violation occurs, using Form S-2 (Employee Statement) or S-2b (Witness Statement).
- C. Any supervisor, manager, or other person in authority who receives a Form S-2 or S-2b from a subordinate shall investigate the suspected violation immediately. The supervisor must then forward the subordinate's report and his/her own Form S-1 (Supervisor's Investigation Report) to the department Human Resources Generalist as soon as reasonably possible.
- D. Employees observing criminal activity, acts of violence, or a situation of imminent danger shall call 9-1-1 immediately to report the incident regardless of the physical location of the incident (public property, private property, City owned, City leased, etc.). Employees are to use reasonable care to prevent themselves and others from being harmed in the process of witnessing and reporting the criminal activity.

**500. Reserved**

## Policy 510 - EDUCATIONAL ASSISTANCE (Iss. 03/18)

- I. PURPOSE AND SCOPE. To encourage employees to improve their present job performance and prepare for greater City responsibilities by providing financial assistance in meeting costs for continued education. The City of Killeen Educational Assistance Program provides eligible employees with financial reimbursements of up to 100% of tuition upon completion of approved courses. Reimbursements are limited to available funding; funds will be released based on the date order in which courses are pre-approved.
- II. ELIGIBILITY REQUIREMENTS. The person must be a regular, full-time employee at the time of registration for college courses and remain continually employed throughout completion of the course to be eligible for reimbursement.
- III. POLICY. Educational assistance is provided as a reimbursement to employees for eligible educational expenditures. Reimbursement requests will not be submitted until the semester is complete.
  - A. Eligible employees may receive up to \$5,250 in employer-provided educational assistance per calendar year (Refer to IRS Publication 970).
  - B. Employees are authorized to be reimbursed for college courses taken only at Texas A&M University-Central Texas or Central Texas College (interchangeably referred to as “institution”). To be eligible for the nontaxable reimbursement of educational expenses, the course work cannot be part of a program that will qualify the employee for a new trade or business outside the City.
  - C. City of Killeen information that is available to an individual during the scope of his/her employment shall not be used in completing homework assignments, course work, course projects, or any activities related to course work unless otherwise authorized by the City Manager’s Office.
- IV. COLLEGE TUITION REIMBURSEMENT
  - A. The course of study must be related to the employee’s current job classification or must be one that will enhance the employee’s potential for advancement within the City.
  - B. The employee must have a degree plan on file with the institution and the Human Resources Department in accordance with section IV. G. of this policy.
  - C. The Department Head will determine if the course(s) of study meet the criteria set forth in this policy and notify the employee of his/her decision. If the request is approved, the Department Head will forward all documents to the Human Resources Department for final processing.
  - D. In the event a request is disapproved by the Department Head, the employee may request a review by the City Manager’s Office, via the Human Resources

Department.

- E. Educational assistance reimbursement is authorized for online and interactive television (ITV) courses offered through the institution.
- F. Reimbursement. This policy allows the City to reimburse an employee for tuition based upon the following schedule:
  - 1. Grade A qualifies for 100% reimbursement.
  - 2. Grade B qualifies for 80% reimbursement.
  - 3. Grade C qualifies for 50% reimbursement.
  - 4. Grade D or F will receive no reimbursement.
  - 5. For grades reported on a (P) pass or (F) fail basis, a (P) pass will entitle the employee to an 80% reimbursement; an (F) fail, no reimbursement.
  - 6. The maximum number of hours eligible to be reimbursed per semester is 12 semester hours.
  - 7. Employees are responsible for costs associated with course materials, exam fees, and travel expenses.
  - 8. Employees are responsible for providing an official transcript or diploma to the Human Resources Department upon completion.
  - 9. The employee tuition reimbursement fund will be managed by the Human Resources Department.
- G. Procedure.
  - 1. Employees must submit to their supervisor a completed HR Form P -14 (Educational Assistance Application) and degree plan from the institution these must be forwarded to the Department Head prior to course commencement.
  - 2. Upon receipt of the approved request from the Department Head, the Human Resources Department will route the request to the City Manager's office for final approval. Once approved, the Human Resources Department will notify the employee.
  - 3. Upon successful completion of the approved course(s), the employee must submit copies of the following documents to the Human Resources

Department:

- a. Report card, grade slip, or other official proof of course completion and grade received;
  - b. Course syllabus;
  - c. Receipts from the institution reflecting any other financial assistance received (scholarship, GI Bill, trust fund, federal or state grant, etc.). Reimbursement in conjunction with any other financial assistance will not exceed 100% of the total eligible expenses.
4. The Human Resources Department will verify eligible expenses and initiate reimbursement to the employee.
  5. Requests for tuition reimbursement must be submitted within 30 calendar days of the end of the semester in which the course was completed.
- H. Following completion of college courses, if the City has invested \$500 or more for tuition, the employee will be required to repay funding received as follows:
1. If the employee separates up to one year following the completion of the courses for which reimbursement was received: 100% of the reimbursement received within the previous two years from the City will be deducted from the final paycheck(s) and refunded to the City.
  2. Separation of employment at one year and up to two years following the completion of the course(s) for which reimbursement was received: 50% of the reimbursement will be deducted from the final paycheck(s) and refunded to the City.
- I. PROFESSIONAL CERTIFICATES/LICENSURES/RECERTIFICATIONS (ex: CPA, PHR, PE)
- J. Reimbursement for licenses and programs required by the City of Killeen (stated in position description) will be approved by the Department Head, paid through the respective department's budgeted funds.
- K. Procedure:
1. Employees must submit the program agenda to their supervisor to be forwarded to the Department Head prior to course commencement.
  2. A copy of the completion certificate or license must be provided to the Human Resources Department upon course completion.
  3. Employees are responsible for costs associated with course materials,

exam fees, and travel expenses for professional certifications, licensures and degree programs.

- L. If required by position description, the City will pay for the first exam only. The cost of all other exams is the responsibility of the employee.
- M. The Department Head has the final approval for all certificate/licensure programs and respective reimbursement requests.
- N. Following completion of a professional certification/licensure course, if the City has invested \$500.00 or more for tuition, the employee will be required to repay monies received as follows:
  - 1. If the employee separates up to one year following the completion of the course for which reimbursement was received: 100% of the reimbursement received within the previous two years from the City will be deducted from the final paycheck(s) and refunded to the City.
  - 2. Separation of employment at one year to two years following the completion of the course for which reimbursement was received: 50% of the reimbursement will be deducted from the final paycheck(s) and refunded to the City.

V. REQUIRED TRAINING AND PROFESSIONAL DEVELOPMENT

- A. The full cost of mandatory training (identified in the position description), dictated by City policy or state/federal law, will be paid by the appropriate City department from departmental budgets, regardless of length of service or status of the employee.
- B. Training requested by the employee for the purposes of professional development may be paid by the appropriate City department from departmental budget, regardless of length of service or status of the employee.

# ADMINISTRATIVE POLICY 511 – EMPLOYEE RECOGNITION AWARD PROGRAM

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	04/01/2021	<b>LAST UPDATED</b>	8/1/2024
<b>RELATED POLICIES AND PROCEDURE(S)</b>			

## SECTION 511-10. PURPOSE AND SCOPE

To recognize City employees for outstanding performance that is above and beyond what is expected of their normal job duties.

## SECTION 511-20. POLICY

(a) EMPLOYEE OF THE QUARTER

(1) ELIGIBILITY

All employees, with the exception of Executive Directors, are eligible to be nominated for and receive the Team Killeen Employee of the Quarter award.

To be eligible, the employee must meet the following criteria:

- (A) Received no Disciplinary Actions within the past six (6) months;
- (B) Have no at-fault, on the job vehicular accidents within the past six (6) months;
- (C) Meet department expectations for attendance and punctuality;
- (D) Must have completed their initial probationary period;
- (E) Must not have been selected as Employee of the Quarter in the previous 12 months; and

(F) The employee's job performance meets expectations.

(2) NOMINATIONS

(A) City employees will make nominations.

- (i) Any City employee may submit a nomination for any other City employee. It is encouraged to recognize team members in every capacity.
- (ii) All nominations must be submitted using the Employee of the Quarter Nomination Form and meet all eligibility criteria stated in Section (a)(1) of this policy.
- (iii) A nomination does not need to be an employee from the nominators department.
- (iv) Each nomination form will need to be vetted and approved by the Human Resources Department.
- (v) At the first Department Head meeting of each quarter, employee of the quarter selections will be a topic of discussion.
- (vi) Each Department Head will have the opportunity to select one employee from their department and provide an explanation of why their employee should be chosen as an Employee of the Quarter nominee.
- (vii) As a group, Department Heads will select two of the suggested nominees to be formally nominated and considered by the committee.

(3) CRITERIA

- (A) To be considered for the Team Killeen Employee of the Quarter award, an employee must have demonstrated performance above and beyond what is expected of their normal job duties.
- (B) The employee's service must distinguish them from others in the organization, be a positive representation of City employee service, and set an example for fellow employees to follow.

(4) SELECTION

- (A) Nominations will be reviewed by the Employee of the Quarter committee.
  - (B) The Employee of the Quarter committee will be comprised of previous award recipients.
  - (C) There must be a minimum of three (3) committee members for a selection to be made.
  - (D) The nomination with the most votes will be selected as Team Killeen Employee of the Quarter.
- (5) AWARD
- (A) The City Manager or designee will issue recognition to the recipient.
  - (B) The recipient will be recognized at the annual Dedicated Service Awards ceremony.

## SECTION 511-30. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2024.07.17 14:27:10  
-05'00'

*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2024.07.11 17:36:05  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

**600. Appraisals and Promotions**

**Policy 610 - EMPLOYEE PERFORMANCE APPRAISAL (Iss. 08/17)**

- I. PURPOSE AND SCOPE. To provide a process by which the job performance of each employee is appraised. This policy applies to all employees.
- II. POLICY. The employee performance appraisal process is intended to accomplish the following objectives:
  - A. Enhance individual employee performance and ensure effective City operations.
  - B. Summarize both formal and informal performance discussions held with employees throughout the review period.
  - C. Document performance areas in which employees do well and those areas requiring improvement, as well as establish performance goals and plans to correct performance shortcomings.
  - D. Link employee performance with an annual merit wage/salary increase for non-civil service employees, if such is included in the approved City budget.
  - E. Provide a fair and reasonable method for evaluating civil service employees' performance.
  - F. Provide supervisors and managers with input from employees about concerns or suggestions for departmental operations.
- III. PROCEDURE
  - A. Appraisals must be submitted within one (1) month of their due date. If an appraisal grants an increase in pay and is submitted after the employees' anniversary date, the employee will be compensated at the increased pay rate back to their anniversary date in accordance with the City's long standing policy and practice.
  - B. Newly hired employees will be appraised at the end of their six (6) month anniversary. Employees will receive a written performance appraisal at least annually, within one (1) month of the anniversary of their hiring. Additional appraisals may be conducted as the department or division deems appropriate or necessary, on an individual basis.
  - C. Promoted employees will be appraised after completing six (6) months in his/her new position. A promoted employee's annual evaluation will be one (1) year from the effective date of his/her promotion, and must be submitted within one (1) month of the aforementioned date.
  - D. Transferred employees will be appraised for their performance in the position they are leaving prior to their last day in the position.

1. A transferred employee's annual appraisal date will remain the same.
  2. If the transfer involves a change in supervisor, the previous supervisor will complete an appraisal for the period of time the employee was in the position. If there is a change in job description, but no change in supervisor, the supervisor will complete an appraisal to evaluate the employee performance up to the effective date of the transfer.
  3. The new supervisor will complete an appraisal measuring the employee's performance from the effective date of transfer through the employee's annual appraisal due date.
  4. In calculating the overall ratings for the year, the appraisal completed for each position will be considered based on the number of months for which the employee was evaluated.
- E. Employees who voluntarily demote will be appraised six (6) months from the effective date of their demotion. A demoted employee's annual evaluation will be due one (1) year from the effective date of their promotion.
- F. An employee has the right to have a private meeting with the supervisor to review the performance appraisal. At the conclusion of the meeting, the employee has two options:
1. Sign, agreeing with the performance appraisal.
  2. Sign, disagreeing with the performance appraisal and write comments on the form itself stating the employee's views for the record and or attach a written rebuttal for personnel file.
- G. Placement on a Performance Improvement Plan (PIP): When the job performance of an employee falls below an acceptable standard, the supervisor may place the employee on a Performance Improvement Program (PIP). The PIP shall consist of timely discussions between the supervisor and the employee with the following provided in writing:
1. The specific unacceptable deficiency in the employee's performance,
  2. The necessary improvement,
  3. The period of time in which improvement must occur, and
  4. A statement that further consequences will result if the employee fails to show and maintain satisfactory improvement.

The original PIP shall be maintained in Human Resources, with a copy given to the employee and one retained by the Department Head.

H. Neither an appraisal nor a PIP can be appealed.

**700. Safety and Health**

## **Policy 701 - FITNESS FOR DUTY (Iss. 02/15)**

### **I. POLICY.**

It shall be the continuing responsibility of each employee to maintain the standards of physical and mental health fitness required for performing his/her position. When the physical or mental health condition of an employee constitutes a hazard to persons or property or prevents the employee from effectively performing the assigned duties, the employee may be requested by the Department Head to submit to a health examination. Employees may also be required to submit to an examination provided through the City's Employee Assistance Program and/or other providers qualified to determine an employee's fitness for duty, when requested by the Department Head and approved by the Executive Director of Human Resources.

The employee will be paid for the time required for such examination and will be responsible for the cost of the initial examination. Correction or treatment of conditions diagnosed during this examination shall be the responsibility of the employee. A Department Head may require an employee to take periodic special examinations to qualify for continued employment in his/her classification. All examination results will be sent directly to the Human Resources Department. The Department Head will not receive confidential medical information from the examination and will only receive the provider's assessment that the employee is fit for duty.

The City will follow the regulations as set forth by the American with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) when it is found that an employee is no longer able to perform the essential functions of their position due to a disability.

Civil service employees will be handled according to Texas Local Government Code.

Refer to Policy 21, Equal Employment Opportunity (EEO) & Americans with Disabilities Act (ADA)

## **Policy 710 - INCIDENT REPORTING (Iss. 01/18)**

- I. PURPOSE AND SCOPE. To protect the safety and health of all employees and to comply with applicable federal and state laws. The policy applies to all employees.
- II. DEFINITIONS.
  - A. Incident: Any occurrence which results in an injury, vehicle damage, or property damage.
- III. POLICY. In addition to any City-wide safety policies, each department should establish safety policies and procedures for work areas. All incidents, regardless of severity, shall be reported immediately to the supervisor.
- IV. PROCEDURE. All provisions of this policy apply to a work-related incident. Employees should report unsafe conditions, equipment, practices, or circumstances to their supervisor or safety coordinator to prevent incidents.
  - A. MOTOR VEHICLE CRASHES/INCIDENTS  
This includes all incidents that result in damage to a City owned or leased vehicle as well as non-City owned/leased vehicles. For motor vehicle incidents refer to Policy 160.
  - B. WORK-RELATED INJURY OR ILLNESS
    1. An employee who suffers a work-related incident that results in injury or illness shall immediately report the incident to his/her immediate supervisor. All injuries, however minor, must be reported immediately to a supervisor for evaluation and appropriate documentation. The Risk Manager must be notified within 24 hours of the incident.
    2. Employees are encouraged to use first aid kits for minor injuries. First aid kits are provided in workplaces and City vehicles.
    3. If medical attention is needed, the supervisor must immediately notify the Risk Manager. For more serious accidents/injuries, call 911 for EMS services first. The employee has the right to choose the physician from the worker's compensation network list for initial treatment. Employees who seek treatment from their personal physician may be responsible for payment of the treatments given.
    4. An employee involved in a work-related incident not involving a motor vehicle may be required to submit to drug and/or alcohol testing with a recommendation by the Risk Manager, supervisor, or department head and in accordance with Policies 150 and 151.

After seeking medical attention and upon completion of alcohol and/or controlled substance testing, employees shall return all medical documentation to the Risk Manager. This will ensure that all workers' compensation claims are filed accurately and in a timely fashion.

5. An employee claiming exposure to a communicable disease is required to be tested for and prove the absence of said disease. Testing must be completed within 10 calendar days of the reported exposure and proof of testing must be submitted to the Risk Manager within 24 hours.
6. Employees will not be required to use accrued paid leave for doctor's appointment related to a work-related incident.

#### C. PROPERTY DAMAGE

Any work-related incident that results in damage to City owned property or incidents where City owned equipment causes damage to property must be immediately reported to a supervisor for evaluation and appropriate documentation. The Risk Manager must be notified within 24 hours of the incident.

#### D. INCIDENT REPORTING REQUIREMENTS

1. The immediate supervisor will complete an investigation of the incident and is responsible for completing the Supervisor's Investigation of Incident Report (Form S-1). This form shall be submitted within 24 hours after the incident occurs to the Risk Manager.
2. The Employee Statement (Form S-2) shall be used by the employee to provide his/her statement regarding the incident.
3. The Employee Exposure Affidavit (Form S-2a) shall be used by the employee when reporting a work-related exposure to a communicative disease. This form (S-2a) should be accompanied by proof that exposure testing has occurred and must be completed, notarized, and filed with the Risk Manager within 24 hours of testing.
4. The Witness Statement (Form S-2b) shall be completed by any witness to an incident and will be included with the S-1 and S-2 for filing.
5. If the employee is unable to sign the Supervisor's Investigation of Incident Report and/or the Employee Statement, this should be indicated on the forms before submitting to the Risk Manager.
6. The Risk Manager will complete the First Report of Injury on the injured employee and file accordingly with the workers' compensation carrier. Any subsequent injury forms will also be completed and filed by the Risk Manager.

7. Documentation will be forwarded to the Safety Committee for review in accordance with Policy 713.

V. RETURN TO WORK

- A. If the incident is work-related. (Refer to Policy 711)
- B. If the incident is non-work related or requires a modified duty assignment, Refer to Policy 712.

Refer to Policy 150, Alcohol and Drug Use Policy  
Policy 151, Alcohol and Drug Policy for CDL Licensed Employees  
Policy 160, Use of City Vehicles and Motorized Equipment  
Policy 711, Workers' Compensation  
Policy 712, Work-Related Modified Duty Assignment  
Policy 713, Safety Committee

## Policy 711 - WORKERS' COMPENSATION (Iss. 02/15)

- I. PURPOSE AND SCOPE. To provide a safe and healthy work environment for employees. Employees who sustain injuries or illnesses during their scope of employment shall receive medical treatment as provided by the Texas Workers' Compensation Act.
- II. POLICY. It is the objective of the City of Killeen that all employees receive benefits provided by the Texas Workers' Compensation Act (TWCA) if they suffer a work-related injury or illness, and that covered employees who are entitled to benefits under the TWCA are also eligible for workers' compensation benefit payments as provided by TWCA.

### III. DEFINITIONS

Accrued Paid Leave. Vacation leave, sick leave, and compensatory time.

Course and Scope of Employment. As defined by the Texas Workers' Compensation Act is, "an activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of affairs or business of the employer." The term includes activities conducted on City premises or at other locations.

Leave of Absence. Unpaid leave, of any duration, granted only after exhausting all accrued paid leave and compensatory time. Generally, referred to as, "leave without pay." (Refer to Policy 320)

Work-related Incident. A disability, injury, illness, or medical condition that occurred as the result of the employee performing the assigned duties of his/her occupation within the course and scope of employment.

Texas Workers' Compensation Act. Provides wage replacement, rehabilitation, and medical benefits for employees who become injured or ill as a result of performing the duties of their occupation, as well as compensation for dependents of an employee who dies as a result of performing the duties of his/her occupation.

### IV. GENERAL PROVISIONS

- A. All provisions of this policy apply to a work-related incident.
- B. All incidents must be reported regardless of the required treatment or nature of the accident/injury.
- C. For the purpose of qualifying for worker's compensation or any other similar benefits for compensation, an employee who claims a possible work-related exposure to a communicable disease, must provide the employer with the

Employee Exposure Affidavit (Form S-2a). The affidavit must include the date and circumstances of the exposure and document that, not later than the 10<sup>th</sup> calendar day after the date of the exposure, the employee had a test. For the procedure on how to report a work-related incident, Refer to Policy 710.

## V. WORKERS' COMPENSATION BENEFITS

- A. In the event an employee is injured while engaged in the performance of duties and is temporarily incapacitated as a direct result of the incident, the employee may be entitled to benefits as provided by the TWCA.
- B. Weekly workers' compensation benefit payments begin the eighth calendar day of absence from work. Workers' compensation benefit payments are equivalent to 70% of an employee's base pay.
- C. The first seven calendar days of absence from work due to a work-related incident is the required waiting period before an employee is eligible to receive workers' compensation benefit payments. During the seven-day waiting period, employees must use accrued paid leave (**Exception:** Civil Service personnel will be handled according to Texas Local Government Code Chapter 143.)
- D. An employee receiving weekly workers' compensation benefit payments may use accrued paid leave in addition to receiving these benefits to offset the difference in pay for the first 30 calendar days. However, if the employee is receiving workers' compensation benefits, the total of paid time, workers' compensation benefits and accrued leave cannot exceed 100% of the employees' base pay. (**Exception:** Civil Service personnel will be handled according to Texas Local Government Code Chapter 143.)
- E. Employees who are absent from work for three (3) consecutive working days due to a work-related incident will have the time off counted as Family Medical Leave (FMLA), if eligible. Employees will not accrue leave while on unpaid timeoff.
- F. An employee who is unable to return to work, has been off work for 180 calendar days and has exhausted FMLA entitlement (if eligible) can be terminated (**Exception:** Civil Service Personnel will be handled according to Texas Local Government Code Chapter 143). (Refer to Policy 320.)
- G. An employee who is terminated due to his/her inability to return to work as the result of a work-related incident shall be paid for accumulated sick leave up to 720 hours (360 hours for part-time employees) and vacation leave. Non-exempt employees will also be paid for compensatory time in accordance with Policy 313.

## VI. HEALTH BENEFITS

Refer to Policy 320 regarding payment procedure for dependent care coverage, and voluntary, and/or mandatory deductions while off work due to a work-related incident.

## VII. RETURN TO WORK

Refer to Policy 712 when returning to work from a work-related incident that involves modified work restrictions.

Refer to Policy 313, Sick Leave

Policy 320, Leaves of Absence Without Pay

Policy 710, Work-Related Accident and Injury

Policy 712, Work-Related Modified Duty Assignment



## ADMINISTRATIVE POLICY 712 – WORK-RELATED MODIFIED DUTY ASSIGNMENT

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	02/2015	<b>LAST UPDATED</b>	09/01/2022
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 313, Sick Leave</a> <a href="#">Policy 320, Leaves of Absence Without Pay</a> <a href="#">Policy 711, Workers' Compensation</a>		

### SECTION 712 – 10. PURPOSE AND SCOPE

It is the goal of the City, with the cooperation of all departments, to locate and assign restricted work assignments when necessary and feasible to employees who are temporarily restricted from performing the essential functions of their job as a result of a work-related incident.

### SECTION 712 – 20. DEFINITIONS

1. Accrued Paid Leave. Vacation leave, sick leave, holiday leave and compensatory time.
2. Course and Scope of Employment. An activity of any kind or character that has to do with and originates in the work, business, trade or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer. The term includes activities conducted on City premises or at other locations.
3. Leave of Absence. Unpaid leave, of any duration, granted only after exhausting all accrued paid leave. Generally, referred to as, “leave without pay.” (Refer to Policy 320.)
4. Maximum Medical Improvement. The earliest date after which, based on reasonable medical probability, further medical recovery from an injury or lasting improvement of an injury can no longer reasonably be anticipated.
5. Modified Duty Assignment. A temporary reassignment of an employee with an illness, injury, or medical condition to duties that can be performed within the



limitations of the employee's medical condition.

6. Work-related Incident. A disability, injury, illness, or medical condition that occurred as the result of the employee performing the assigned duties of his/her occupation within the course and scope of employment.
7. Reasonable Accommodation. A modification of the work environment and/or work process that enables a person with a disability to perform the essential functions of a job. The determination of what accommodations are reasonable shall be the sole determination of the City.
8. Texas Workers' Compensation Act (TWCA). Provides wage replacement, rehabilitation, and medical benefits for employees who become injured or ill as a result of performing the duties of their occupation, as well as compensation for dependents of an employee who dies as a result of performing the duties of his/her occupation.

## SECTION 712 – 30. POLICY

### (a) GENERAL

- (1) The City will assign modified duty assignments to those employees on restricted or modified work status due to a work-related injury.

### (b) PROVISIONS

- (1) All provisions of this policy apply to work-related incidents unless specifically noted otherwise.
- (2) While on a modified duty assignment, the employee and eligible dependents remain qualified for medical and dental benefits coverage through the City's group health plan as long as:
  - (A) The employee pays the employee's portion of the premium under the City's plan on a timely basis either through payroll deduction or personal payment (Refer to Policy 711); and
  - (B) The employee is cooperating with the Risk Manager and his/her Department Head with regard to documentation, communication, rehabilitation, and modified duty.
- (3) The City will continue to provide Group Term Life Insurance coverage on



the employee only.

- (4) The City will maintain the employment of an individual who is temporarily restricted from performing the essential functions of his/her job as a result of a work-related injury or illness for 180 calendar days. The 180-day period begins on the first day of medical certification. After 180 calendar days, the case will be reviewed for further consideration, and the employees' willingness to communicate and cooperate during this process will be considered. (Exception: Civil Service personnel will be handled according to Texas Local Government Code Chapter 143.)
- (5) For purposes of this policy, a workday consists of eight (8) hours; however, the time limits will be converted to shift equivalents for employees regularly assigned to other than an 8-hour workday. (A regular workday for Fire and Rescue Officers is counted as 12 hours.)
- (6) When an employee returns to work on a modified duty status for less than a regular work shift, accrued paid leave can be used to offset the difference in hours for the first 30 calendar days. However, if the employee is receiving workers' compensation benefits, the total of paid time, workers' compensation benefits and accrued leave cannot exceed 100% of the employees' base pay. (If the employee returns to work and earns less than 80% of his/her average gross base pay and the injury/illness is work-related, he/she is entitled to supplemental income benefits as provided by workers' compensation and will not be allowed to use accrued paid leave in addition to receiving these benefits.)
- (7) Fire personnel working a fifty-three (53) hour shift, who are placed on modified duty status, will continue to accrue vacation leave at the employee's current accrual rate per pay period up to the maximum accumulation allowed.
  - (A) Modified duty for injuries not sustained while at work will be handled according to regulations set forth in the Americans with Disabilities Act.

### **(c) MODIFIED DUTY ASSIGNMENTS**

- (1) An employee will be considered for a modified duty assignment when physical restrictions placed on him/her by the treating physician do not



allow the employee to perform the essential functions of his/her job.

- (2) The employee must provide to the Risk Manager a written release or work status report from the treating physician stipulating the following:
  - (A) Specific restrictions;
  - (B) Period of time during which the restrictions apply;
  - (C) Expected date on which the employee may return to work for restricted duty;
  - (D) Date of the employee's next physician appointment; and
  - (E) Specific date on which the employee may be expected to be fully recovered and able to perform the essential functions of his/her job without restrictions.
  - (F) Each Department Head is responsible for identifying specific modified duty assignments available within his/her department based upon the recommendations by the treating physician as outlined in the work status report.
  - (G) A modified duty assignment will be made within the Department in which the injured employee works if one is available that is also within the scope of the restrictions.
  - (H) If placement is unavailable within the department, the Risk Manager will facilitate the placement of the individual in another department, based on the skills and abilities of the employee.
  - (I) The salary of an employee placed on modified duty shall be paid by the Department to which the employee is normally assigned at his/her regular rate of base pay, plus any incentive pay. Additionally, the employee's leave accrual rate will remain the same (see Policy 311, Policy 312, and Policy 313).
  - (J) An employee on modified duty may be assigned several types of work at various locations and times, necessitated by changing medical restrictions or by completion of all available work of a particular type at a particular location.
  - (K) Employees on workers' compensation who are released to modified duty will be sent a bona fide offer of employment letter from the Risk



Manager indicating available modified work duty assignment (Form S-3). The employee has the option to accept or reject the offer of modified work assignment.

- (L) If an employee rejects the modified work assignment offered for a work-related injury, the employee must use accrued leave and may be placed on leave without pay only if accruals are exhausted (exception: employees who chose to enact their short term or long term disability benefits). In addition, he/she may not be eligible for workers' compensation supplemental income benefits (Exception: on-shift fire personnel will be handled in accordance with Texas Local Government Code Chapter 143).
- (M) Modified duty assignments shall not exceed a total of 180 calendar days from the original injury/illness or any subsequent re-injury or aggravation without approval from the Risk Manager after consultation with Legal and the Department Head (Exception: Civil Service personnel will be handled according to Texas Local Government Code Chapter 143).
- (N) Modified duty assignments are temporary and not intended to create permanent jobs. Modified duty assignments may be eliminated at the City's sole discretion.
- (O) Should an employee fail to adhere to the City's policy or the treating physician's work restrictions, the employee may be subject to disciplinary action, up to and including dismissal.

**(d) RETURNING TO FULL DUTY STATUS**

- (1) Prior to returning to full duty, an employee must present to the Risk Manager an acceptable medical release from the treating physician.
- (2) The City will make every possible effort to restore the employee to the position held by the employee prior to being placed on modified duty or to a position with equivalent pay and benefits for which he/she is qualified to perform.
- (3) The City reserves the right to require an independent physical/mental assessment, at the City's expense, upon the return to work of an employee from a work-related disability, illness, injury, or medical condition.



**(e) DISMISSAL**

- (1) An employee who is restricted from performing the essential functions of his/her job as a result of a work-related incident can be dismissed based upon one or more of the following:
- (2) Evidence that the employee will not be able to perform the essential functions of his/her job with or without reasonable accommodations (Exception: Civil Service personnel will be handled according to Texas Local Government Code Chapter 143.)
- (3) An employee's refusal to participate in a rehabilitation program or failure to cooperate with rehabilitative efforts as directed by the treating physician;
- (4) An employee's refusal of placement in a modified duty assignment for which the employee is qualified;
- (5) The employee's refusal of a modified duty assignment that is within the physical parameters provided by the treating physician;
- (6) The conclusion of the 180-day period as specified in Section IV, C. above;
- (7) The employee's failure to follow established safety rules and regulations and/or City work rules and regulations;
- (8) The failure of the employee to present satisfactory medical certification of inability to return to work, either in a limited duty capacity or to regular duty according to the timetable established in this policy, or upon request by the City;
- (9) Falsification or misrepresentations made by the employee concerning his/her physical condition or capacity;
- (10) The failure or refusal of the employee to return to regular duty on the date specified by the treating physician;
- (11) The employee's failure to provide work status reports timely from the treating physician;
- (12) The employee becomes disabled, ill, or injured or acquires a medical condition as a result of his/her own willful misconduct or gross negligence as determined by the Risk Manager;
- (13) The employee is found to be participating in any activity, including outside



employment and/or self-employment, that violates the medical restrictions;  
or

- (14) The employee fails to report his/her participation in any other employment, including self-employment, while on medical leave and/or while on modified duty.
- (15) An employee who is dismissed due to their inability to return to work as the result of a work-related injury/ illness and has cooperated with the provisions of City policies shall be paid for accumulated sick leave in accordance with Policy 313., Non-exempt employees will also be paid for any unused vacation leave and compensatory time.
- (16) This policy is not an employment contract and does not alter an employee's at- will employment status. The City or the employee may terminate its working relationship at any time for any reason.

## SECTION 712 – 40. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2022.08.05 15:28:04  
-05'00'

*Kent Cagle, City Manager*

**Eva Bark** Digitally signed by Eva Bark  
Date: 2022.08.05 07:56:59  
-05'00'

*Eva Bark, Executive Director of Human Resources*

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

## Policy 713 - SAFETY COMMITTEE (Iss. 01/18)

- I. PURPOSE AND SCOPE. The purpose of the Safety Committee is to review all incident reports to discuss trends, to make recommendations that will enhance the safe performance of City personnel, and to reduce work-related hazards. This policy applies to all City of Killeen employees.
- II. DEFINITIONS.
  - A. Incident: Any occurrence which results in an injury, vehicle damage, or property damage.
  - B. Corrective Action, to Include Disciplinary Action: Action taken to prevent reoccurrence which focuses on the employee's knowledge, skill, and abilities. Such action may include reviewing procedures, retraining, re-evaluation of performance, transferring to a different work environment, using modifications, purchasing new equipment, and/or discipline up to and including dismissal.
  - C. Non-Preventable Incident: One in which the employee could not have avoided, due to an act of God, nature, or other cause over which the employee or the Department had no control.
  - D. Preventable Incident: One in which the employee or the Department failed to do something he or she reasonably could have done to prevent the incident
- III. POLICY. This policy establishes the Safety Committee for the City of Killeen, general and specific responsibilities, its organization, appointment of members, and specific actions the Committee can take.

No provision of this policy relieves managers, supervisors, or employees of any safety responsibility of taking immediate action to reduce or eliminate safety hazards. It shall be the responsibility of the department to take corrective action, including disciplinary action, whenever unsafe actions are observed.

Employees have the right to appeal disciplinary actions (except verbal or written reprimands) by following the procedure outlined in Policy 431. Employees have the right to file a grievance regarding other corrective actions in accordance with Policy 432. Civil Service personnel are governed by Texas Local Government Code Chapter 143.

It is the expectation of the City that all information disclosed and discussed in safety committee meetings, Department or City, shall remain confidential.

- IV. SAFETY COMMITTEE MEMBERS.
  - A. The Safety Committee shall consist of thirteen ( 13) City employees: The City Safety Officer, Deputy City Attorney, and one representative from each of the

following departments: Aviation, Community Development, Community Services, Finance, Information Technology, Fire Department, Police Department, Municipal Court, Planning and Development, Public Works. The following Departments will have one employee represent them as a collective due to their size (less than 20 staff each): City Manager's Office, City Attorney's Office, Human Resources, and Communications. The City Safety Committee Representative shall be, at minimum, a supervisor within the respective department, and is subject to approval by the City Manager's Office.

- B. Committee members shall be designated by their respective Department Head.
- C. With the exception of the City Safety Officer and the Deputy City Attorney, Committee members shall serve a one-year term, beginning on January 1 of each year and may not serve more than two consecutive terms.
- D. The Assistant City Manager may remove members at any time.
- E. The Deputy City Attorney shall serve as Committee Chairperson.
- F. The City Safety Officer shall serve as Committee Secretary.
- G. The Safety Committee shall review all actions of the Departmental Incident Review Panels.

V. DEPARTMENTAL INCIDENT REVIEW PANEL.

- A. Each department shall designate a Departmental Safety Officer. Each department shall establish and maintain an Incident Review Panel consisting of a Chairperson and a minimum of three (3) voting members to review all incidents that occur within the department. Departments with twenty (20) or fewer staff members shall also designate a Departmental Safety Officer for their respective Departments. However, these Departments will be combined to create one Incident Review Panel with only one representative at the City Safety Committee. The City Safety Committee Representative shall be, at minimum, a supervisor within the department, and is subject to approval by the City Manager's Office.
- B. Each Department Head shall submit to the City Safety Officer, by January 1 of each year, the name of the designated Departmental Safety Officer, City Safety Committee Representative, and Incident Review Panel members. The Departmental Safety Officer and City Safety Committee Representative may be filled by the same person if the Department Head prefers.
- C. It shall be the responsibility of the Departmental Safety Officer to:
  - 1. Serve as Chairperson of the Departmental Incident Review Panel.

2. Brief his/her City Safety Committee Representative (if this person is different from the Departmental Safety Officer) of the findings of the Departmental Incident Review panel prior to the City Safety Committee.
  3. Assist in implementing all City safety and incident policies and procedures.
  4. Assist in developing Departmental Safety Standard Operating Procedures (SOP).
- D. The Incident Review Panel shall meet on or before the third Monday of every month and review all incidents from the previous month.
- E. Employees are encouraged to appear before the Panel when their incident is reviewed and present information on their behalf. Employees may submit a written letter or memorandum to the Panel with supporting documentation if unable to appear.
- F. The Incident Review Panel shall review each incident and make appropriate recommendations, if any, to the Department Head.
- G. Panel members do not have voting rights if the incident being reviewed involves the member, an employee supervised by the member, the member's supervisor, or a relative as defined in Policy 22.
- H. At least three (3) voting members of the Panel must be present at a meeting to constitute a quorum. Meetings must be held in person, and not by telephone or email.
- I. The Incident Review Panel shall inform the Department Head in writing of its recommended corrective actions if they are different than the corrective actions already taken by the Department Head, Division Head, or immediate supervisor. The Panel shall submit these recommendations to the Department Head by close of business the first Monday following its monthly meeting.
- J. The Incident Review Panel Action Report (Form S-4) will be used by each Departmental Incident Review Panel to provide information to the Safety Committee regarding incidents reviewed. This form shall be submitted to the City Safety Officer at the City Safety Committee meeting and will be used for internal documentation purposes only.

## VI. SAFETY COMMITTEE.

- A. The Committee shall meet in closed session on the third Thursday of each month, unless otherwise designated by the Deputy City Attorney, to review all incidents from the previous month.
- B. At least six (6) voting members of the Committee must be present at a meeting to

constitute a quorum.

- C. The City Safety Officer and Deputy City Attorney are designated as non-voting members unless the vote is tied. The Deputy City Attorney will be the deciding vote in such situations.
- D. Committee members do not have voting rights if the incident being reviewed involves the member, an employee within their department, the Committee member's supervisor, or a relative as defined in Policy 22.
- E. The Committee shall review all information presented. A majority vote is required to affirm the findings of the Department Incident Review Panel or to make a different recommendation.
- F. The Safety Committee may make recommendations to the Department Head concerning corrective actions to be taken. A majority vote is required for any recommendations made. The City Safety Officer will send these recommendations to the respective departments. If the Department Head agrees with the recommendation(s), then he/she will send documentation of the corrective actions taken to the City Manager's Office within ten (10) business days following the receipt of the recommendation(s).
- G. In the event the Department Head disagrees with the Safety Committee recommendation, a response to dispute the recommendation must be submitted to the City Safety Officer within three (3) business days following receipt of the recommendation, and the Department Head must discuss any recommendations made by the Safety Committee with the City Manager's Office.
- H. The City Manager's Office shall render the final decision. (Civil Service employees will be handled according to Texas Local Government Code.)
- I. The Safety Committee Action Report (Form S-5) will be used by the Committee to document incidents reviewed. This form will be used for internal documentation purposes only.
- J. If corrective action is taken as a result of a Safety Committee recommendation, a copy of the Committee's findings and recommendations will be placed in the employee's personnel file maintained in Human Resources.
- K. The Deputy City Attorney and City Safety Officer shall meet with the City Manager's Office as needed to review case findings.
- L. A summary of the incidents reviewed (Form S-6) shall be posted in each department by the close of business on the tenth workday following each meeting.

Refer to Policy 22, Employment of Relatives (Nepotism)  
Policy 431, Appeals of Disciplinary Action  
Policy 432, Grievance Procedure

## Policy 714 - PERSONAL PROTECTIVE EQUIPMENT (PPE) (Iss. 12/12)

- I. **PURPOSE AND SCOPE.** To provide guidelines and requirements for the use of personal protective equipment (PPE) to reasonably protect City employees from certain physical and biochemical hazards. This policy applies to all employees.
- II. **POLICY.** This policy sets forth the minimum safety standards for the use of PPE in the workplace. The City will provide or reimburse employees for required PPE and appropriate training on the use of such items. (Fire Department personnel will be held to the standards set forth by the NFPA, the Texas Commission on Fire Protection Standards and the KFD Safety Policy.)
- III. **PROCEDURE.** All provisions of this policy apply to safety related PPE. Employees shall be provided with the proper equipment and attire required for the job related task. It is the responsibility of the supervisor to provide proper PPE, monitor necessary purchases, provide training on required/recommended PPE items, and ensure that employees use PPE appropriately.
- IV. **DEFINITIONS.**

Personal Protective Equipment (PPE). Any equipment required to be worn for protection while performing job related tasks.

NFPA. National Fire Protection Agency. This agency is charged with providing and advocating codes, standards, research and training to help reduce the burden of fire and other quality of life hazards.

ANSI. American National Standards Institute. This institute oversees the development, publishing and use of norms and guidelines that help to ensure the safety of our products and workers.

29 CFR. US Department of Labor Standards concerning the occupational safety and health of workers (i.e., Title 29 of the Code of Federal Regulations).

OSHA. Occupational Safety and Health Administration. This administration has the responsibility of enforcing worker safety and health regulations in the US.

ISEA. International Safety Equipment Association. The trade association for US companies who manufacture safety and personal protective equipment.

NIOSH. National Institute for Occupational Safety and Health. This institute has the responsibility for research and recommendations used to reduce the number of work related injuries and illnesses in the US.

- V. **JOB FUNCTIONS REQUIRING PPE.**

- A. Job Functions Requiring Head Protection – Any task that places the employee at risk of falling objects, striking their head on beams/pipes/low hanging objects or when there is risk for head contact with electrical sources requires head protection. This may include but is not limited to: maintenance crews, water and sewer workers, solid waste workers, heavy equipment operators, mechanics, street

maintenance workers and emergency response employees. Supervisors are responsible for determining if the job requires head protection based on essential job duties and responsibilities.

- B. Job Functions Requiring Hearing Protection – Any task that exposes the employee to high levels of noise, or to noise for an extended period of time (“High levels of noise” are classified as having 85 dB or greater; 85 dB is equivalent to an idling bulldozer). This may include but is not limited to employees who use lawn mowers, air tools, heavy equipment, large machinery or large engines. Supervisors are responsible for determining if the job requires hearing protection based on essential job duties and responsibilities as well as noise level and duration of exposure.
- C. Job Functions Requiring Eye Protection – Any task that exposes the employee to dust, dirt, metal/wood chips, chipping, grinding, sawing, hammering, power tools, strong winds, chemical splashes, swinging chains/ropes, welding, lasers and other forms of radiant light. Supervisors are responsible for determining if the job requires eye protection and the appropriate level of protection based on essential job duties and responsibilities.
- D. Job Functions Requiring Hand Protection – Any task that requires the employee to cover/protect their hands from potential chemical, biological or physical hazards. This may include but is not limited to welders, operations and maintenance crews, mechanics and emergency response employees. Supervisors are responsible for determining if the job requires hand protection and what type of protection is required based on essential job duties and responsibilities.
- E. Job Functions Requiring Body Protection – Any task that requires the employee to wear protective clothing to prevent bodily injury from but not limited to, temperature extremes, hazardous chemicals or disease. This may include but is not limited to, welders, operations and maintenance crews, mechanics and emergency response employees. Supervisors are responsible for determining if the job requires body protection and what type of protection is required based on essential job duties and responsibilities.
- F. Voluntary Use of Respirators/Dust Masks – Any tasks where respirators/dust masks are available for use but not required to perform essential job duties. This may include but is not limited to welders, operations and maintenance crews, mechanics, emergency response employees, solid waste workers and street workers.
- G. Job Functions Requiring the use of Respirators/Dust Masks – Any task that requires the employee to wear a respirator/dust mask to protect against inhalation hazards. This may include but is not limited to welders, operations and maintenance crews, mechanics, emergency response employees, solid waste workers, water and sewer workers and street workers. Supervisors are responsible for determining if the job requires the use of a respirator or dust mask and what type of protection is required based on essential job duties and responsibilities.

The supervisor is also responsible to coordinate medical reviews of affected employees, respirator fit testing, and respirator use and care training.

## VI. MINIMUM STANDARDS FOR PPE.

### A. Minimum Standards for Head Protection

1. Protective head gear must resist penetration by objects, absorb the shock of a blow, be water resistant, be slow burning, and include instructions on fit and headband replacement.
2. Helmets purchased after July 5, 1994 must comply with ANSI Standard Z89.1- 1986 or provide an equivalent level of protection. Helmets purchased before July 5, 1994 must comply with ANSI Standard Z89.1- 1969 or provide an equivalent level of protection.
  - a. Class A – provide impact and penetration resistance with limited voltage protection
  - b. Class B – provide impact and penetration resistance with the highest level of voltage protection
  - c. Class C – provide limited impact protection and no voltage protection

### B. Minimum Standards for Hearing Protection

1. Hearing protection may take three forms: disposable ear plugs, molded earplugs or earmuffs.
2. The chosen method of protection must comply with ANSI Standard S3.19-1974 for noise reduction.
3. Hearing protection should be used whenever noise exposures equal or exceed an 8 hour average at 85 dB without attenuation.

### C. Minimum Standards for Eye Protection

1. Eye protection may include the following forms: safety glasses, goggles, welding shields, laser safety goggles and face shields.
2. Eye protection purchased after July 5, 1994, must comply with ANSI Standard Z87.1-1989 or provide an equivalent level of protection. Eye protection purchased before July 5, 1994 must comply with ANSI Standard Z87.1-1968 or provide an equivalent level of protection.
3. Eye wear used for the protection against radiant energy, welding, brazing or cutting tasks must be shaded in accordance with 29 CFR 1910.133(a)(5).

D. Minimum Standards for Hand Protection

1. The glove choice must be based on the type of hazard it is to protect against.
  - a. Leather/Canvas/Metal Mesh gloves must be worn to protect against cuts, burns and sustained heat hazards.
  - b. Fabric/Coated Fabric gloves must be worn when handling objects that may produce slivers, or chafe or abrade skin. The plastic coating strengthens the fabric and is better suited for handling rough or sharp items.
  - c. Chemical/Liquid Resistant gloves must be worn when handling abrasive chemicals. The glove choice must be based on what chemical is being used and follow the suggested ratings given by the U.S. Department of Energy.
  - d. Insulating Rubber gloves must be worn when handling or using electrical equipment. The glove must adhere to 29 CFR 1910.137.

E. Minimum Standards for Body Protection

1. Protective clothing may appear in the following materials: paper-like, treated wool/cotton, duck, leather and rubber.
2. Clothing for body protection must be selected based on the task being performed and the exposure hazards. Selected clothing must be worn in conjunction with other forms of PPE applicable to the job function.

F. Minimum Standards for Foot Protection

1. Foot protection may appear in the following forms: metatarsal guards, toe guards, combination foot and shin guards, safety shoes, steel toed shoes, composite toed shoes, electrically conductive shoes and electrical hazard safety toe shoes.
2. Foot protection purchased after July 5, 1994 must comply with ANSI Standard Z41-1991 or provide an equivalent level of protection. Foot protection purchased before July 5, 1994 must comply with ANSI Standard Z41.1-1967 or provide an equivalent level of protection.

G. Minimum Standards for High Visibility Clothing

1. High visibility clothing falls into one of the following three classes and should be selected based on the specifications and hazards of the job functions:
  - a. Class I – for employees that are greatly separated from traffic and

speeds do not exceed 25 mph.

- b. Class II – for employees who work in poor weather conditions near roadways where speeds exceed 25 mph.
- c. Class III – for employees who work in high risk environments including a wide range of weather conditions and roadway speeds in excess of 50 mph.

2. High visibility clothing must comply with ANSI/ISEA Standard 107-2004.

#### H. Minimum Standards for Voluntary Respirator Use

- 1. Respirators/Dust Masks available to employees for voluntary use require no medical testing, fit testing or care training.
- 2. OSHA Standard 1910.134 Appendix D must be made available to each employee utilizing the voluntary program.

#### I. Minimum Standards for the Mandatory Use of Respirators

- 1. Medical reviews of affected employees, respirator fit tests and respirator use and care training must be administered before implementing a mandatory use respirator/dust mask. Medical reviews must be in compliance with OSHA Standard 1910.134(e)(2).
- 2. These requirements apply to NIOSH approved disposable dust masks as well as other tight fitting air purifying masks.

### VI. DISCIPLINE

- A. Violations of this policy may require corrective actions. Based on the facts and circumstances involved in each situation, supervisors shall initiate disciplinary action (Refer to Policy 430).

Refer to Policy 430, Disciplinary Action and Administrative Leave

## **Policy 730 - USE OF TOBACCO PRODUCTS IN THE WORKPLACE (Iss. 12/12)**

I. **PURPOSE AND SCOPE.** To promote a healthy work environment and workforce, and to comply with City Ordinance (Chapter 13, Article III). This policy applies to all employees and other persons in City owned or leased buildings and vehicles.

II. **DEFINITIONS.**

Tobacco Products. Any products or preparations containing tobacco or imitating a tobacco containing product including cigarettes, cigars, pipes, chewing tobacco, snuff, electronic or vapor cigarettes, and smokeless tobacco.

City Buildings. All temporary and permanent structures owned by the City. Included are all enclosed areas such as garages, bays, storage facilities, hangars, etc., regardless whether the doors of the given area are opened or closed.

III. **POLICY.** There shall be no use of tobacco products inside any City owned or leased vehicle or building by employees or others. This policy does not apply to FDA approved nicotine replacement products including nicotine gum, patches, and lozenges, or any inhaler or spray prescribed by a physician.

IV. **ENFORCEMENT.** Supervisors are responsible for the communication and enforcement of this policy for their staff members. Any employee who has a problem, complaint, or concern with the enforcement of this policy is encouraged to utilize the Grievance Procedure as outlined in Policy 432. The preference of any person offended by the use of tobacco products shall be considered controlling if a mutual agreement cannot be reached.

A. City employees may only smoke in authorized areas at least 15 feet from any entrance, operable window, or ventilation system of any City owned or leased building. All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in the proper containers. Supervisors will ensure periodic cleanup of designated smoking areas. If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), the designated area may be eliminated at the discretion of management and under advisement of the Human Resources Department.

B. City employees who experience performance or personal difficulties while breaking a nicotine addiction may seek help through their health care provider or the City's Employee Assistance Program.

Refer to Policy 432, Grievance Procedure

**800. Employee Separation**



## ADMINISTRATIVE POLICY 810 – EMPLOYEE SEPARATION

<b>RESPONSIBLE DEPARTMENT/ DIVISION</b>	Human Resources		
<b>EFFECTIVE DATE</b>	06/2017	<b>LAST UPDATED</b>	6/1/2024
<b>RELATED POLICIES AND PROCEDURE(S)</b>	<a href="#">Policy 311, Vacation Leave</a> <a href="#">Policy 312, Holiday Leave</a> <a href="#">Policy 313, Sick Leave</a> <a href="#">Separation Process/Procedure Flow Chart</a>		

### SECTION 810 – 10. PURPOSE AND SCOPE

To ensure the efficient and accurate out-processing of employees who are being removed from the City payroll. This policy applies to all employees.

### SECTION 810 – 20. POLICY

#### (a) RESIGNATIONS AND DISMISSALS

- (1) Notice. In order to leave in good standing, at least two-weeks' notice is expected. All separation notices must be in writing.
- (2) Benefits. Employees are eligible to receive the following benefits.
  - (A) Payment of Compensatory Time in accordance with Policy 210.
  - (B) Payment of Vacation Leave in accordance with Policy 311. Vacation leave will not be paid out under the following conditions:
    - (i) Employee has not given a two-week written notice (exception: approval by City Manager).
    - (ii) Employee is dismissed.
    - (iii) Employee resigns in lieu of dismissal.
  - (C) Payment of Holiday Leave in accordance with Policy 312.
  - (D) Payment of Sick Leave in accordance with Policy 313.
  - (E) Continuation of health and dental benefits in accordance with



Consolidated Omnibus Budget Reconciliation Act (COBRA).

- (F) Continuation of voluntary life insurance and ancillary insurance programs may be available; these are not endorsed or administered by the City.

**(b) RETIREMENT FROM PENSION FUNDS**

(1) Killeen Firefighter's Relief and Retirement Fund: A firefighter is eligible for retirement from the Killeen Firefighters' Relief and Retirement Fund as follows:

- (A) A firefighter is eligible for a 100% retirement annuity at age 55 with at least 20 years of service.\*
- (B) A firefighter is eligible for a 100% retirement annuity at age 50 with at least 25 years of service.\*
- (C) Killeen Firefighter's Relief and Retirement Fund Notification.
- (D) Firefighters participating in the Killeen Firefighter's Relief and Retirement Fund should contact any member of the Board of Trustees of Killeen Firefighter's Relief and Retirement Fund if considering retirement; information about retirement benefits is available there.

\*Vested termination benefits are determined by the Killeen Firefighters' Relief and Retirement Fund.

(2) Texas Municipal Retirement System (TMRS): The requirements for retirement from TMRS may differ from this policy. Employees eligible to retire from TMRS must still meet the criteria of this policy to be eligible for the City of Killeen's retirement benefits, as specified in this policy. Employees retiring must submit a retirement package notifying such intent to TMRS. TMRS will respond to the employee's request with an eligibility date and information about retirement benefits.

**(c) RETIREMENT FROM THE CITY OF KILLEEN**

(1) All employees (non-firefighter) are eligible for retirement from the City of Killeen after completing five (5) years of regular employment with the City of Killeen and for the retirement benefits listed in section (d) below, if on the



date of separation, the following criteria are met:

- (A) The employee is at least 60 years of age; OR
  - (B) The employee has at least 20 years of service credited with TMRS at any age, which includes at least five (5) years of service with the City of Killeen.
- (2) Time worked as a seasonal employee is not included when determining years of regular employment with the City of Killeen.
  - (3) Employees must give a written two-week notice of retirement (exception: approval by the City Manager).
  - (4) Employees will not be allowed to use leave during their last two weeks of employment with the exception of illness verified by a doctor's note.
  - (5) Upon departure, retirees shall receive the standard plaque issued by the City Manager's office. No gifts for retirees or exiting employees shall be paid with City funds.

**(d) RETIREMENT BENEFITS**

- (1) Employees eligible to retire from the City of Killeen meeting the criteria listed above are also eligible to receive the following benefits.
  - (A) Payment of Compensatory Time in accordance with Policy 210.
  - (B) Payment of Vacation Leave in accordance with Policy 311.
  - (C) Payment of Holiday Leave in accordance with Policy 312.
  - (D) Payment of Sick Leave as follows in accordance with Policy 313.
- (2) Employees meeting the criteria listed in section (c) above are eligible to continue health and dental benefits as a member of the City's group plan as follows:
  - (A) When retirees become eligible for Medicare/Social Security benefits, they and their dependents are no longer eligible for coverage under the City's health and/or dental insurance plans.
  - (B) Retirees may choose to decline or cancel their coverage at the time



of their retirement or at any time after the effective date of their retirement. If a retiree declines or cancels coverage at any time, the retiree cannot re-enroll in the City's plan(s).

- (C) Retirees who choose to continue their health and/or dental coverage with the City and experience a change that is a "qualifying event," as defined by the Internal Revenue Service (IRS), may be eligible to make a change in their health coverage during the plan year. Retirees must report the change to the Human Resources Department within thirty (30) calendar days of the occurrence of a "qualifying event."
  - (D) Retirees who participate in the City's insurance plan(s) are responsible for payment of 100% of the premium.
  - (E) In the event of the death of a retiree, surviving dependents will be offered COBRA and will no longer be eligible for coverage under the City's insurance plans.
- (3) Continuation of voluntary life insurance and ancillary insurance programs may be available; these are not endorsed or administered by the City.

**(e) DECEASED EMPLOYEES**

- (1) Final Paycheck. An employee's final paycheck will be issued in accordance with state law.
- (2) Benefits. An employee's estate is eligible for the following benefits:
  - (A) Payment of Compensatory Time in accordance with Policy 210.
  - (B) Payment of Vacation Leave in accordance with Policy 311.
  - (C) Payment of Holiday Leave in accordance with Policy 312.
  - (D) Payment of Sick Leave in accordance with Policy 313.
- (3) Continuation of health and dental benefits in accordance with Consolidated Omnibus Budget Reconciliation Act (COBRA).
- (4) Continuation of voluntary life insurance and ancillary insurance programs may be available; these are not endorsed or administered by the City.



## SECTION 810 – 30. PROCEDURES

- (a) This procedure applies to all employee separations. Where the policies differ, Civil Service employees will be handled in accordance with Chapter 143 of the Local Government Code, Local Rules, and Departmental Rules.
- (1) Exit Interview. Prior to an employee's last workday, he/she will complete an exit interview with Human Resources.
  - (2) Final Paycheck. An employee's final paycheck will be issued the scheduled payday following his/her separation. If City-owned property has not been accounted for and confirmed by an employee's department, the cost of the property will be deducted from the employee's final paycheck. Employees have until noon on the Friday prior to the issuance of his/her final paycheck to return all City-owned property. If an employee returns City-owned property after the cost of the property has been deducted from his/her final paycheck, the cost of the property will be reimbursed no later than two (2) weeks after receipt of the property. Property returned 30 days or more after separation of employment will not be reimbursed.

## SECTION 810 – 40. DOCUMENT APPROVAL

The policies in this document have been reviewed and approved by the responsible Department/Division Head or designee, the City Attorney's Office and the City Manager.

Any revisions, including added or deleted sections and language modifications, that are made to this document must be approved by the City Manager, the City Attorney's Office and the responsible Department/Division Head or designee. Signatures from both parties are required every time there are changes or revisions to this policy.

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2024.05.30 10:03:08  
-05'00'

Kent Cagle, City Manager

**Eva Bark** Digitally signed by Eva Bark  
Date: 2024.05.30 08:24:31  
-05'00'

Eva Bark, Executive Director of Human Resources

*Due to frequent changes in work environments and conditions, responsible departments shall attempt to review all policies and procedures annually for any necessary revisions or additions.*

## Policy 811 - REDUCTION-IN-FORCE (Iss. 03/18)

- I. PURPOSE AND SCOPE. To provide guidelines for reductions in force (eliminating an occupied position or positions) for general employees; guidelines for reduction in force for civil service employees can be found in Chapter 143 of the Texas Local Government Code.
- II. POLICY. Employees may be separated from City service when it is deemed necessary by the City Manager because of changes in operations or budgetary constraints of the organization.
- III. PROCESS.
  - A. Reduction in Force (RIF) is the elimination of occupied positions resulting from an administrative decision to reduce the City's investment in personnel.
  - B. RIF decisions must include the following steps:
    1. Determination by the Department Head regarding which areas, activities, or programs, and associated positions should be reduced.
    2. Discussion with the City Manager regarding the department's RIF proposal.
    3. Evaluation of employees in order to make RIF decisions, considering the following criteria, in this order:
      - a. Effectiveness on the job (past performance, documented productivity and/or documented behavioral issues, unique skills related to the job requirements but not required by the job description)
      - b. Length of time in the position being eliminated.
    4. Review of employees whose positions have been identified to be eliminated, working with Human Resources and Legal to determine that the policy has been observed and an adverse impact on protected classes has not been created.
    5. Written communication with impacted employees, providing 30 days' notice, when possible.
    6. Employees who are subject to the RIF have the opportunity to apply for posted vacancies.
    7. Employees who are subject to the RIF will receive their accrual payouts as though they had resigned with two weeks' notice and in good standing.

**900. Other**

## **Policy 910 - TRAVEL AUTHORIZATION AND EXPENSES (Iss. 08/15)**

- I. PURPOSE AND SCOPE.** The purpose of this policy is to provide for the consistent application and use of travel funds and vehicle usage and to provide guidelines for authorization and reimbursement of travel expenses.
- II. POLICY.** Employees who travel on official City business or to promote the interest of the City will be reimbursed for necessary and reasonable travel-related expenses. The nature of such travel includes attendance at professional association meetings, representing the City at various governmental and/or regulatory bodies, participating in professional development educational activities, and being involved with other agencies performing similar tasks.
- III. TRAVEL PROVISIONS.**
  - A. Prior approval is an integral part of the travel policy. Employees who travel on City business and incur expenses are eligible to receive expense reimbursement subject to the prior approval in accordance with the City's Travel Procedure Handbook. Emergencies or required weekend trips where it is impractical to get prior approval may be an exception.
  - B. **Same-Day Travel:** Same-day travel is defined as travel that begins and ends on the same day. There will be no reimbursements for lodging or meals.
  - C. **Overnight Travel:** Overnight travel is defined as duties which require employees to be away from the general area of their primary residence substantially longer than an ordinary day's work, and the employees need to sleep or rest to meet the demands of the work while away from home. This travel must be authorized in advance in accordance with the City's travel procedures. Travel advances or travel reimbursements are based upon the most economical conveyance that is reasonably available. Lodging and per diem will be reimbursed. When overnight lodging is authorized, employees who choose to drive back and forth will be reimbursed for mileage (if personal vehicle is driven) and meals, not lodging.
  - D. **Out-of-State Travel.** Employees should endeavor to attend training and conferences in-state whenever possible if such training or conference is of comparable value to that offered out-of-state. Any travel out-of-state should have the prior approval of the City Manager or Assistant City Manager. The City Manager or Assistant City Manager will review the request and return it to the Department Head. If travel is approved, the approved out-of-state travel memo must be attached to the employee's travel expense reimbursement form when submitted for reimbursement of travel expenses.
- IV. REIMBURSEMENT.**
  - A. Travel reimbursements will be made in accordance with appropriate Internal

Revenue Service (IRS) and General Service Administration (GSA) publications and the City's Travel Procedure Handbook. A request must be submitted in accordance with the Travel Procedure Handbook. When two or more employees travel in a personal automobile, only one employee will receive per-mile or other automobile reimbursements.

- B. Employees receiving car allowances will not be reimbursed for travel within the City limits. Travel outside the City limits will be reimbursed from point of departure to destination and return.
- C. If a vehicle is assigned to the employee, the expectation is that employee will drive that vehicle and not be reimbursed for mileage.
- D. Prohibited Reimbursements: Costs of personal entertainment, spouse's expenses, amusements, alcoholic beverages, traffic citations, personal items or illegal activities will not be reimbursed. Expenses due to vacations or personal trips in conjunction with City travel are not reimbursable. Adequate travel time is allowed; travel expenses are not paid for absences not required by City business.
- E. Fraudulent claims or failure to provide required documentation supporting travel, travel advances, claimed expenses, or reimbursements within required time frame(s) may result in one or more of the following actions:
  - 1. Denial of any and all claimed travel expenses, advancements and reimbursements resulting in traveler paying or reimbursing the City for all travel costs.
  - 2. Disciplinary action, up to and including dismissal.

Refer to City of Killeen Travel Procedure Handbook

## Policy 920 – COMMUNICATIONS (04/16)

I. PURPOSE AND SCOPE. To establish and facilitate a recognized method for conveying information. This policy applies to all employees.

II. POLICY.

A. Employee and Supervisor. The City encourages “open-door” practices whereby employees can directly discuss with their supervisor (and other members of management) work related problems, issues, or complaints. Managers/supervisors are responsible for listening to employees and responding in a timely fashion.

B. Bulletin Boards and Postings. Important City information will be displayed on bulletin boards located at City buildings. Information may be of the following types:

1. Legally required posters and notices.
2. City standards, department and division policy, and special rules.
3. Safety rules and information.
4. Management memos and announcements, including job postings.
5. City-sponsored social and recreational events.

Employees are responsible for regularly checking and reading bulletin boards and for following the rules, regulations, and instructions posted there.

Information posted on bulletin boards must be approved by those persons responsible for posting information in their respective buildings. Unapproved postings on official bulletin boards are subject to immediate removal and disposal.

Information is also available on the City’s website ([www.killeentexas.gov](http://www.killeentexas.gov)) or government access cable television Channel 10 (Time Warner Cable) .

C. In the event of inclement weather, employees should monitor the local television, radio stations, and the City’s website. In addition, employees can call (254) 501-6525 for updated emergency information.

D. If a department or division establishes a telephone tree, memo system, reporting procedures, etc. for communication, then an employee shall comply with that process.

Refer to Policy 350, Inclement Weather

**Policy 940 – PURCHASING (Iss. 01/15)**

I. PURPOSE AND SCOPE. The City will comply with the laws of the State of Texas to acquire the best value and highest quality goods and services for the lowest price. Please refer to the “Purchasing Policy” manual, located on the City of Killeen public drive.

**Policy 941 – GRANTS ADMINISTRATION (Iss. 10/15)**

- I. PURPOSE AND SCOPE. The City will maintain fiscal integrity while maximizing grant opportunities that enhance services provided to citizens, gain technological advances, improve infrastructure, and achieve strategic initiatives.
- II. PROVISIONS. Please refer to the “Grants Administration” manual, located on the City of Killeen public drive.

**1000. Reserved**