

# **CITY OF BELLAIRE**

---

# **EMPLOYEE HANDBOOK**

## TABLE OF CONTENTS

| <b><u>SECTION 1</u></b>   | <b><u>Basic Objectives of Employee Policy</u></b>         | <b><u>Page</u></b> |
|---|---|--------------------|
| 1.01 .....  | Introduction.....   | 1-1                |
| 1.02 .....  | The History of Bellaire.....                              | 1-1                |
| 1.03 .....  | City of Bellaire Mission and Objectives.....              | 1-2                |
| 1.04 .....  | City Government Today .....                               | 1-2                |
| 1.05 .....  | Council Meetings .....                                    | 1-3                |
| 1.06 .....  | Basic Objectives of the Employee Policy.....              | 1-3                |
| 1.07 .....  | Communication/Suggestion Policy .....                     | 1-3                |
| 1.08 .....  | Employee Activities.....                                  | 1-4                |
| 1.09 .....  | Administration of Employee Guidelines .....               | 1-4                |
| 1.10 .....  | Individual Department Policies .....                      | 1-4                |
| 1.11 .....  | Employee Responsibility .....                             | 1-4                |
| <br><b><u>SECTION 2</u></b> <b><u>Employment</u></b>                      |   |                    |
| 2.01 .....  | Equal Employment Opportunity.....                         | 2-1                |
| 2.02 .....  | Americans With Disability Act.....                        | 2-1                |
| 2.03 .....  | Announcement of Position Vacancies .....                  | 2-2                |
| 2.04 .....  | Job Applicant .....                                       | 2-2                |
| 2.05 .....  | Application for Employment.....                           | 2-2                |
| 2.06 .....  | Selection.....  | 2-3                |
| 2.07 .....  | Anti-Nepotism .....                                       | 2-3                |
| 2.08 .....  | Age Requirement.....                                      | 2-4                |
| 2.09 .....  | Medical and/or Psychological Examinations .....           | 2-4                |
| 2.10 .....  | Substance Abuse Screening for Prospective Employees ..... | 2-4                |
| 2.11 .....  | Driving Record .....                                      | 2-5                |
| 2.12 .....  | Political Activity .....                                  | 2-5                |
| 2.13 .....  | Uniforms .....  | 2-5                |
| 2.14 .....  | Dress and Appearance Code.....                            | 2-6                |
| 2.15 .....  | Gifts Policy .....  | 2-7                |
| 2.16 .....  | Outside Employment.....                                   | 2-7                |
| 2.17 .....  | Reappointment .....                                       | 2-8                |
| 2.18 .....  | Employment Status Definitions .....                       | 2-8                |
| 2.19 .....  | Summary of Employee Benefits .....                        | 2-9                |
| 2.20 .....  | Eligibility for Benefits .....                            | 2-9                |
| 2.21 .....  | Exit Interviews.....                                      | 2-10               |
| 2.22 .....  | Reduction In Force.....                                   | 2-10               |
| 2.23 .....  | Background Investigations .....                           | 2-11               |
| 2.24 .....  | Arrests, Confinements and Indictments.....                | 2-11               |
| <br><b><u>SECTION 3</u></b> <b><u>In-Training and Personnel Moves</u></b> |   |                    |
| 3.01 .....  | In-Training Period .....                                  | 3-1                |
| 3.02 .....  | Position Changes.....                                     | 3-1                |
| 3.03 .....  | Demotions .....   | 3-2                |
| 3.04 .....  | Reclassifications .....                                   | 3-2                |
| 3.05 .....  | Personnel Records .....                                   | 3-2                |
| 3.06 .....  | Resignation.....  | 3-3                |
| 3.07 .....  | Exit Interviews.....                                      | 3-3                |
| 3.08 .....  | Date of Separation.....                                   | 3-4                |

## TABLE OF CONTENTS (Con't.)

| <b><u>SECTION 4</u></b> | <b><u>Compensation and Performance Appraisals</u></b>   | <b><u>Page</u></b> |
|-------------------------|---|--------------------|
| 4.01 .....              | Pay Plan .....  | 4-1                |
| 4.02 .....              | Continuous Study of Salary Rates.....                   | 4-1                |
| 4.03 .....              | Salary Increases .....                                  | 4-1                |
| 4.04 .....              | Job Descriptions .....                                  | 4-1                |
| 4.05 .....              | Performance Evaluations .....                           | 4-2                |
| 4.06 .....              | Top of Pay Range.....                                   | 4-2                |
| 4.07 .....              | Use of Job Title.....                                   | 4-3                |
| 4.08 .....              | Method of Payment.....                                  | 4-3                |
| 4.09 .....              | Direct Deposit.....                                     | 4-3                |
| 4.10 .....              | First Paycheck .....                                    | 4-3                |
| 4.11 .....              | Final Payments .....                                    | 4-3                |
| 4.12 .....              | No Check Advances .....                                 | 4-4                |
| 4.13 .....              | W-4 Forms.....  | 4-4                |
| 4.14 .....              | Eligibility for Overtime .....                          | 4-4                |
| 4.15 .....              | Assignment and Authorization of Overtime.....           | 4-5                |
| 4.16 .....              | Calculation of Overtime Pay.....                        | 4-5                |
| 4.17 .....              | Compensatory Time (Comp Time) .....                     | 4-5                |
| 4.18 .....              | Deferred Compensation .....                             | 4-6                |
| 4.19 .....              | Longevity Pay .....                                     | 4-6                |
| 4.20 .....              | Incentive Pay .....                                     | 4-6                |
| 4.21 .....              | Temporary Assignment Pay .....                          | 4-7                |
| 4.22 .....              | Tuition Reimbursement.....                              | 4-8                |
| 4.23 .....              | Applying for Tuition Reimbursement.....                 | 4-9                |
| 4.24 .....              | Travel Reimbursement Policy .....                       | 4-10               |
| 4.25 .....              | Travel Approval.....                                    | 4-11               |
| 4.26 .....              | Travel Reimbursement/Advance Procedures .....           | 4-11               |
| 4.27 .....              | Unemployment Compensation .....                         | 4-11               |
| <b><u>SECTION 5</u></b> | <b><u>Fair Labor Standards Act and Hours Worked</u></b> | <b><u>Page</u></b> |
| 5.01 .....              | Fair Labor Standards Act (FLSA) .....                   | 5-1                |
| 5.02 .....              | Employee Rights.....                                    | 5-1                |
| 5.03 .....              | Assignment of Responsibilities.....                     | 5-2                |
| 5.04 .....              | "Time" Definitions .....                                | 5-2                |
| 5.05 .....              | Work Time (Actual Hours Worked) .....                   | 5-4                |
| 5.06 .....              | Paid Non-Work Time (Coded Time).....                    | 5-6                |
| 5.07 .....              | Compensatory Time (Comp Time) .....                     | 5-6                |
| 5.08 .....              | Budget Time Off .....                                   | 5-7                |
| 5.09 .....              | Responsibility for Controlling Work Time.....           | 5-7                |
| 5.10 .....              | Recording Work Time and All Time.....                   | 5-8                |
| 5.11 .....              | Exemptions to the Fair Labor Standards Act .....        | 5-8                |
| 5.12 .....              | Declaration of Firefighter Work Periods.....            | 5-10               |
| 5.13 .....              | Declaration of Public Works Workweek .....              | 5-11               |
| 5.14 .....              | Declaration of Police Department Workweek .....         | 5-12               |
| 5.15 .....              | Alternative Work Schedules .....                        | 5-14               |
| 5.16 .....              | Break Time for Nursing Mothers .....                    | 5.15               |

## TABLE OF CONTENTS (Con't.)

| <u>SECTION 6</u> | <u>Attendance and Leave Benefits</u>                        | <u>Page</u> |
|------------------|---|-------------|
| 6.01 .....       | Hours of Work .....   | 6-1         |
| 6.02 .....       | Attendance .....  | 6-1         |
| 6.03 .....       | Lunch Periods.....  | 6-1         |
| 6.04 .....       | Breaks .....  | 6-1         |
| 6.05 .....       | Make-Up Time for Lost Work Hours.....                       | 6-1         |
| 6.06 .....       | Holidays.....   | 6-2         |
| 6.07 .....       | Scheduling of Holidays.....                                 | 6-2         |
| 6.08 .....       | Floating Holidays .....                                     | 6-2         |
| 6.09 .....       | If Required to Work on a Holiday .....                      | 6-3         |
| 6.10 .....       | Holiday Pay for Regular 8-Hour a Day Employees.....         | 6-3         |
| 6.11 .....       | Holiday Pay for Employees on an Alternate Work Schedule ... | 6-3         |
| 6.12 .....       | Police, Communications and Fire Personnel Holiday Policy .. | 6-4         |
| 6.13 .....       | Holiday Pay on Termination .....                            | 6-4         |
| 6.14 .....       | Holiday Pay During Disciplinary Suspension .....            | 6-4         |
| 6.15 .....       | Holiday Policy for Regular Part-Time Employees.....         | 6-4         |
| 6.16 .....       | Ineligible for Holiday Pay.....                             | 6-5         |
| 6.17 .....       | Other Religious Holidays.....                               | 6-5         |
| 6.18 .....       | Vacation Leave .....  | 6-5         |
| 6.19 .....       | Vacation During In-Training Period.....                     | 6-6         |
| 6.20 .....       | Scheduling of Vacations.....                                | 6-6         |
| 6.21 .....       | Maximum Vacation Accrual.....                               | 6-6         |
| 6.22 .....       | Holidays During Vacation .....                              | 6-7         |
| 6.23 .....       | Vacation Leave During Disciplinary Suspension.....          | 6-7         |
| 6.24 .....       | Employees Ineligible for Paid Vacation Leave .....          | 6-7         |
| 6.25 .....       | Required Vacation Time Away From Work .....                 | 6-7         |
| 6.26 .....       | Bad Weather Policy .....                                    | 6-7         |
| 6.27 .....       | Sick Leave .....  | 6-8         |
| 6.28 .....       | Sick Leave Accrual Rate and Maximum Balance .....           | 6-8         |
| 6.29 .....       | Employees Ineligible for Sick Leave .....                   | 6-8         |
| 6.30 .....       | Partial Month Accrual of Sick Leave .....                   | 6-8         |
| 6.31 .....       | Use of Sick Leave .....                                     | 6-9         |
| 6.32 .....       | To Receive Sick Leave Pay .....                             | 6-9         |
| 6.33 .....       | Proof of Illness May Be Required .....                      | 6-9         |
| 6.34 .....       | Sick Leave Sell Back .....                                  | 6-10        |
| 6.35 .....       | Family and Medical Leave.....                               | 6-10        |
| 6.36 .....       | Leave Sharing Program .....                                 | 6-15        |
| 6.37 .....       | Bereavement Leave.....                                      | 6-17        |
| 6.38 .....       | Employees Ineligible for Bereavement Leave .....            | 6-17        |
| 6.39 .....       | Military Leave .....  | 6-18        |
| 6.40 .....       | Employees Ineligible for Military Leave .....               | 6-20        |
| 6.41 .....       | Personal Privilege Leave .....                              | 6-20        |
| 6.42 .....       | Administrative Leave .....                                  | 6-20        |
| 6.43 .....       | Jury Duty/Court Appearances .....                           | 6-20        |
| 6.44 .....       | Employees Ineligible for Jury Duty Pay.....                 | 6-21        |
| 6.45 .....       | Voting .....  | 6-21        |
| 6.46 .....       | Employees Ineligible for Paid Voting Leave .....            | 6-21        |
| 6.47 .....       | Unauthorized Absence.....                                   | 6-21        |

## TABLE OF CONTENTS (Con't.)

| <b><u>SECTION 7</u></b> | <b><u>Insurance and Retirement Benefits</u></b>             | <b><u>Page</u></b> |
|-------------------------|---|--------------------|
| 7.01 .....              | Retirement Plan .....                                       | 7-1                |
| 7.02 .....              | Eligibility for Retirement .....                            | 7-1                |
| 7.03 .....              | TMRS Supplemental Death Benefit.....                        | 7-2                |
| 7.04 .....              | Refund of Retirement Contributions .....                    | 7-2                |
| 7.05 .....              | Retirement Age.....   | 7-2                |
| 7.06 .....              | Social Security and Medicare.....                           | 7-2                |
| 7.07 .....              | Workers' Compensation.....                                  | 7-3                |
| 7.8 .....               | Seeking Medical Treatment for Workers' Comp. Injuries ..... | 7-3                |
| 7.9 .....               | Accident/Injury Reporting Procedures .....                  | 7-4                |
| 7.10 .....              | Return-To-Work Program .....                                | 7-6                |
| 7.11 .....              | Eligibility for On-The-Job Benefits .....                   | 7-7                |
| 7.12 .....              | The Texas Workers' Compensation Commission .....            | 7-9                |
| 7.13 .....              | Accidents Not Covered By Workers' Compensation .....        | 7-10               |
| 7.14 .....              | Dental Insurance.....                                       | 7-10               |
| 7.15 .....              | Medical Insurance.....                                      | 7-11               |
| 7.16 .....              | Life, AD&D and Personal Loss Insurance .....                | 7-12               |
| 7.17 .....              | Short and Long Term Disability .....                        | 7-13               |
| 7.18 .....              | Eligibility for Disability Benefits .....                   | 7-14               |
| 7.19 .....              | Employee Assistance Program (EAP) .....                     | 7-14               |
| 7.20 .....              | Internal Revenue Code, Section 125.....                     | 7-15               |

  

| <b><u>SECTION 8</u></b> | <b><u>Conduct, Discipline, Grievances and Complaints</u></b> | <b><u>Page</u></b> |
|-------------------------|--|--------------------|
| 8.01 .....              | Conduct and Expected Behaviors .....                         | 8-1                |
| 8.02 .....              | Working Relationships .....                                  | 8-1                |
| 8.03 .....              | Orders From Supervisors.....                                 | 8-1                |
| 8.04 .....              | Discipline Guidelines and Prohibited Behaviors.....          | 8-2                |
| 8.05 .....              | Anti-Harassment .....  | 8-3                |
| 8.06 .....              | Non-Vested Rights Employment .....                           | 8-5                |
| 8.07 .....              | Appeal and Grievance Procedures.....                         | 8-5                |
| 8.8 .....               | Time Limitations on Filing Grievances and Complaints.....    | 8-7                |
| 8.9 .....               | Reporting Fraud or Other Illegal Acts .....                  | 8-7                |
| 8.10 .....              | Threat and Violence Prevention Policy.....                   | 8-8                |
| 8.11 .....              | Weapons on City Property .....                               | 8-11               |
| 8.12 .....              | Workplace Searches .....                                     | 8-11               |

  

| <b><u>SECTION 9</u></b> | <b><u>Safety</u></b>                                 | <b><u>Page</u></b> |
|-------------------------|--|--------------------|
| 9.1 .....               | Accident Prevention Plan Components .....            | 9-1                |
| 9.2 .....               | General Administrative Policies and Programs.....    | 9-34               |
| 9.3 .....               | General Safety Rules, Practices and Procedures ..... | 9-50               |

  

| <b><u>SECTION 10</u></b> | <b><u>Illness/Disease and Drug Policy</u></b>                 | <b><u>Page</u></b> |
|--------------------------|---|--------------------|
| 10.1 .....               | Medical Information Confidentiality.....                      | 10-1               |
| 10.2 .....               | Contagious Diseases, Catastrophic/Life-Threatening Illness .. | 10-2               |
| 10.03 .....              | Acquired Immune Deficiency Syndrome (AIDS) .....              | 10-3               |
| 10.04 .....              | Substance Abuse Policy .....                                  | 10-4               |
| 10.05 .....              | DOT Drug and Alcohol Testing Policy .....                     | 10-15              |

## TABLE OF CONTENTS (Con't.)

| <b><u>SECTION 11</u></b> | <b><u>Information Technology Policy</u></b> | <b><u>Page</u></b> |
|--------------------------|---|--------------------|
| 11.01 .....              | Authorized User .....                       | 11-1               |
| 11.02 .....              | Training .....                              | 11-1               |
| 11.03 .....              | Software Compliance.....                    | 11-1               |
| 11.04 .....              | Electronic Mail (E-Mail) .....              | 11-2               |
| 11.05 .....              | Internet / World Wide Web.....              | 11-3               |
| 11.06 .....              | Recreational Software.....                  | 11-4               |
| 11.7 .....               | Hardware and Software Acquisitions.....     | 11-4               |
| 11.8 .....               | Information and Systems Integrity .....     | 11-4               |
| 11.09 .....              | Security .....                              | 11-5               |
| 11.10 .....              | Other Electronic Information Systems .....  | 11-6               |
| 11.11 .....              | Personal Phone Calls .....                  | 11-6               |
| 11.12 .....              | Cellular Phone Policy.....                  | 11-6               |
| 11.13 .....              | Policy Exceptions.....                      | 11-7               |
|                          | Glossary of Terms .....                     | 11-8               |

  

| <b><u>SECTION 12</u></b> | <b><u>Miscellaneous Policies</u></b> |      |
|--------------------------|--------------------------------------|------|
| 12.01 .....              | Media Policy .....                   | 12-1 |
| 12.02 .....              | Smoking / Tobacco Policy.....        | 12-1 |
| 12.03 .....              | Identity Theft Policy.....           | 12-2 |

## Chapter 1

## SECTION 1.01

Introduction

The City of Bellaire welcomes you to our family of employees. We want to make your first days on the job as pleasant and comfortable as possible and to answer as many of your questions as we can. We know you have many questions about what will be expected of you on the job, your paychecks, City policies, procedures, guidelines and the various benefits that are available to you. This handbook is designed to answer some of those questions. We hope you find it interesting as well as informative. It is your responsibility to carefully read and become familiar with this handbook and keep it available for future reference. It is also your responsibility to ask questions if you do not understand the contents of this handbook. The more you know about our City, the easier it will be for you to understand your role in relation to all the other departments and positions. We would like to suggest that you attend some of the Council meetings, and watch the bulletin board in your department so that you will know what is happening in the City.

## SECTION 1.02

The History of Bellaire

Bellaire was founded on open ranch land once owned by William Marsh Rice, benefactor of nearby Rice University. William Baldwin, acting as President of the South End Land Company, purchased the 9,449 acre Rice Ranch on December 1, 1908 and planned to turn it into an agricultural and residential settlement. Baldwin was a resident of Burlington, Ohio, and vice president of the Burlington Railroad. He intended to attract settlers to the area from the Midwest states who were anxious to escape their harsh winters.

In 1909, on the extreme eastern 1,000 acres of the ranch, Baldwin laid out small acre truck farms which he called "Westmoreland Farms". According to early accounts, the only trees in sight were those growing along the banks of Brays Bayou. He planted the town of Bellaire in the heart of Westmoreland Farms to serve as an agricultural trading center and an exclusive residential neighborhood. Bellaire originally had an area of less than two square miles and was bound by First Street, Palmetto, Sixth Street (now known as Ferris) and Jessamine. At that time, Houston's western city limits were approximately 5 miles northeast of Westmoreland Farms across a barren prairie. Baldwin invested \$150,000 in capital to develop the improvements.

According to a 1909 promotional brochure, Bellaire (a term meaning "Fine Air") was named for the Gulf breezes said to be fanning the area. However, when a pioneer settler, Mrs. A.J. Condit, died in January, 1949, the Southwestern Times reported that she was one of only a few who "shared in the secret" that W.W. Baldwin had not thought of Bellaire as an original name meaning "fine air", but instead had named it after Bellaire, Ohio, a pleasant little town served by his Burlington Railroad.

In 1909 Westmoreland Farms could be reached by freight train at a siding known as the Rice Station (later known as Bellaire Station) on the old San Antonio and Aransas Pass Railroad (SAP). The siding, then used as a mail drop-off point, was located at the intersection of what is now Rice Avenue and the SAP tracks, south of the Southwest Freeway, about 1.5 miles north of City Hall.

The only road access in 1909 to Westmoreland Farms and Bellaire was Richmond Road, later called Old Richmond Road, and today as Bissonnet. This Houston/Richmond Road dates back to the days of the Republic of Texas. The South End Land Company improved access to Houston by constructing Bellaire Boulevard, a double, shelled road 120 feet wide, running from Richmond Road to the foot of Main Street (near what is now the Texas Medical Center). The landscaped esplanade within Bellaire's limits was called the "Paseo".

Teas Nursery Company, the first business established in the Bellaire area, opened in 1910. In 1911, a two-story merchandise building was constructed in Bellaire and it served as the town's first general store. By 1911, local streets were shelled, thousands of trees, shrubs and plants were set, flood control drainage canals, and water and electric service facilities were operating. Lots were offered for public sale at prices ranging from \$250 to \$400, with a \$50 premium for corner lots. Bellaire was advertised as an ideal suburban residence town with "city homes for country people and country homes for country people."

Bellaire suffered a setback when the hurricane, which hit the Gulf Coast in 1915, destroyed or damaged nearly all the structures in the town. Nevertheless, most of the residents stayed and on June 24, 1918, Bellaire received its general law city charter. Forty voters turned out to elect the City's first governing body, consisting of a Mayor and two Commissioners. The first Mayor was C.P. Younts. During Bellaire's formative years as a city, the only paid employee was the City Marshal, who was responsible for keeping wayward cattle out of the residential area. He received his salary from fines levied on the owners of the errant cattle.

After World War II, Bellaire's residential and commercial development grew dramatically. The population jumped from 1,124 in 1940 to 10,173 in 1950. In 1946 Bellaire successfully thwarted a controversial move by West University Place to annex Bellaire and Southside Place. On December 31, 1948, the City of Houston extended its city limits westward and annexed territory surrounding the cities of Bellaire, West University and Southside Place. The remnants of Westmoreland Farms left outside Bellaire gradually became residential and commercial properties in what is now southwest Houston.

On April 2, 1949, Bellaire residents approved a home rule charter and the inauguration of the council manager form of government. Despite the fact that it was geographically landlocked, Bellaire experienced a doubling of its population from the 1950's to 1960. Today Bellaire continues to retain its independent status as an enclave city within Houston. The town once built on prairie ranch land is now a city lush in vegetation and is known for its homes, institutional and community facilities, business establishments and modern office buildings.

This historical synopsis was written by Jeff Dunn, former President of the Bellaire Historical Society.

## SECTION 1.03

### City of Bellaire Mission and Objectives

The City of Bellaire is dedicated to outstanding quality services and facilities to ensure an open, progressive and secure community. To achieve this goal, each year the City Council reviews current community needs to determine an appropriate blend of projects and services within the framework of the City's budget.

## SECTION 1.04

### City Government Today

The City of Bellaire is a home-rule city and operates under a Council-Manager form of government. The chief executive officer is the City Manager. The Council is the community's legislative body and is composed of the Mayor and six elected Council members. The Mayor is elected for a term of two years, limited to four terms. The Council members are elected for a term of four years, limited to two terms. The Mayor and Council members all have a vote in decisions related to the City affairs. The City Manager attends all Council meetings and provides advice on matters before Council but has no vote on actions taken. The City Manager is responsible to the City Council for the administration of all the City affairs assigned to the manager by charter, ordinance or directive. In addition, the City

Manager is charged with monitoring and directing the daily operations of the municipal organization and staff.

SECTION 1.05

Council Meetings

Council meetings are held on the first and third Monday of the month at 7:00 P.M. in the council chambers at City Hall. Each department head is provided a copy of the council agenda and it is posted on the City's website prior to the meeting date. These meetings are open to the public, and you are cordially invited to attend at any time. However, if you have questions or comments concerning your job, fellow employees or any action or conduct which might relate to your job, you are asked to bring such questions and comments to your supervisor or department head through proper channels.

SECTION 1.06

Basic Objectives of the Employee Policy

The purpose of these policies is to provide a uniform set of guidelines governing City employee relations. The fundamental principles of sound personnel administration achieved by these policies include:

1. Promotion of increased efficiency and economy in the service of the City.
2. Provision of fair and equal employment opportunity to all qualified applicants to enter and advance in City employment on the basis of demonstrated merit and fitness as determined through fair and equitable methods of selection and promotion.
3. Development of a program of employee recruitment and advancement which will make employment with the City attractive and will encourage employees to strive for excellence in performance.
4. The dissemination of the established policies and procedures of the City affecting your work, with knowledge of which you are charged.
5. Establishment and maintenance of a uniform plan of evaluation and remuneration based upon performance of duties and responsibilities in the service of the City.
6. The promotion of high morale among City employees through the provision of good working relationships, uniform personnel policies and opportunities for advancement.

SECTION 1.07

Communication/Suggestion Policy

This policy is intended to assure good employer/employee relations through communication and understanding. It is the desire of the City of Bellaire to maintain a well-informed workforce. Employees can only be well informed if we have good communications. Good communications must be two-way. If something needs clarification or if you have a question, suggestion or complaint, we want you to discuss it with your supervisor. If you are not satisfied at this point, we want you then to go to the next supervisor in line or your department head. If necessary, you may speak with any member of City administration relative to your matter. We want to answer any concern and listen to any suggestion you may have. We respect the rights and dignity of each one of our employees and will investigate your matter as confidentially as possible and get you an answer as soon as possible.

This policy is set forth merely as a guideline. The existence of this policy should not be construed as preventing, limiting or delaying the City from taking disciplinary action, including immediate discharge, in circumstances where the City deems such action appropriate.

SECTION 1.08

Employee Activities

The City sponsors a variety of special events throughout the year. Watch the bulletin board in your department for information about happenings, events and activities of interest.

Police personnel should follow department procedures concerning the posting of items on bulletin boards.

SECTION 1.09

Administration of Employee Guidelines

The employee guidelines established herein are intended to cover all employees of the City of Bellaire except officials of the City who are otherwise covered by the Charter of the City of Bellaire.

Employee policies will be administered by the Human Resources Department under the direction of the City Manager. The Human Resources Department will monitor these policies and make every good faith effort to ensure compliance not only with the letter but also with the spirit of the objectives set forth in these policies.

The City reserves the right to change or rescind its personnel policies at its sole discretion. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee Handbook.

SECTION 1.10

Individual Department Policies

It will be the prerogative of each department head to develop and implement additional department policies which are separate from or in addition to the policies, procedures and guidelines listed in this Employee Handbook, which has been designed for all employees of the City. Department policies, procedures and guidelines will not be inconsistent with or supersede this Employee Handbook. In the event a question arises regarding a conflict, the City Manager will determine the resolution to be implemented after considering all factors of the situation.

SECTION 1.11

Employee Responsibility

It will be the responsibility of each employee to read, understand and comply with all policies, procedures, guidelines and practices of both the City and of their respective departments.

Employees, by having signed the "Acknowledgement of Receipt" for this handbook, have indicated they have received, read and understand this handbook.

## Chapter 2

## SECTION 2.01

Equal Employment Opportunity

The City of Bellaire is an equal opportunity employer under the Civil Rights Act of 1964 as amended and Title VII. Applicants are considered for positions, and employees are treated without regard to race, creed, color, sex (including pregnancy), age, national origin, religion, veteran status, disability or any other classification protected by federal, state or local laws. The City of Bellaire protects and upholds this employee right, both as matters of the law and policy.

The City of Bellaire provides equal employment opportunities (EEO) to all employees and applicants for employment in accordance with applicable federal laws. In addition, the City of Bellaire complies with applicable state and local laws governing nondiscrimination. This commitment applies to all terms and conditions of employment, including, but not limited to:

1. Recruitment, advertising and job applicant procedures.
2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring.
3. Rates of pay or any other forms of compensation and changes in compensation.
4. Job assignment, job classifications, organizational structures, job descriptions, lines of progression and seniority lists.
5. Leave of absence, sick leave or any other leave.
6. Fringe benefits available by virtue of employment, whether or not administered by the City of Bellaire.
7. Selection and financial support for training, including: apprenticeships, professional meetings, conferences, and other related activities and selection for leaves of absence to pursue training.
8. Activities sponsored by the City including social and recreational programs.

All policies in this EMPLOYEE HANDBOOK will be followed in a manner that will result in employees and applicants being treated fairly. Further, the City Manager and Council expect all supervisors to understand the policies, and to be aware that they are accountable for proper administration of these policies.

## SECTION 2.02

Americans with Disabilities Act

The City of Bellaire is committed to providing "reasonable accommodations" for otherwise qualified applicants and employees with disabilities. Therefore, the City of Bellaire does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities.

The Director of Human Resources has been designated to coordinate compliance with non-discrimination requirements concerning provisions of the Americans With Disabilities Act (ADA) and Americans with Disabilities Act as Amended (ADAAA), and the rights provided thereunder, are available from the Director of Human Resources, who serves as the City of Bellaire ADA Coordinator.

The City of Bellaire will make reasonable accommodations for applicants with disabilities during the selection and testing process if requested at least 48 hours in advance.

If you are an employee with a disability and believe that you need reasonable accommodation as permitted by law, please contact your supervisor, department head or the Director of Human Resources. Questions posed and information provided to the City will be treated as confidential medical information as required by law. The City shall anticipate that each employee shall understand that it is their duty to promptly and fully report to their supervisor, department head or the Director of Human Resources any such condition. However, without proper reporting, the City shall assume no obligation to provide reasonable accommodations.

Employees who have a complaint involving potential violations of the ADA or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the Director of Human Resources Director, City Manager or designee.

## SECTION 2.03

### Announcement of Position Vacancies

The Director of Human Resources shall publicly announce by appropriate means all vacant positions to be filled by other than administrative transfer, temporary promotion or reinstatement, and shall maintain a list of announced vacant positions for public inspection. The City reserves the right to advertise vacant positions internally prior to, or simultaneously with advertising publicly.

The City will always strive to hire qualified candidates who are best suited for the job being filled.

## SECTION 2.04

### Job Applicant

A job applicant is anyone who responds, by completion and submission of a City of Bellaire employment application, to a solicitation of a position vacancy for a specific job, for which they meet the minimum qualifications.

## SECTION 2.05

### Application For Employment

Any person who seeks employment with the City of Bellaire must complete and submit a City of Bellaire employment application. The City will only accept applications for positions that are posted to be filled. Unsolicited applications or resumes will not be retained. If an applicant desires to apply for more than one position, he/she must complete a separate employment application for each position.

All information submitted in connection with applying for City positions is subject to verification. Any false, misleading or erroneous data so given, or the omission of any such information on an employment application may result in disciplinary action, including immediate removal from the employment process, the loss of eligibility to apply with the City or termination of employment if employed.

## SECTION 2.06

Selection

As required by the Immigration Reform and Control Act, the City of Bellaire will only hire individuals who are U.S. citizen, noncitizen nationals, lawful permanent residents or aliens authorized to work in the United States. All new hires will be required to produce specific documents, which verify their identity and employment authorization.

All steps in the selection process will evaluate the abilities and qualifications of the applicant to do the job for which they have applied. The qualifications established for a specific position represent the minimum qualifications necessary to perform the work. Tests and other selection criteria used in the selection process are based upon the position in question and on a business necessity.

New employees will be selected on the basis of their job related qualifications for the position, including their work experience, education, physical condition, background, and references. In the case of those who will be driving City vehicles or driving their own vehicles on City business, safe- driving records will also be a consideration. No oral or implied agreements differing from written policy or authorized salary plans will be honored.

The City of Bellaire will make reasonable accommodations for applicants with disabilities during the selection and testing process if requested at least 48 hours in advance.

## SECTION 2.07

Anti-Nepotism

In order to assure the appearance and reality of fairness in the best interest of the City, the appointment of any person in any regular, full-time, part-time, or temporary position will be prohibited if such person is a member of another employee's family, and one employee would be the immediate supervisor of the other. For the purpose of this policy, "family" shall include employee's spouse, and the following described relatives, whether related by blood, marriage or adoption, and the spouses of such relatives; employee's grandparents, parents, children, grandchildren, siblings, uncles, aunts, nephews, nieces and first cousins.

During the course of employment should any two employees become related, both will be permitted to continue working for the City provided they do not routinely work in a direct supervisory relationship with one another. Further, related employees in the Police or Fire department shall not be assigned to the same shift. This aspect of the policy shall pertain to all current and future employees. For the purpose of this policy, "supervise" shall include, but shall not be limited to, authority to assign, evaluate, or reward. Should two employees become related, and there exists a direct supervisory relationship between the two, attempts will be made to find a suitable position within the City to which one of the employees will transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. Under such conditions, the resignation of one of the employees must be made within 60 days of entering the familial relationship.

Department heads will be responsible for ensuring that no direct supervisory relationship exists between two family members within their respective department. The City Manager will ensure that no direct supervisory relationship exists between department heads and other employees who are also their family members.

Should any employees be found to have violated this policy, both employees will be terminated immediately.

All related employees who were working for the City prior to May 29, 1984 are grandfathered. However, should one of these individuals leave the employ of the City they would no longer be eligible for the grandfather provision in situations where direct supervision would exist between two family members.

## SECTION 2.08

### Age Requirements

The City of Bellaire will not employ any person in any position who is under 16 (sixteen) years of age.

## SECTION 2.09

### Medical and/or Psychological Examinations

A person promoted, reinstated or selected for initial appointment may be required to undergo a thorough medical and/or psychological examination at the City's expense by a physician or psychologist selected by the City. Promotion, reinstatement, and employment shall be contingent upon successful completion of the examination in relation to the standards of fitness required for the position involved. Such examinations shall be job-related and consistent with the City's business necessity.

Examinations for new hires will only be conducted after a conditional job offer has been made. A prospective employee may be re-examined if three or more months lapse between the first medical examination and the date of their employment. No one required to submit to such examinations at the request of the City will perform any duties unless and until the examining physician or psychologist has certified the individual meets the minimum standards of fitness for duty, with or without reasonable accommodations, required to fulfill the tasks and duties of the position.

The City Manager or a department head may require a current employee submit to a medical or psychological examination to determine fitness for continued employment or additional or different duties. The examination shall be job-related and consistent with the City's business necessity. Such examination shall be conducted without expense to the employee, and shall be for the sole purpose of determining the employee's ability to perform essential job-related functions of his or her job. Employees who take examinations required by the City Manager or department head shall be paid for the time required to take such examination. An employee may be placed on administrative leave with pay pending the examination results. It shall be cause for termination if the results of such examination indicate the employee is unable to perform the essential functions of his or her job such that it imposes an undue hardship on the City pursuant to the Americans With Disabilities Act.

Examinations required and paid for by the City will be considered property of the City, and will be treated as confidential and maintained separate from the regular personnel file.

## SECTION 2.10

### Substance Abuse Screening for Prospective Employees

All prospective employees for the City of Bellaire will be required to have a substance abuse screening. Refusal by an applicant to participate in the substance abuse screening will result in the individual being removed from the selection process.

Any prospective employee who tests positive on the substance abuse screening will not be considered for employment with the City for two (2) years. However, those individuals may be

reconsidered within two (2) years if they provide certified documentation of successful completion of a substance abuse rehabilitation program. Applicants who have completed a rehabilitation program will be subject to another drug screening prior to being considered for employment.

For more detailed information regarding the City's Substance Abuse Policy refer to Section 10.05 of the Employee Handbook.

## SECTION 2.11

### Valid Driver's License and Driving Record

The City requires that every employee who operates a City owned (or leased) vehicle, or who drives a privately owned vehicle while carrying out job duties, maintain a current valid driver's license and an acceptable driving record as determined by the City.

The driving records of prospective employees who will be driving City-owned vehicles or driving any vehicle on City business will be checked prior to employment to verify the applicant has a "safe" driving record. The driving records of current employees who drive City-owned vehicles or drive any vehicle on City business will be checked periodically throughout employment. When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license. Refer to Vehicle Operator Standards under Section 9.

## SECTION 2.12

### Political Activity

City employees will not be appointed or retained on the basis of their political activities. Employees are encouraged to vote, and are free to express their personal opinions about candidates for office, but shall not campaign or perform any tasks in furtherance of any political candidacy during working hours nor shall employees wear or display buttons, badges, etc. for such candidates during working hours. Further, no political stickers, slogans, etc. shall be displayed in City offices or on City-owned vehicles. This provision also applies to political activity relating to elections concerning propositions or issues of any type.

Employees will not use their positions or office to coerce support for a candidate from other employees. Employees will not directly or indirectly participate in any manner whatsoever while on duty in election campaigns of candidates for Bellaire municipal office. Any employee choosing to become a candidate for Bellaire City Council will be expected to first resign from the City.

## SECTION 2.13

### Uniforms

Employees who are furnished uniforms by the City are authorized to wear their uniforms during normal working hours and while traveling back and forth from their homes to their workplaces ONLY. City uniforms will not be worn while engaging in other employment or during off-duty hours. However, uniformed police and fire personnel will be required to follow the policies established by their respective departments with regard to the wearing of uniforms. Employees are not permitted to drink alcoholic or intoxicating beverages while wearing a City uniform. Uniforms are the property of the City and must be returned in good condition to your supervisor upon separation of employment. In accordance with an agreement signed by each employee, the reasonable value of unreturned or damaged uniforms will be withheld from an employee's final check upon termination or retirement, unless a release is granted by the department head.

## SECTION 2.14

Dress and Appearance Code

Some departments of the City have specific dress and appearance codes as established by the department head for their department members which you will be required to follow. This policy is a general guideline for all employees; however, in the event department heads develop more rigid guidelines with respect to the nature of business being conducted and employees' interaction with staff and the public, the more restrictive policy shall prevail. These regulations may include the wearing of safety apparel and special apparatus. All dress and appearance requirements are job related. Employees from all departments are expected to dress in a manner that is appropriate for their position. If you will be working directly with the public, we expect you to be clean, well groomed and neatly dressed in order to make a good impression while representing the City of Bellaire. This includes refraining from wearing inappropriate attire such as revealing or provocative clothing at work or any event that is directly or indirectly related to the business activities of the City of Bellaire.

All employees are expected to be clean and well groomed at all times and dressed in a manner that is both gender and job appropriate. Offensive odors (i.e. body odor, excessive perfumes) are unacceptable. Hair should be clean, combed, and neatly trimmed or arranged. Extreme hair color(s) is prohibited. Sideburns, moustaches, and beards should be neatly trimmed. Facial jewelry and other types of facial piercings are prohibited. Pierced ears are acceptable when a maximum of two pieces of traditional jewelry is worn in one or both ears. Multiple and/or obscene tattoos should not be visible. However, it is understood that within some departments this policy cannot be followed at all times, and in such cases, the department heads shall have discretion.

Examples of **acceptable** business/business casual attire (*this list is not all-inclusive*):For Office Staff

- Suits, dress slacks or khakis, skirts, blouses, sweaters, knit shirts or tops, long or short sleeve button-down shirts, City logo shirts, dresses and sensible shoes for females
- Suits, dress slacks or khakis, long or short sleeve button-down shirts, City logo shirts, and sensible shoes for males

For Field Staff

- These employees may, depending on the position, adopt the office staff attire noted above as appropriate, and/or with approval of the department head, wear jeans in good repair
- Walking shorts and tennis/athletic shoes may be appropriate for certain field and/or recreation positions
- Department/city provided uniforms and safety apparel as appropriate

Examples of **unacceptable** attire (*this list is not all-inclusive*):

- Halter, tank, strapless or spaghetti strap sun dresses, unless worn with a jacket,
- Any dress, skirt, shorts, or skort that is more than six inches above knee the top of the knee when knees are bent (sitting position)
- Spandex leggings or pants, stirrup pants worn alone (ok underneath dress/skirt), jogging/warm-up suits, or cut-offs
- Skin-tight fitting clothing or sagging pants
- Halter/tank tops, bare back/midriffs, low-cut blouses/shirts, sweatshirts, T-shirts or sleeveless tops unless worn with a jacket/sweater
- Flip-flops or tennis/athletic shoes (tennis/athletic shoes may be worn on Casual Dress Days and may be appropriate daily attire for certain field and recreation staff outside the office setting)
- Caps, unless worn as part of a city provided uniform

Casual Day Dress Code

Fridays are designated as casual dress days. Employees may voluntarily elect to "dress down" on Fridays, however, casual dress must be neat, clean, and must always be appropriate for a business setting; casual attire does not mean "sloppy". On occasion, the City Manager may grant other days as casual dress days.

Examples of **acceptable** attire for Casual Friday include all items listed as appropriate attire, denim jeans (not faded, ripped or holey), polo shirts, collared sport shirts, and City logo shirts, clean tennis/athletic shoes.

Examples of **unacceptable** casual attire include the same list as found in examples of unacceptable attire noted above.

Department heads may, under certain conditions, allow employees to dress in a more casual fashion when situations arise that require moving offices/furniture, natural disasters (emergency management situations), or to accommodate disability. This flexibility does not include "having nothing else to wear that day".

Department Heads'/Supervisors' Responsibilities

Department heads and supervisors are responsible for ensuring that employees follow the City's dress and appearance code. When questions arise about whether an item of clothing is permissible under the dress code, about piercing and/or body tattoo(s), supervisors/department heads may contact Human Resources for assistance. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted, except when requests for accommodations have been made in writing and have been approved by the department head and Human Resources.

Employees wearing inappropriate attire will be instructed by their supervisor not to wear the attire again. A second offense will result in the employees being asked to go home and change into appropriate attire (vacation or holiday time, if available, will be charged for time away from work or the time will be without pay if appropriate paid time is unavailable). Third and subsequent offenses will result in a written reprimand, suspension without pay, or possible termination of employment.

## SECTION 2.15

Gifts Policy

All employees should be most cautious about even the appearance of receiving some benefit from anyone the City regulates or with whom we do business. Employees shall not directly or indirectly solicit any gift, or accept or receive any gift, where the public could reasonably infer or perceive that the gift was intended to influence a City employee in the performance of their official duties, or the gift was intended as a reward for any official action on a City employee's part.

If the acceptance of a gift is not under the circumstances listed above, employees may accept unsolicited non-money gifts **only**, if they are small articles of a de minimus value (less than \$50) such as flowers and food. A City employee is to inform their department head of the receipt of any gift. Department heads are responsible for monitoring this policy and returning any gifts that are not in compliance with this policy.

## SECTION 2.16

Outside Employment

As an employee of the City, you may not engage in any outside work that is inconsistent with or will create conflict with your duties in the City. Outside employment, which will bring discredit on the City or your department or which is in violation of federal, state or local statutes will not be permitted.

Outside employment should never be an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. The use of City equipment for outside employment and conducting outside employment on City time is strictly prohibited.

Employees seeking outside employment after hours should be aware that the City's workers' compensation will not cover accidents or injuries suffered while in the employ of another entity. It is your responsibility to be sure that your second employer carries the insurance you need. If you are self-employed, and are injured while working your own business, you will not be covered by the City's workers' compensation.

Police officers will be covered by the City's workers' compensation insurance policy if the injury occurs while an officer is acting in an official capacity for the City of Bellaire.

Department heads may impose additional department rules requiring that volunteer work be reported to and approved by the department head.

## SECTION 2.17

### Reappointment

Employees of the City may be rehired after they have resigned from service, subject to any other guidelines to the contrary, providing their prior service with the City was terminated in good standing. Employees who resign giving less than two weeks notice, not including accrued vacation, holiday, comp time and sick leave (when the employee is not on medical leave) will not be eligible for reappointment. Persons seeking reappointment shall not automatically be entitled to reappointment to the next available vacancy but the decision to reappoint shall be solely at the discretion of the City of Bellaire. Those persons rehired will be provided benefits exactly like those offered a new employee.

## SECTION 2.18

### Employment Status Definitions

The purpose of placing employees in these categories is to clarify eligibility for the various benefits provided by the City and to determine the nature of the positions' work routine.

There are two major general classifications of employees: regular and temporary (seasonal). Regular employees can be either full-time or part-time.

1. Regular full-time employees are those who work forty or more hours per week on a regular basis.
2. Regular part-time employees are those who work less than forty hours per week on a regular basis.

Temporary employees can also be either full or part-time.

1. Temporary full-time employees are those who work a minimum average of forty hours per week and are employed for only a specific period of time (such as for the summer) or for a special job task or project.
2. Temporary part-time employees are those who work fewer than forty hours per week for a specific period of time or special project.

In-training employees are those who are newly appointed and must satisfactorily complete a minimum of six (6) months of service (may be extended up to twelve (12) months). Unless otherwise noted, throughout this employee handbook, these employees are recognized as regular employees.

NOTE: Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and are not employees of the City of Bellaire. However, these individuals will be allowed to apply for vacant positions including those posted "For Internal Candidates Only".

## SECTION 2.19

### Summary of Employee Benefits

As discussed in detail throughout this handbook, regular, full-time employees, after meeting the specified eligibility requirements, are entitled to the following benefits. Some benefits provided may be changed or eliminated as required by budget constraints and priorities or availability.

Bi-Weekly Pay  
Direct Deposit of Payroll Checks  
Ten Paid Holidays  
Two Paid Floating Holidays  
Vacation Leave  
Sick Leave  
Longevity Pay  
Sick Leave Buy Back  
Leave of Absence Privilege  
Family and Medical Leave  
Bereavement Leave  
Jury Duty Pay  
Retirement Plan  
457 Deferred Compensation Plan  
Medicare participation for all employees hired after March 31, 1986 and  
those hired prior to March 31, 1986 who elected such coverage on June 1, 1993.  
Worker's Compensation Insurance  
Life Insurance and AD&D Insurance  
Supplemental Life Insurance and AD&D Insurance  
Short Term and Long Term Disability Insurance  
Medical Insurance  
Dental Insurance  
Vision Insurance  
IRS Section 125 Medical and Dental Insurance Premium Conversion Plan  
Free Library Card  
Discounted Recreational Membership, Classes and Swimming Pool Passes  
Workout Privileges at Fire Station Gym – Employees Only  
Credit Union Membership  
Tuition Reimbursement  
Employee Assistance Program

## SECTION 2.20

### Eligibility for Benefits

1. Regular full-time employees are eligible to receive full level benefits.

2. Regular part-time employees are not eligible to receive any benefits other than workers' compensation, time off to participate in voting, and either participation in the Texas Municipal Retirement System or Social Security. If it is expected that a part-time employee will work one thousand (1,000) hours or more per year then the employee will be required to participate in the Texas Municipal Retirement System. If it is anticipated that the employee will work less than one thousand (1,000) hours per year then the employee will participate in Social Security. Regular part-time employees who were employed after March 31, 1986 will also contribute to Medicare.
3. Temporary or seasonal employees, both full and part-time are not eligible to receive any benefits other than workers' compensation, participation in Social Security or Medicare and time off to participate in voting.

## SECTION 2.21

### Exit Interviews

Exit interviews with Director of Human Resources are normally scheduled for outgoing employees after the supervisors receive notices of resignation or intent to retire and for employees whose termination is initiated by the City. The purposes of this interview are to review eligibility for benefit continuation, to ensure that all necessary forms are completed, to collect any City property that may still be in the employee's possession (keys, etc.) and to provide employees with an opportunity to discuss their job-related experiences. Such discussions enable the City to identify conditions that may contribute to separation and to formalize the reason for separation for unemployment compensation purposes.

Pertinent comments made by separating employees may be discussed with appropriate management personnel in order to improve and update our policies and procedures.

## SECTION 2.22

### Reduction In Force

It is the policy of the City of Bellaire, when possible, to provide employees with a secure working environment. However, from time to time economic conditions or the changing staffing needs of the City create situations that would necessitate a reduction in force or lay-offs from specific positions.

Whenever possible, an employee laid off from one City department shall be transferred to a suitable position elsewhere, provided the employee meets the minimum qualifications for the new position.

Lay-offs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within City service may be used to determine the order of lay-off among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary and In-Training employees shall be laid off before regular employees performing similar duties. Lay-offs shall not be considered disciplinary actions.

When a layoff occurs, if economically possible, employees will be given the following benefits as a separation package:

1. 60 working days of full base pay.
2. Payment for accrued vacation and floating holiday hours.
3. Payment of 25% of the value of accrued sick leave.
4. Pro rata amount of annual longevity.

5. Continuation of health, dental and life insurance coverage through the end of the second full month following the effective date of the lay-off.

Employees who are laid off should consult with the Director of Human Resources regarding possible retirement benefits and continuation of health insurance beyond the above-allowed sixty days.

Employees who are laid off will be given primary consideration should a position become available with the City of Bellaire within six months following the date of lay-off. Employees would be required to meet all minimum qualifications and requirements for such positions.

## SECTION 2.23

### Background Investigations

The City has the right to conduct criminal history background checks on existing employees at any time during their employment, for any reason. The City will conduct criminal history background checks on applicants during the application process. Conduct constituting an offense, arrest, or conviction that is discovered may result in denial of employment for applicants and disciplinary action, up to and including termination for current employees. Prior to making any negative employment decision, the City shall consider the conduct underlying an arrest related to job fitness, length of time since conviction(s), the nature of the crime(s), the relationship between the job to be performed and the crime(s) committed, the number of convictions, rehabilitation efforts, and subsequent employment history. This policy is inclusive of all existing and future supervisors and employees of the City.

During the hiring process, background checks shall be limited to those who have received a conditional offer of employment. Information sought in the background check shall be job-related and when a third party conducts the background check, the Fair Credit Reporting Act shall apply.

Department Directors or Supervisors must notify Human Resources upon notice of alleged law violation or suspected need to conduct a criminal history check on employees under their supervision.

## SECTION 2.24

### Arrests, Confinements and Indictments

#### 1. Policy

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrests, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

#### 2. Procedures

Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be "detained." A detained employee, who fails to report to work at the employee's regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor no later than the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.

Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of at least one (1) full work day.

Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director, Director of Human Resources, and the City Manager. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

## Chapter 3

## SECTION 3.01

In-Training Period

After you have been appointed to a position within the City, you will serve an in-training period. The in-training period will be no less than six (6) months. This period could be extended up to twelve (12) months at the discretion of the department head or immediate supervisor. During this period, your supervisor will work very closely with you to ensure you have learned your job duties and developed the skills and abilities necessary to perform your job to the best of your ability. Satisfactory job performance includes but is not limited to: regular attendance; punctuality; proper conduct towards your supervisor, your fellow employees and the general public; as well as satisfactory performance of your job duties as determined by your supervisor. The successful completion of the in-training period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a "just cause" termination standard.

After three months, your supervisor will meet with you to review the evaluation forms, discuss your progress thus far and answer any questions you may have regarding your duties and/or your performance. When your in-training period is over, your supervisor will evaluate your performance and will recommend that you become a regular employee or that you be released from employment. Those employees who successfully complete the in-training period will be eligible for a performance evaluation step increase. The next performance review will be twelve (12) months from the first review.

In the case of Police Department personnel, the evaluation guidelines differ and employees should familiarize themselves with those guidelines.

## SECTION 3.02

Position Changes

It is the policy of the City of Bellaire to provide promotional opportunities whenever possible to qualified personnel. Positions will be filled on the basis of merit from within the department if at all possible. However, applications from personnel in other departments and from individuals outside the City may also be considered. Our objective will always be to attract, hire and retain the most qualified personnel possible.

You may apply for other job openings within the City at any time after you have completed your in-training period in your present position, providing you meet the established minimum qualifications for the open position.

A City of Bellaire application indicating your qualifications and desire for change should then be forwarded to the Human Resources Department during the period in which applications are being considered for the vacant position.

A promotion is defined as a move from one position to a different position in a higher salary range. A lateral position change is a move from one job position to another job position within the same grade level. A lateral transfer will not affect your salary or seniority. Whereas, a promotion is accompanied by an increase in salary and a title change, lateral position changes are only accompanied by a title change, when appropriate.

When an employee is promoted to a position in a higher pay grade, the employee should receive at least a 5% increase to their current salary or be placed at the minimum of the new range, whichever is greater.

Whenever an employee is promoted, a new in-training period will begin with the promotion and a new evaluation date will be established to coincide with successful completion of the new in-training period. The in-training period will be no less than 6 (six) months. This period could be extended up to twelve (12) months at the discretion of the department head or immediate supervisor. The in-training period is the time for the employee to learn the job tasks and successfully meet the promotional criteria. Promoted employees who successfully complete the in-training period will be eligible for a performance evaluation step increase. The next performance review will be twelve (12) months from the first review. If an employee fails to satisfy the in-training requirements, the employee may return to his/her previous position or a similar position, based on the availability of an open position, with the appropriate salary reduction (see section 3.03). The employee must meet all minimum qualifications of this position.

## SECTION 3.03

### Demotions

Occasionally it may be necessary to transfer an employee to a position in a lower grade level. A transfer to a lower grade level usually results when an employee does not effectively perform the duties described in the description for the position in which they are currently classified. Employees may also voluntarily request position changes to positions in lower paying salary levels. In either case, the department head will initiate such a change.

A position change to a lower-paying job will require an adjustment in salary and other salary-related benefits, except in situations where the individual did not receive a pay increase when moved to the current position and pay grade. The salary adjustment will attempt to reflect the current salary the employee would be earning had he/she never received the promotion.

## SECTION 3.04

### Reclassification

Positions may be reclassified when the job duties and responsibilities of a given position have developed and changed over time to the point that the position no longer matches the compensable factors of the duties being performed, or when the job title and/or grade level does not match the job currently performed.

When an employee's classification is moved to a higher pay grade, the employee will receive a 5% increase in salary. If an employee is in a job classification that is moved to a lower pay grade, the employee's salary will stay the same. If the employee's pay is higher than the maximum of the proposed range, the employee's pay will be frozen (red-circled) and eligible only for lump sum merit payments until the pay range moves, through annual market adjustments, to "catch up" with the employee's pay. In no other instance shall an employee's pay rate be more than the maximum of the assigned pay range.

## SECTION 3.05

### Personnel Records

The Human Resources Department maintains a complete personnel file on every employee. Information in these records is subject to the provisions of the Local Government Code. However, you have the right to choose whether or not to allow public access to your home address, home telephone number, social security number and number of dependents. If you choose not to allow public access to the information, the information is protected. All new employees must state their choice (closed or open) in writing to the Human Resources Department no later than the 14<sup>th</sup> day

after date of hire. Failure to report within the time period will result in this information being subject to public access. You may change your request at any time by presenting written notice to the Human Resources Department. Home addresses, phone numbers, social security numbers and number of dependents of certified police personnel are automatically considered closed to public access.

You have the right to review your own personnel file at any time. Simply contact the Human Resources Department for an appointment if you wish to look over your own file. Records may not be removed from the Human Resources Department and must be reviewed in the presence of the Director of Human Resources.

All employee medical records are maintained separately from the employee's personnel file. All medical information is considered confidential and is used only in determining the employee's ability to perform a specific job.

## SECTION 3.06

### Resignation

Employees desiring to terminate their employment relationship with the City of Bellaire should notify the City by submitting a written resignation to their department head at least two weeks (ten working days, for regular 40 hour per week employees) in advance of their intended termination date. Employees providing less than two weeks notice will not be eligible for rehire. Vacation, holiday, comp time and sick leave (when the employee is not on medical leave) will not be considered as part of the notice period.

Although written resignations are desired, verbal resignations are also acceptable. Verbal resignations will be acknowledged in writing by the immediate supervisor, department head or Director of Human Resources. At a minimum, this acknowledgement should specify the date that the resignation was received, to whom the resignation was declared, that the resignation has been accepted, and the effective date of the resignation.

It is the City's policy to treat resignations as final, except in certain, limited circumstances. Resignations can only be rescinded at the discretion of the department head, Director of Human Resources and/or City Manager.

As mentioned elsewhere in the Handbook, all employment relationships with the City of Bellaire are on an at-will basis. Thus, although the City hopes the relationships with employees are mutually rewarding, the City as well as the employee reserves the right to terminate the employment relationship at any time.

## SECTION 3.07

### Exit Interviews

Exit interviews with the Director of Human Resources are normally scheduled for outgoing employees after the supervisor receives notice of resignation or intent to retire and for employees whose termination is initiated by the City. The purpose of these interviews is to review eligibility for benefit continuation and to ensure that all necessary forms are completed, to collect any City property that may be in the employee's possession, and to provide employees with an opportunity to discuss their job-related experiences.

SECTION 3.08

Date of Separation

Date of separation will be the last day you actually work and will not be a holiday, vacation, sick day, or any other paid non-working day. Termination pay received by an employee shall not be construed to extend his/her employment with the City beyond the date of separation.

If you leave immediately following an extended illness or maternity leave, your last day of employment will be the day your doctor determines you were able to return to work.

## Chapter 4

## SECTION 4.01

Pay Plan

It is the philosophy of the City of Bellaire that the City should utilize a fair, equitable and non-discriminatory pay system that will assist the City in attracting, hiring, developing and retaining a highly competent workforce. The pay plan consists of salary schedules and a grouping of positions according to type of work, degree of difficulty and responsibilities. The salary schedule is a list of all job titles and their corresponding ranges and pay rates. These ranges of pay rates distinguish each job grouping by a minimum entry-level salary and a maximum salary level. Pay ranges are set according to market standards.

## SECTION 4.02

Continuous Study of Salary Rates

In order to keep the pay plan uniform and equitable, periodic analysis of prevailing salaries for similar positions in the area will be conducted. This analysis will take into consideration all variables that may be pertinent in establishing salaries or recommending changes to the existing pay plan.

## SECTION 4.03

Salary Increases

The City of Bellaire operates on a grade and step pay plan. This system is designed to reward employees with discretionary pay increases based on attainment of job performance that meets the City's standards or other criteria established by the City. Adjustments to the pay plan will be based on market conditions and other factors. Step increases and market adjustments are contingent on funding availability.

You will be eligible for your first evaluation step increase after you have satisfactorily completed the in-training period. Thereafter, you will be eligible for additional evaluation step increases every twelve (12) months until you reach the top of your respective pay range, at which time you will only be eligible for market adjustments, when applicable. Employees hired above the entry level of their pay grade will not be eligible for their first evaluation step increase until one year after date of hire.

Neither the City of Bellaire's grade and step pay plan nor any salary adjustments provided as a result of changing market conditions should be construed as creating a contract of employment for any specific duration. The City reserves the right to terminate its employees at any time, for any reason, with or without cause or notice. The City also reserves the right to terminate this program at any time.

## SECTION 4.04

Job Descriptions

Each job is distinguished by a written job description. Job descriptions are developed through the use of extensive incumbent provided information and/or task interviews, job analysis and incumbent-supervisor reviews.

## COMPENSATION AND PERFORMANCE APPRAISALS

Job Descriptions serve as the basis for job evaluation, performance documentation and appraisal, selection standards, promotional standards and training criteria. They also help employees and supervisors communicate job responsibilities.

The job descriptions will contain the “essential job functions” and other information describing the requirements of positions within the City. Job descriptions are intended to describe the general nature and level of work to be performed. Job descriptions are not intended to be an exhaustive list of all responsibilities, duties, skills and physical demands required for the job. While the written job descriptions should be generally descriptive of the typical duties and responsibilities, employees of the City are expected to perform a broad range of duties for which their background and training have qualified them.

Due to major duty changes, technology, and service demands, the City has the exclusive right to alter job descriptions at any time. In the event your job description changes you will be notified and provided a copy for your signature, and you are encouraged to keep a copy for your records. The Human Resources Department is responsible for the maintenance and updating of job descriptions.

If an employee believes that he/she is physically unable to perform a task, the employee should bring that fact to the attention of the immediate supervisor. The immediate supervisor should then refer the issue to the Director of Human Resources for review under the reasonable accommodations provisions of these policies.

### SECTION 4.05

#### Performance Evaluations

Employees’ behavior and performance will be consistently and accurately documented through performance evaluations. Immediate supervisors must observe and document employee performance on relevant job tasks as outlined in the written job descriptions and from performance goals set for the year.

Movement to each step in the pay plan will be based on attainment of job performance that meets the City’s standards or other criteria established by the City.

At least once per year, your immediate supervisor will meet with you and discuss your performance. Together you will discuss and determine appropriate goals for improvement or continued performance for the upcoming year.

The performance evaluation system should not be construed as creating a contract of employment for any specific duration. The City reserves the right to terminate its employees at any time, for any reason, with or without cause or notice. The City also reserves the right to modify or terminate this program at any time. Such modification would be implemented at the direction of the City Manager.

### SECTION 4.06

#### Top of Pay Range

An employee is considered to be “topped-out” when the employee has reached the top of the respective pay range or pay grade for the given position. “Top-out” refers to the discontinuation of the annual evaluation step increases. In other words, incumbents who have reached the top of their respective salary level are no longer eligible for evaluation step increases. They will be eligible for periodic market adjustments to the pay plan, when applicable.

## SECTION 4.07

Use of Job Title

Every job in the City is designated by a job title on all official records, payroll and communications. No job will carry an official title which has not been approved by the Human Resources Department as being appropriate to the duties performed.

## SECTION 4.08

Method of Payment

Employees are paid on a bi-weekly basis--every other Friday. The payment covers the previous two-week pay period.

## SECTION 4.09

Direct Deposit

As a condition of employment, the City of Bellaire requires payroll direct deposit to any bank of your choice. Direct deposit affords employees the use of their money on payday, regardless of whether they are on vacation, ill, or simply not in a position to pick up their paycheck. This is a very desirable benefit for employees who work irregular shifts and also minimizes the risk of lost or stolen checks. Earnings statements may be viewed/printed online the day of or after payday.

## SECTION 4.10

First Paycheck

The date of the first paycheck will depend on the date the employee began working during the pay period. In all cases, employees will receive their first payment either the second or third Friday after beginning work.

## SECTION 4.11

Final Payments

Regular, full-time employees who have completed six months of continuous service, will be paid for all unused vacation, holiday and comp time accumulated at the time of separation, as well as pro rata amount of longevity, if applicable.

When employees eligible for incentive pay separate their employment with the City, their final incentive pay compensation will be based only on periods of time actually worked. Additional incentive pay will not be calculated on accrued vacation, holidays or comp time the employee may be paid at the time of separation.

All City property issued to employees during employment will remain property of the City and must be returned to the City in good condition upon separation. This property shall include, but not be limited to, cash, equipment, tools, vehicles, keys, uniforms, safety equipment, radios, ID cards, badges, phones, computers/laptops or other electronic devices, credit cards or any other property.

## COMPENSATION AND PERFORMANCE APPRAISALS

Employees are personally responsible for any indebtedness to the City incurred by them prior to or upon separation of employment. Indebtedness may result from replacement value of damaged or unreturned City property, lost cash, negligence, insurance premiums, reimbursement due the City as a result of workers' compensation salary continuation benefits, as well as any and all other debts, costs or sums of money the employee may owe the City.

In accordance with an agreement signed by each employee, the reasonable value of any indebtedness owed to the City by an employee will be withheld from the employee's final pay upon separation or retirement, unless a release is granted by the departmenthead.

Final pay for discharged employees will be available within six calendar days from the termination date; however, if the sixth day falls on a day on which the City is normally closed for business, final pay will be available the next regular workday. For voluntary separations, final pay will be available on the next regular scheduled paydate.

### SECTION 4.12

#### No Check Advances

Under no circumstances will the City of Bellaire issue pay in advance. The only exception to this policy will be in the case of firefighters' regular bi-weekly pay, which are frequently payments in advance of completion of their 27-day work period.

### SECTION 4.13

#### W-4 Forms

It is the responsibility of each employee to make sure their federal withholding tax deductions are correct, based on what they expect their total federal income tax to be for any given year. Employees may change their withholding at any time by obtaining a new W-4 form from the Finance Department's Payroll Specialist, completing the form with the desired change and submitting it to the Payroll Specialist. Whenever an employee submits a new W-4 form for a change in withholding, it is the responsibility of that employee to check his/her next paycheck to verify the change was processed.

Neither the City of Bellaire, nor any employee involved in the handling or processing of W-4 forms is responsible for the federal income tax liability of any employee.

### SECTION 4.14

#### Eligibility for Overtime

Each regular, full-time employee is expected to work a full 40 hours each week, in exchange for 40 hours pay. Firefighters work a nine-day rotating shift. All nonexempt employees (see Section 5.11 for definition) will be eligible for overtime pay for any hours worked in excess of 40 hours. Firefighters will be subject to the overtime provisions as approved in the FLSA provisions (see Section 5.12).

## SECTION 4.15

Assignment and Authorization of Overtime

Each employee is responsible for notifying the supervisor if his or her work assignments cannot be completed within established guidelines. Employees are expected to work overtime hours if requested to do so. The supervisor will determine whether or not overtime is required. No overtime hours are to be worked without supervisory authorization. All overtime will be authorized or requested by the supervisor.

## SECTION 4.16

Calculation of Overtime Pay

Payment for overtime work will be in the form of monetary reimbursement at time and one-half (one and one-half times an employee's regular hourly wage) or in the form of compensatory time at a rate of time and one-half for all nonexempt employees, under such policies and procedures or interpretations as are from time to time provided by law. Time and one-half is always used in calculating overtime and compensatory time in situations where the actual hours worked exceed 40 hours in one work week. However, in situations where hours in excess of 40 hours in one workweek may be offset by some form of "coded time", the overtime or compensatory time is figured at a rate equal to straight time. For more information, see Section 5.08.

## SECTION 4.17

Compensatory Time (Comp Time)/Flexible Time (Flex Time)

## Exempt Personnel:

Exempt personnel (see Section 5.11 for approved exceptions) are not eligible to receive overtime pay and are expected to work whatever hours are necessary to complete their job assignments. However, flex time off as partial compensation for extra hours worked will be allowed. This flex time is not provided on an hour-for-hour even exchange basis. Flex time is ideally suited for those times when several hours are needed during the working day for personal business.

Exempt personnel will not be eligible for monetary reimbursement for accumulated flexible time at termination or at any other time regardless of circumstances.

## Nonexempt Personnel:

Nonexempt personnel who are asked to work additional hours will be paid overtime pay or may be offered comp time at the rate of time and one-half in lieu of overtime pay. Time and one-half is always used in calculating overtime and compensatory time in situations where the actual hours worked exceed 40 hours in one work week. However, in situations where hours in excess of 40 hours in one workweek may be offset by some form of "coded time", the overtime or compensatory time is figured at a rate equal to straight time. (See Section 5 for specific departmental guidelines.) Emergency and public safety personnel may accumulate 120 hours before they must be paid for comp time hours. All other nonexempt employees may accumulate 40 hours before they must be paid. Department Directors may establish reduced limits but in no case shall the accumulated hours exceed the limits established in this section.

In such cases as nonexempt employees may be promoted to exempt positions they will be paid for all accumulated comp time at the time of the promotion. The rate at which the comp time will be paid, will be the average pay of the three previous years or the

## COMPENSATION AND PERFORMANCE APPRAISALS

person's current pay prior to promotion, whichever is higher. No comp time hours will be allowed to be carried over to the exempt position.

If a nonexempt employee leaves the employ of the City, the employee will be paid for accumulated comp time hours at the rate of either the average pay of the three previous years or the employee's current pay, whichever is higher.

Documenting comp time is the responsibility of each individual department head. Comp time must be reported to Finance via the payroll system during the pay period in which it occurs.

### SECTION 4.18

#### Deferred Compensation

The City of Bellaire offers a 457 Deferred Compensation Plan for those employees who would like to participate. As a public sector employer, such a plan affords employees the privilege of saving money for their retirement, and at the same time, temporarily deferring the payment of federal income taxes on a portion of their taxable income. This means: if your salary is \$30,000 per year and you voluntarily defer 6% of your annual salary (\$1,800) into the deferred compensation plan, your annual federal withholding tax will be calculated on the \$28,200 balance, not on the entire \$30,000. Be advised that you cannot borrow against or use your account as collateral of any kind, and there are specific IRS regulations pertaining to withdrawals.

All guidelines regarding this 457 deferred compensation plan, including those pertaining to participation, withdrawals and rollovers of funds are in accordance with strict IRS regulations and cannot be deviated from by any representative of the City of Bellaire or the Retirement Plan Administrators. Questions regarding this deferred compensation plan may be directed to the Human Resources Department or the Retirement Plan Administrators.

### SECTION 4.19

#### Longevity Pay

All regular, full-time employees will receive a longevity payment of \$4.00 per month per year for continuous service with the City of Bellaire. This payment will take into consideration a maximum amount of service up to and including 25 years. Longevity payments will be made during the first pay period in December of each year.

Terminating employees will receive a pro rata amount of longevity payment with their final pay.

Part-time and/or temporary employees, as well as reserve police officers and auxiliary firefighters, are not eligible for longevity payments.

### SECTION 4.20

#### Incentive/Certification Pay

Incentive pay is compensation granted to full-time employees for certificates, which exceed the employee's job requirements. In an event an incentive becomes a job requirement, the incentive pay may be discontinued.

## COMPENSATION AND PERFORMANCE APPRAISALS

In order to receive incentive pay the certificate must be received and used in the employee's work responsibilities and must not be a minimum requirement for the position. Incentive pay is not cumulative; the higher level in each category supersedes the lower level. Incentive pay may be forfeited if a transfer places the employee where the training is not applicable. Department heads are not eligible for incentive pay.

It is the employee's responsibility to notify his/her supervisor or department head in writing of possible eligibility for, or adjustment to, incentive pay.

### Incentive/Certification Pay Schedules

#### **Police**

| <b>Category</b>                        | <b>Annual Pay</b>           | <b>Bi-Weekly Pay</b> |
|--|-----------------------------|----------------------|
| Intermediate Proficiency Certification | 728                         | 28                   |
| Advanced Proficiency Certification     | 1222                        | 47                   |
| Master Proficiency Certification       | 2002                        | 77                   |
| Associates Degree                      | 754                         | 29                   |
| Baccalaureate Degree                   | 1456                        | 56                   |
| Masters Degree                         | 2158                        | 83                   |
| Doctoral Degree                        | 3198                        | 123                  |
| LEMIT Command College                  | 728                         | 28                   |
| FBI National Academy                   | 806                         | 31                   |
| Specialty Proficiency                  | 468                         | 18                   |
| Physical Fitness                       | 240 (paid every six months) |                      |

#### **Fire**

| <b>Category</b>   | <b>Annual Pay</b> | <b>Bi-Weekly Pay</b> |
|---|-------------------|----------------------|
| Intermediate Firefighter Certification                        | 390               | 15                   |
| Advanced Firefighter Certification                            | 780               | 30                   |
| Master Proficiency Certification                              | 1170              | 45                   |
| Associates Degree   | 520               | 20                   |
| Baccalaureate Degree  | 1040              | 40                   |
| Fire Inspector  | 390               | 15                   |
| Arson Investigator  | 520               | 20                   |
| Fire Investigator   | 260               | 10                   |
| Fire Education Specialist/Instructor I                        | 130               | 5                    |
| Specialty Proficiency Fire Education Specialist/Instructor II | 130               | 5                    |
| Fire Education Specialist/Instructor III                      | 260               | 10                   |
| Driver/Operator-Pumper Certification                          | 130               | 5                    |
| Fire Officer I and/or Fire Officer II                         | 130               | 5                    |
| 30-40 hour NFA Class w/Certification                          | 130               | 5                    |

**COMPENSATION AND PERFORMANCE APPRAISALS**  
**Community Development**

| Category                                   | Annual Pay | Bi-Weekly Pay |
|--|------------|---------------|
| Certified Commercial Electrical Inspector  | 650        | 25            |
| Certified Residential Electrical Inspector | 650        | 25            |
| Certified Residential Inspector            | 650        | 25            |
| Certified Commercial Inspector             | 650        | 25            |
| Certified Residential Mechanical Inspector | 650        | 25            |
| Certified Commercial Mechanical Inspector  | 650        | 25            |
| Building Plans Examiner                    | 650        | 25            |

#### SECTION 4.21

##### Temporary Assignment Pay

###### Public Safety Officers

In accordance with Texas Local Government Code Chapter 141.033, when a public safety officer of the police department or fire department is temporarily assigned to perform the duties of a position of a higher pay classification, he/she will be temporarily compensated at the pay level of the higher classified position.

The temporary compensation will be designated as a second rate of pay for the employee, and will be an increase over the employee's regular rate of pay. The second rate will not be less than the minimum hourly salary of the position to which the employee is temporarily assigned, and the rate will be adjusted whenever necessary as dictated by any adjustment to the employee's regular base salary, and or pay plan. Such adjustments in pay shall apply to all state certified police officers and firefighters whose regular position is one other than Chief or Assistant Chief.

Officers temporarily performing the duties of a higher classified position shall be assigned to the position by the Fire Chief, Police Chief, or their designee, and shall have the authority and be required to enforce the regulations and orders of the position. They will be charged with the knowledge of, and be accountable for, the proper execution of the duties of such rank. The temporary performance of duties of a higher classified position shall not be construed as a promotion to that position.

The selection of officers to temporarily serve in a position of higher classification may not be based solely on seniority. Other factors such as job performance, job knowledge, decision-making ability, working relationships with peers and supervisors, and other job-related factors may be taken into consideration when selecting officers to temporarily serve in a position of a higher classification.

###### Employees Other than Public Safety Officers

When an employee is temporarily assigned to perform the duties of a position of a higher pay classification for a period of more than 30 calendar days, he/she will be temporarily compensated at the pay level of the higher classified position.

## COMPENSATION AND PERFORMANCE APPRAISALS

The temporary compensation will be designated as a second rate of pay for the employee, and will be an increase over the employee's regular rate of pay. The second rate will not be less than the minimum hourly salary of the position to which the employee is temporarily assigned, and the rate will be adjusted whenever necessary as dictated by any adjustment to the employee's regular base salary, and or pay plan. Such adjustments in pay shall apply to employees whose regular position is one other than Director or Assistant Director.

Employees temporarily performing the duties of a higher classified position shall be assigned to the position by the Department Director or City Manager, and shall have the authority and be required to enforce the regulations and orders of the position. They will be charged with the knowledge of, and be accountable for, the proper execution of the duties of such rank. The temporary performance of duties of a higher classified position shall not be construed as a promotion to that position.

The selection of employees to temporarily serve in a position of higher classification may not be based solely on seniority. Other factors such as job performance, job knowledge, decision-making ability, working relationships with peers and supervisors, and other job-related factors may be taken into consideration when selecting employees to temporarily serve in a position of a higher classification.

### SECTION 4.22

#### Tuition Reimbursement

Tuition reimbursement is offered to all regular, full-time employees who have completed their in-training period with the City and who wish to enroll in college-level course(s) for academic credits. Tuition reimbursement is intended to help you maintain a satisfactory level of knowledge and expertise in your present position as well as to help you develop your skills and increase your potential for future advancement with the City. Tuition reimbursement will be available for both undergraduate and graduate courses.

Courses taken must be job-related, or must be required to complete a job-related declared degree. Maximum amount of tuition reimbursement will be \$1,000.00 per semester regardless of the number of courses taken. This amount will include all related mandatory fees and textbooks.

Reimbursement will only apply to educational institutions accredited by one of the regional accreditation agencies. Class format may consist of traditional university settings or on-line learning. No mail order degrees will be approved.

Employees who are eligible to receive tuition reimbursement through other programs (i.e. G.I. Bill, scholarships, grants, etc.) are not eligible for duplicate assistance from the City. Funds received from outside sources must be applied toward the cost of the expenses before the Tuition Reimbursement benefit shall apply.

Employees are responsible for scheduling classes during non-work hours, unless otherwise approved by the City Manager upon the recommendation of the department head.

### SECTION 4.23

#### Applying for Tuition Reimbursement

If you are considering taking a college course(s) for credit, consult your department head to be sure your intended course(s) is considered job-related and will qualify for reimbursement. Approval for such reimbursement is dependent on budget allocation. All

## COMPENSATION AND PERFORMANCE APPRAISALS

Tuition Reimbursement Approval Forms must be submitted to, and approved by the department head and Director of Human Resources prior to enrollment.

Within 45 days of completion of the course(s) with a grade "C" or better, you must submit your grade report, a copy of the receipts, and a Tuition Reimbursement Request Form to your department head and the Director of Human Resources. Reimbursements will be made after the Tuition Reimbursement Request Form has been submitted and approved. It is the responsibility of the employee to obtain both the Tuition Reimbursement Approval Form and the Tuition Reimbursement Request Form from their department head or Human Resources.

### SECTION 4.24

#### Travel Reimbursement Policy

This policy shall apply to all City employees or City representatives while traveling or conducting business on behalf of the City.

#### Allowable Expenses

Transportation – Budget and time restraints should guide departments in the selection of transportation.

1. Air – Coach or economy fare.
2. City Vehicle – In the event a City vehicle is used, a city issued credit card should be utilized to pay for fuel. In the event no city credit card is available to the driver, reimbursement to the employee will be available upon production of receipt and attached to a Travel Reimbursement Form.
3. Personal Vehicle – Use of a personal vehicle will be reimbursed at the mileage rate established by the IRS. The current rate can be obtained from the Finance Department.

#### Lodging, Meals & Incidentals

1. Lodging – Expenses for adequate lodging including the applicable hotel tax will be reimbursed at actual cost—this is usually at or below the rate of the conference host hotel. Lodging will be reimbursed when traveling sixty (60) or more miles from the City of Bellaire to the training location (extenuating circumstances if traveling less than sixty (60) miles may be approved only by the City Manager).
2. Meals & Incidentals – The City will reimburse meals and incidentals in compliance with IRS Regulations. IRS per diem rates for meals and incidentals are maintained by the U.S. General Services Administration (GSA) at [www.gsa.gov](http://www.gsa.gov). The IRS provides individual per diem rates for larger cities and a standard rate for all other cities.

Meals are to be reimbursed only in conjunction with training, conferences/conventions and other city related business that takes place out of town, lasts longer than one day, and for which an overnight hotel stay is typically necessary. Per IRS Regulations, convention/conference or group-sponsored meals should be deducted from the per diem. The first and last day of travel per diem is allowed at 75%. ). If you need assistance determining per diem allowance associated with your travel contact the Finance Department. Meal receipts are not required.

Miscellaneous Expenses

1. Telephone – Long distance charges will be reimbursed for calls to the City of Bellaire for business purposes.
2. Registration Fees – Fees charged for attendance at approved functions are reimbursable by the City.
3. Social/Personal Entertainment Expenses - Social events, even those in connection with the convention/conference, such as tours, golf green fees, etc., are not reimbursable. Personal entertainment expenses such as books, magazines, newspapers, in-room movies, theater tickets, sporting events, etc., are not eligible travel expenses and will not be reimbursed.
4. Car Rental/Taxi Service – Transportation that is most economical considering all possible transportation sources will be reimbursed by the City.
5. Companion Expenses – No expenses of any accompanying companion (any individual who is not on official business for the City of Bellaire) will be reimbursed by the City. In addition, double room rates will not be paid but reimbursement will be at the single room rate.
6. Gratuities – Gratuities associated with meals are included in the per diem rate. Tips for other purposes such as porters, bellhops, or cab drivers are considered appropriate and will be reimbursed by the City.

## SECTION 4.25

Travel Approval

All travel for which a reimbursement will be requested, or an advance generated, must have the approval of the appropriate department head or the City Manager before the travel is to take place.

## SECTION 4.26

Travel Reimbursement/Advance Procedures

Requests for reimbursement should be submitted on the employee copy of the "Expense and Travel Report".

If an advance is needed, this should be requested on the same form with estimates as to the amounts needed. Upon completion of the travel, all receipts (meal receipts not included) should be submitted with the employee copy of the Expense and Travel Report. Any shortage will be paid to the employee or overage repaid to the City.

Travel advances and reimbursements must be reconciled within 30 days from the date travel is completed.

## SECTION 4.27

Unemployment Compensation

Employees of the City of Bellaire are provided unemployment compensation insurance through the City. Unemployment benefits are intended to provide a limited degree of insurance to take care of the basic necessities of persons temporarily unemployed through no fault of their own. The objective is to aid individuals while they are looking for work by providing them with a weekly income for a stipulated period of time.

#### COMPENSATION AND PERFORMANCE APPRAISALS

eligible for benefit payments or how much such payment would be. Final eligibility determination is decided by the Texas Workforce Commission in accordance with state law.

The right of a claimant to receive unemployment insurance depends upon eligibility and the conditions surrounding the claimant's separation from his/her last place of employment. Not all unemployed workers qualify for unemployment insurance benefits. However, the Texas Unemployment Compensation Act gives all workers the right to file claims for unemployment compensation and the right to appeal any decision made by the Texas Workforce Commission regarding eligibility to receive benefits.

For additional information regarding unemployment compensation, please contact an office of the Texas Workforce Commission.

## Chapter 5

## SECTION 5.01

Fair Labor Standards Act (FLSA)

A federal law, the Fair Labor Standards Act of 1938, as amended, is the major basis for this policy. This law established "standards" for minimum wages, maximum hours, overtime pay and child labor. This policy also refers to the law as "the Act" and as "FLSA".

The City is presently covered by, and committed to the FLSA, as amended. Accordingly, the City, at this time, is responsible to the Wage and Hour Division of the U.S. Department of Labor, for compliance with the Act. Moreover, the City is committed to compliance of the FLSA.

Any failure to comply with the FLSA subjects the City and the administration involved to serious legal consequences and to significant monetary liability. Thus, the City must hold employees at every level responsible for compliance, and if it occurs, for non-compliance.

This policy is designed to facilitate rigid compliance with FLSA. Except as explicitly provided, no one has the authority to make exceptions to the policy. No one has the authority to promote or to enter into any arrangement or agreement which denies any City employee his or her rights under the Act or under this policy. Further, no City employee has the option to waive his or her rights under the Act.

This policy is applied in each case without regard to any employee's race, creed, color, sex (including pregnancy), age, national origin, religion, veteran status, disability or any other legally protected status.

## SECTION 5.02

Employee Rights

Each nonexempt City employee will be guaranteed the right to be employed in accordance with established City Wage-Hour Policy and FLSA.

1. All employees have the right and are encouraged to raise questions about their FLSA status or suspected changes in their status, pay, hours worked and any other matter affecting them under this policy. Initially, employees should be directed to the departmental representative responsible for handling personnel/payroll matters. The latter will answer the question or seek the correct answer from the appropriate department.
2. Any employee may, and should be encouraged to consult the Human Resources Department concerning pay status. Moreover, the employee may consult the U.S. Labor Department concerning Wage-Hour matters. FLSA states that no one can take action against an employee who ". . . files a complaint and/or institutes any proceeding under or related to . . . the Act." The City protects and upholds this employee right, both as matters of the law and policy.
3. An employee whose questions or complaints are not settled through informal means should be advised of appeal rights under the City's Grievance Procedure.

## SECTION 5.03

Assignment of Responsibilities

The following assignment of responsibilities pertaining to the administration of the City Wage-Hour policies is prescribed to ensure compliance with FLSA and City Wage-Hour policy.

1. Finance Department

This department is responsible for developing supporting systems and procedures, and for the applications needed to prepare and process payrolls for FLSA compliance. Included are the processing of time records, payroll procedures and certification, release of checks, departmental records requirements and compliance of audit procedures.

2. Department Heads

The department head is responsible for meticulous compliance with this policy with respect to all employees under his/her general or specific supervision. It is the department head's responsibility to ascertain the availability, if any, of overtime funds from his/her appropriate budgetary sources in planning overtime work, and for authorizing any and all overtime. Among other specific responsibilities, the department head is responsible for:

- a. requesting changes in FLSA exemption status for employees through the Human Resources Department;
- b. reporting any changes which might affect the FLSA exempt or nonexempt status of an employee even for periods so brief as to affect only one workweek.

3. Human Resources Department

The Human Resources Department is responsible for overall administration and interpretation of the Act, including compliance in:

- a. determining the existence of employer-employee relationships;
- b. exempt or nonexempt status of each employee;
- c. minimum wage, work time, paid non-work time, overtime, work schedules, special residence agreements and other wage-hour policy questions.
- d. child labor standards.
- e. the Human Resources Department is solely responsible for wage negotiations and liaisons with the Wage and Hour Division of the U.S. Department of labor on matters affecting employees.

## SECTION 5.04

"Time" Definitions1. Workweek

An employee's workweek is a fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods. It need not coincide with the calendar week, but may begin on any day and at any hour of the day. Different workweeks may be established for different employees or groups of employees. Averaging of hours over two or more weeks is not

permitted. Normally, overtime pay earned in a particular workweek must be paid on the regular pay day for the pay period in which the wages were earned. . For example, the workweek may begin at 12:01 a.m. on Sunday morning and end at midnight on the following Saturday. It is within the regulations of the FLSA for workweeks to begin on different days and at different times for different employees or groups of employees. However, each designated workweek is intended to be permanent. The workweek must not be confused with the "work schedule." Fire employees are calculated differently and addressed in Section 5.12

2. Workday

The period of twenty-four hours which begins at 12:01 a.m. and ends at midnight. The first workday begins at the time the workweek begins (12:01 a.m. Sunday) and the seventh workday ends at the same time the workweek ends (midnight on the following Saturday).

3. Work Schedule

For a full-time, nonexempt employee, the 40 hours usually assigned in each workweek and the 8 hours usually assigned in each workday. In the case of alternative work schedules, the hours in the workday may vary. For example, an alternative work schedule may consist of four ten- hour days.

4. Work Time (Actual Hours Worked)

Also referred to as "hours worked," shall be defined as all time the City requires, suffers or permits a nonexempt employee to be on duty, whether on the worksite, on other City premises or at any other place.

(For detailed definition, see Section 5.05)

5. Paid Non-work Time (Coded Time)

Authorized paid absences occurring in the eight or ten hours usually assigned in each workday include sick and injury leaves, holiday and vacation time, jury duty and other authorized paid absences.

(For detailed definition, see Section 5.06)

6. Overtime Work

Time worked by a nonexempt employee over 40 hours of work time per workweek. All overtime work will be authorized or requested by the supervisor and no overtime hours are to be worked without supervisor authorization.

Payment for overtime work will be in the form of monetary reimbursement at time and one-half (one and one-half times an employee's regular hourly wage) or in the form of compensatory time at a rate of time and one-half.

In a situation where hours worked over 40 in a given workweek may be offset by use of some form of coded time, the hours in excess of 40 in one workweek will be paid at straight time instead of time and one-half. Likewise, in the same situation if compensatory time is granted the compensatory time accrual will be at straight time, not time and one-half.

7. Compensatory Time (Comp Time)

Authorized unpaid absence rewarded as payment for overtime work. Compensatory time, or "comp" time, is calculated at a rate of one and one-half times the amount of overtime work in which the actual hours worked exceeded 40 in one workweek. However, in a situation where

hours in excess of 40 in one workweek may be offset by some form of coded time, the “comp” time accrued or earned will be at a straight-time rate. Comp time is scheduled at the discretion of the supervisor and department head and cannot be scheduled within the same workweek that overtime work has occurred. (In order to grant authorized unpaid absence within the same workweek that overtime work has accrued, see Budget Time Off below or Section 5.08)

(For additional information on compensatory time see Section 5.07).

8. Budget Time Off (Straight Time)

Authorized unpaid absence rewarded as payment for more than 40 hours of work within a workweek granted on an hour-for-hour basis in the same workweek.

(For additional information on Budget Time Off, see Section 5.08)

9. Pay Period

An internal accounting term refers to a period of two workweeks. An individual paycheck is issued to cover each pay period.

SECTION 5.05

Work Time (Actual Hours Worked)

The following defines “work time” or “hours worked” as it relates to the City’s Wage-Hour policies and the Fair Labor Standards Act, as amended.

1. Work Time (Hours Worked) – General

- a. Work time or “hours worked” is all time an employee: “. . . is suffered or permitted to work.” It is of no consequence where such work takes place, i.e., in the customary work place, at home or anywhere else.
- b. Work time includes all time spent in actual work related activities which are controlled or required by the City, and pursued primarily for the City and the City business.
- c. Work time includes most activities related to the employee’s principal duties. Examples include sharpening or cleaning tools, setting up equipment, waiting for instructions, moving about the City to perform assigned duties, attending departmental meetings, changing clothes or cleaning up (when required and not merely a convenience to the employee) on City premises where special uniforms or clothing are required by the City, emergency medical treatments for on-the-job accidents and other work related activities.

2. Break Periods

Break periods are always counted as work time and cannot be used to offset other work time in any workweek. Break periods are typically 20 minutes or less.

3. Meal Periods

- a. The City customarily allows a one-hour meal period for full-time employees, and part-time employees working more than a 5-hour daily work schedule. Any department’s work schedule providing for frequent exceptions to this policy must be approved by the Director of Human Resources. Except in emergency circumstances, an employee’s meal period cannot be less than 30 minutes.

- b. A bona fide meal period is not work time. However, any time normally set aside for meals, during which the employee performs job related work, will be recorded as work time. Any so-called "meal period" of less than 30 minutes will be recorded as hours worked.
- 4. On-Call Time
  - a. "On-Call" time is any time employees are required to remain at or so near their place of work that they cannot use the time effectively for their own personal purposes. "On-call" time is defined in this section as work time.
  - b. "On-Call" time does not occur if employees are not required to remain on the City's premises but are merely asked to wear a pager, or leave word at their homes or with their respective supervisors as to where and how they can be reached. Any department schedule requiring frequent on-call arrangements must be approved by the Director of Human Resources in order to ensure compliance with FLSA requirements.
- 5. Travel Time

Determination of travel time as work time or not work time depends upon all of the following circumstances:

  - a. Travel from home to work before reporting time on an assigned workday and return home at the end of the workday is not work time.
  - b. Time spent by employees in travel, as part of their normal activities, such as travel from job site to job site during the employee's regular working hours, is work time and must be recorded as such for all nonexempt employees.
  - c. Travel performed outside the employee's normal work schedule as a result of assigned duties may constitute work time and can result in entitlement to overtime pay for nonexempt employees if a combination of travel and work exceeds 40 hours in a given workweek.
  - d. **For those employees answering emergency calls after 5 p.m. and before 7 a.m. on weekdays and on Saturdays, Sundays and declared official holidays, 1 hour travel time will be credited for each round trip made. This hour will be recorded as actual work time, not coded time.**
- 6. Attendance at Training Sessions and Other Meetings
  - a. Required attendance at training or other meetings before or after the employee's regular work schedule, is work time.
  - b. Voluntary attendance at training or other meetings, before or after the employee's regular work schedule, is not work time. Note: Attendance is "voluntary" only when employees in fact are not led to believe that their working conditions or chance of continued employment in their current job status would be adversely affected by nonattendance.
- 7. Court Time
  - a. Police personnel subpoenaed to court during off duty periods as a result of cases made in the performance of their normal duties will be paid as work time. (Overtime will be paid if the employee has worked more than 40 hours that workweek; the employee will be paid at straight time if they have worked less than 40 hours.)
  - b. Employees will be compensated a minimum of one hour for Municipal Court and a minimum of two hours for County, District or Federal Court.

## SECTION 5.06

Paid Non-Work Time (Coded Time)

The payment for paid non-work time (coded time) is applied with uniformity and equity to ensure that the appropriate recording of non-work time is accomplished in accordance with City compensation policies and procedures.

1. Paid non-work time (coded time) includes vacation, sick and injury leaves, holiday pay, jury duty, and other authorized paid absences.
2. Coded hours can be credited only as provided in these policies.
3. Coded hours must never be recorded as hours worked, and hours worked must never be recorded as coded hours.
4. Coded hours will not be credited for the purpose of calculating overtime pay. Overtime pay will apply only when actual hours worked exceed the maximum for the work cycle. Training time is considered work time.

## SECTION 5.07

Compensatory Time (Comp Time)

1. All compensatory time is figured at the rate of time and one-half in situations where the actual hours worked exceed 40 hours in one workweek. However, in situations where hours in excess of 40 in one workweek may be offset by some form of coded time, the compensatory time is figured at a rate equal to straight time.
2. Exempt personnel are not eligible to receive overtime pay and are expected to put in whatever hours are necessary to complete their job assignments. However, comp time off as partial compensation for overtime hours worked will be allowed. This comp time is not provided on an hour-for-hour even exchange basis. Comp time off is ideally suited for those times when a few hours are needed during a workday for personal business.
3. There will be no monetary reimbursement made for accumulated compensation time for exempt personnel at termination or at any other time regardless of the circumstances.
4. Emergency and public safety personnel may accumulate up to 120 hours before they must be paid for those hours. See Section 5.14 #5 for Police Dept. comp time accumulation.
5. All other nonexempt personnel have a cap of 40 hours that can be accumulated before they must be paid.
6. In such cases as nonexempt employees may be promoted to exempt positions they will be paid for all accumulated comp time at the time of the promotion. The rate at which the comp time will be paid, will be the average pay of the three previous years or the person's current pay, whichever is higher. No comp time hours will be allowed to be carried over to the exempt position.
7. If a nonexempt employee leaves the employ of the City, the employee will be paid for accumulated comp time hours at the rate of either the average pay of the three previous years or the person's current pay, whichever is higher.

Comp time records are the responsibility of the individual department head. Comp time must be reported to Finance via the payroll system during the pay period in which it occurs.

## SECTION 5.08

Budget Time Off

Budget time off refers to adjusting the work schedule for budget reasons within the same workweek for nonexempt employees.

Department heads and/or supervisors will be responsible for reviewing staffing levels, workloads and vacation schedules on a regular basis so as to minimize the need for overtime work.

Even though an employee works more than 8 hours on a workday, the work schedule may be adjusted so that the employee does not work over 40 hours in that same workweek. This may be accomplished by granting straight (or hour-for-hour) budget time off.

Example: A heavy workload makes it necessary for employee Smith to work a total of 12 hours on Monday. Supervisor Brown, at his discretion, offsets these "extra" hours by scheduling employee Smith off – without pay – for four (4) hours on Wednesday. Supervisor Brown could have elected to schedule employee Smith off – without pay – on Thursday or Friday. In any event there is no "overtime" pay or "compensatory time" pay when time off without pay is scheduled on an hour-for- hour basis in the same workweek. Overtime or compensation time pay is mandatory for all work over 40 hours in a specific workweek for nonexempt employees.

## SECTION 5.09

Responsibility for Controlling Work Time1. Department Head

- a. Each department head is responsible for exercising adequate supervision to ensure that employees are complying with established work schedules and that unscheduled work is performed only in bona fide emergencies. The mere establishment or communication of work schedules does not relieve department heads of their responsibility for controlling work time. Department heads must ascertain and ensure that all work schedules are followed by the employees.
- b. The department head is responsible for controlling starting and stopping times and all work time, whether within or outside the usual work schedule.

2. Employees

- a. It is the duty of every employee to comply with departmental work schedules and to avoid performing work that is "unscheduled" or not authorized by the department head or supervisor except in bona fide emergency situations.
- b. The above statement recognizes the department head's ultimate responsibility for controlling the hours of work time which cannot be delegated or passed on to employees. The department head is also responsible for advising all nonexempt employees of this policy.

## SECTION 5.10

Recording Work Time and All Time

Supervisors and department heads are responsible for ensuring employees record all time accurately.

A policy of recording work time must be applied with uniformity and equity to ensure that accurate recording of work time is accomplished in order to maintain strict compliance with City wage-hour policy and FLSA requirements. The procedures listed below are to be followed exactly. No deviation will be authorized or permitted.

1. Work time must be recorded exactly the way it is worked. Each workday must be recorded separately with respect to hours worked. "Doctoring or otherwise falsifying time records clearly violates the Act and City policy and will subject the responsible person or persons to appropriate disciplinary action.
2. Beyond all possible legal and policy complications, falsified time records violate the City's need for equity in its pay and benefits practices among employee in any department.
3. Some examples of illegal practices include those listed below, all of which are expressly prohibited.
  - a. Recording only time worked on City premises while permitting the employee to take work home for which no work time is recorded.
  - b. Permitting employees to work while presumably taking a meal period and not recording such time as time worked.
  - c. Permitting employees to arrive early and perform work after hours without recording the time as work time.
  - d. Permitting an employee to leave early on a day in one workweek as convenience for "bad weather", to pick up the children, or other employee-initiated reasons, and permitting that employee to report early, stay late, or work during meal periods as "make up" in the same or another workweek without recording the "short" hours or the overtime work.
  - e. Permitting employees to record only as much work time as the departmental budget will permit, without respect to the actual time worked.
  - f. Maintaining dual time records, e.g., one set for "pay" purposes and another set for actual time worked.

## SECTION 5.11

Exemptions to the Fair Labor Standards Act

Under FLSA provisions certain employees are exempt from the minimum wage and overtime provisions, including "bona fide" executive, administrative, professional, computer and highly compensated employees. Any employee who does not meet the provisions for exempt status will be considered nonexempt. These terms for exempt status are defined in detail by federal regulations as follows:

1. Executive Personnel

In order to qualify as an “executive employee,” an employee must earn a salary of at least \$455 per week and his or her primary duties must include:

- a. managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- b. customarily and regularly directing the work of at least two or more other full-time employees or their equivalent; and
- c. have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

At least eighty percent of the employee's work time must be devoted to performing these duties. Performing some of these duties is not sufficient; all of the requirements must be met.

2. Administrative Personnel

To be classified as administrative, the employee must:

- a. receive a salary of at least \$455 per week;
- b. primarily perform office or non-manual work directly related to the management policies or general business operations of the City; and
- c. customarily and regularly exercise discretion and independent judgment with respect to matters of significance.

At least eighty percent of the employee's time must be devoted to performing these duties.

3. Professional Personnel

Exempt professional employees include persons in professions of a recognized status which require the use of professional knowledge acquired through long study (the “learned profession” category), and persons in artistic professions. To qualify as a professional in the learned professions category, the employee must:

- a. receive a salary of at least \$455 per week;
- b. have as a primary duty, the performance of work requiring advanced knowledge, defined as work which is predominately intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
  - the advanced knowledge must be in a field of science or learning; and
  - the advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

4. Computer Personnel

Employees who qualify for this exemption work in computer systems analysis, programming, or related work. The primary duties must be:

- a. the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications
- b. the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- c. the design, documentation, testing, creation or modification of computer programs related to machine operating systems
- d. a combination of the above requiring the same level of skills, and the employee must receive either
  - a guaranteed salary or fee of \$455 per week or more, or
  - an hourly rate of not less than \$27.63 per hour

5. Highly Compensated Personnel

To be classified as a highly compensated employee, the employee

- a. must receive annual compensation of at least \$100,000
- b. must be paid at least \$455 per week on a salary or fee basis
- c. must perform office or non-manual work
- d. must customarily and regularly perform one or more of the exempt duties identified in the standard tests for the executive, administrative or professional exemptions.

SECTION 5.12

Declaration of Firefighter Work Periods

1. Firefighter personnel working nine-day shift cycles will have a maximum work hour standard of 204 hours in a 27-day cycle. The cycle shall begin on Sunday, October 13, 1985 at 7:00 a.m. and end 27 days later at 7:00 a.m. The cycles will then repeat every 27 days.
2. Each shift is scheduled 216 hours during the 27-day period. Nonexempt shift employees shall be scheduled to work 204 hours, or 17 12-hour shifts.
  - a. Overtime pay (calculated at time and one-half) will apply only when actual hours worked exceed 204 hours in a 27-day cycle. Nonexempt employees who work unscheduled hours in a work cycle, but do not exceed the 204 work time hours (see Section 5.05, #1) will receive their regular hourly rate of pay for the unscheduled hours.
  - b. Even though these employees work a 27-day work period, they will be paid bi-weekly on an hourly rate. The payment of overtime wages cannot be computed under this system until time sheets reflecting the entire 27-day work cycle are completed and sent to Finance. Therefore, if any overtime is earned, the payment for such overtime may not be reflected in your paycheck for up to six weeks after the work is actually performed.
  - c. Firefighters' regular bi-weekly paychecks are frequently payments in advance of completion of their 27-day work period.

## SECTION 5.13

Declaration of Public Works Workweek1. Workweek

The workweek shall consist of the time span of seven consecutive twenty-four periods within which the City calculates overtime hours and corresponding pay for nonexempt employees. For example, the workweek may begin at 12:01 a.m. on Sunday morning and end at midnight on the following Saturday. It is within the regulations of the FLSA for workweeks to begin on different days and at different times for different employees or groups of employees. However, each designated workweek is intended to be permanent. The "workweek" must not be confused with the "work schedule."

2. Regular and Overtime Hours:

The employees of the Solid Waste Collection System work on an incentive system that guarantees them payment for 40 hours of work per week, provided they report to work each day and finish their specified routes and tasks Monday through Friday,; regardless of whether the sum of work time plus coded time equals 40.

Overtime is defined as any work time over 40 hours of work time per week. Payment for overtime will be in the form of monetary reimbursement at time and one-half (one and one-half times an employees regular hourly wage) or in the form of compensatory time. When an employee leaves the employment of the City, the employee will be paid for any accumulated and unused compensatory time according to the compensatory time policy (Section 5.07). The decision of whether to award payment of compensatory time rests entirely with the Solid Waste Superintendent and the Director of Public Works. The final scheduling of compensatory time rests with the Solid Waste Superintendent and the Director of Public Works. Employees are welcome to submit their preferences for the scheduling of overtime or compensatory time, before the end of the pay period when overtime or compensatory time has been earned.

The accrual of overtime work hours may be avoided by granting employees budget time off on an hour-for-hour basis within the same workweek. See Section 5.08.

The records for the employees of the Solid Waste Collection System reflect actual work and coded time.

Compensatory time records reflect accumulated comp time hours, when these hours were earned and taken. It is the responsibility of the Public Works Department to maintain both time and compensatory records. The pay record, summarizing the amount of pay earned, is submitted to Finance for each pay period.

Solid Waste Collection employees who opt to work instead of taking a bona fide meal period during their routes will be paid for this work time. Public Works employees who substitute for the Solid Waste Collection on an as-needed basis will qualify for incentive pay from their respective divisions for each day worked. In other words, these employees will be guaranteed 8 hours of pay for each day of solid waste labor even if the total number of hours worked on that day is less than 8. When the total number of hours worked by substitute employees exceed 8, the additional hours worked will be recorded as work time. Overtime will be calculated with respect to the number of hours worked during a 40-hour workweek.

3. On-Call Service:

Nonexempt employees of the Public Works Department who work on call with a pager will be paid \$15.00 per call-day. Exempt employees do not qualify for on-call time.

4. Travel Time

For those employees answering emergency calls after 5 p.m. and before 7 a.m. on weekdays and on Saturdays, Sundays and declared official holidays, 1 hour travel time will be credited for each round trip made. This hour will be recorded as actual work time, not coded time.

## SECTION 5.14

Declaration of Police Department Workweek1. Time Definitions:a. Workweek

For all 40-hour employees, the workweek will consist of the time span of seven consecutive 24-hour periods within which the City calculates overtime hours and corresponding pay for nonexempt employees. For example, the workweek may begin at 6:46 a.m. on Sunday morning and end at 6:45 a.m. on the following Sunday. It is within the regulations of the FLSA for workweeks to begin on different days and at different times for different employees or groups of employees. However, each designated workweek is intended to be permanent. The "workweek" must not be confused with "work schedule."

b. Workday

The period of twenty-four hours which begins at 6:46 a.m. and ends at 6:45 a.m. The first workday begins at the time the workweek begins (6:46 a.m. Sunday) and the seventh workday ends at the same time the workweek ends (6:45 a.m. on the following Sunday).

2. Work Time (Actual Hours Worked):a. Work Time (Hours Worked) – General

Where changing clothes is merely a convenience to the employee and not directly related to his/her principle activities, such activity is considered "preliminary" or "postliminary" activity rather than a principle part of the activity. Such time is not considered "time worked."

b. Work Schedule Nonexempt Employees: Patrol Officers, Animal Control Officer, and Motorcycle Officers

|                     |         |                         |
|---------------------|---------|-------------------------|
| Standard Duty Hours | Shift 1 | 6:45 a.m. to 3:15 p.m.  |
|                     | Shift 2 | 2:45 p.m. to 11:15 p.m. |
|                     | Shift 3 | 10:45 p.m. to 7:15 a.m. |

Nonstandard duty hours or alternate work schedules will be set by the supervisor.

## c. Each employee will be required to take a 30-minute lunch period daily. This lunch period will last a period of not shorter than 30 minutes of uninterrupted time. Supervisor approval will be required to allow a person to work through his/her lunch period.

Corporals:

|             |         |                         |
|-------------|---------|-------------------------|
| Duty Hours: | Shift 1 | 6:30 a.m. to 3:00 p.m.  |
|             | Shift 2 | 2:30 p.m. to 11:00 p.m. |
|             | Shift 3 | 10:30 p.m. to 7:00 a.m. |

## FAIR LABOR STANDARDS ACT AND HOURS WORKED

Nonstandard duty hours will be set by the supervisor.

The same lunch requirements that are set for patrol officers will apply to the corporals.

### Communications Officers:

|             |         |            |    |            |
|-------------|---------|------------|----|------------|
| Duty Hours: | Shift 1 | 7:00 a.m.  | to | 3:00 p.m.  |
|             | Shift 2 | 3:00 p.m.  | to | 11:00 p.m. |
|             | Shift 3 | 11:00 p.m. | to | 7:00 a.m.  |
|             | Shift 4 | 7:00 a.m.  | to | 5:00 p.m.  |
|             | Shift 5 | 5:00 p.m.  | to | 3:00 a.m.  |

Nonstandard duty hours will be set by the supervisor.

Communication Officers will be ready to go to work at the specified hours. Lunch or break periods will be given at the discretion of the supervisor; however are not required.

### d. Non-Exempt Officer Personnel

Standard Hours: 8:00 a.m. to 5:00 p.m.

Required: 1 – Hour Lunch Period – Uninterrupted. Coffee breaks will be provided at the discretion of individual supervisors and cannot be substituted for a lunch period of shorter duration.

### Nonstandard Hours:

Work hours will be set by supervisor. Lunch periods will be 30 minutes or longer of uninterrupted time.

### Detectives:

Detective work hours will be set by their supervisor.

Detectives will earn overtime compensation for hours worked over 40 per week. Lunch periods will be assigned at the discretion of the supervisor. Lunch periods must be 30 minutes or longer of uninterrupted time and will not apply towards the 40 hour computation.

### 3. On Call Time

Employees on call for court are not required to remain on City premises unless specifically instructed by a supervisor. Employees instructed to remain on City property will be compensated. Detectives on call on the weekends will be required to carry their pagers/cell phones, but are not restricted to a specific location unless instructed by a supervisor. Detectives thus instructed will be compensated.

### 4. Travel Time

Personnel required to attend school outside the Houston Metro Area will be paid for travel time, if such travel time is required during off duty hours. Compensation will not be paid to those individuals that travel on public transportation, i.e., plane, train, bus, etc., or travel as passenger in a vehicle. Reimbursement will be based on average speed and distance calculations. The mileage figures will be taken from the State of Texas "Official Mileage Guide." Meal periods, rest periods or sleep periods will not be calculated into travel time.

## 5. Compensatory Time

All non-exempt personnel employed by the Police Department may accumulate up to 40 hours of compensatory time. More hours may be accumulated only at the direction of the Chief of Police. All other hours will be paid.

## SECTION 5.15

### Alternative Work Schedules

Options for establishing alternative work schedules rest with each department. Employees within a work group can be invited to suggest work schedules that will accommodate their personal preferences or family needs while accomplishing work requirements. Or, the nature of a group's collective work requirements may naturally suggest staffing patterns with staggered hours, overlapping schedules, or concentration of work on certain days of the week or hours of the day. Individual schedules may be solicited, offered, or directed. However, whether by employee request or by concerted design, establishing work schedules should be coordinated within the entire work group, division, or department. Each employee's schedule should be pre-approved through a process established by the department.

Part-time, probationary, and temporary employees may also be assigned alternative schedules at the discretion of the department. Alternative work schedules may be cancelled or adjusted by management at any time. Reasonable notice to the employees concerned will support a positive work environment.

Contingency plans should be developed in the event of unplanned short-term and long-term employee absences, emergencies, and vacations.

Variations in arrival and departure times are permitted with approval in writing by the Department Head. The written approval remains in effect until written notification of a change is provided. The purposes of alternative work schedules are as follows:

- Decreased stress and tension
- Increased health and well-being
- Potentially more leisure time
- Reduced risk of traffic accidents and injury on the road
- Saving money on commuting expenses
- Increased productivity
- Increased job satisfaction
- Reduction of emissions into the environment

#### 1. Flextime

A 40-hour workweek (for full-time employees) is completed but there is flexibility in establishing daily start and quit times, but the pattern should recur predictably over each workweek.

Examples of flextime schedules include:

|   |                        |
|---|------------------------|
| 7:00 a.m. to 4:00 p.m.  | 9:00 a.m. to 6:00 p.m. |
| 7:30 a.m. to 4:30 p.m.  | 9:15 a.m. to 6:16 p.m. |
| 7:00 a.m. to 4:00 p.m. (M, W, F) and 9:00 a.m. to 6:00 p.m. (T, TH) |                        |

NOTE: For safety considerations and to assure the highest quality of performance, supervisors are encouraged to include a meal break of at least 30 minutes in full workdayschedules.

2. Compressed Work Week

An employee completes a 40-hour workweek in less than five full workdays.

Examples of compressed schedules include:

7:00 a.m. to 6:00 p.m. (T through F; four 10-hour days; one-hour meal break)  
8:30 a.m. – 7:00 p.m. (M, T, TH, F; half-hour meal break)  
7:00 a.m. to 5:00 p.m. (M through TH, one-hour meal break); 7:00 a.m. to 11:00 a.m. (F); \*four nine-hour days, one four-hour day.

NOTE: For safety considerations and to ensure the highest quality of performance, supervisors are encouraged to include a meal break of at least 30 minutes in full workdayschedules.

3. Rotating Days Off

Schedules within a work group are designed so that employees with same or similar job duties can rotate desirable days off.

4. Job Sharing

Two employees share the duties of one full-time position. Work hours of each employee may vary.

5. Telework

Work on one or more days each week is completed at home by substituting telecommunications technology for commuting to the central work place. While teleworking, an employee may be assigned a flextime, compressed, or conventional work schedule. Teleworking is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the City. The City has the right to refuse to make teleworking available to an employee and to terminate a teleworking arrangement at any time. Employees are not required to telework. Employees have the right to refuse to telework if the option is made available.

To be considered for the telework program each employee must consult with their supervisor. Each employee must fill out a selection survey. Once the employee is approved for the telework program the employee will be required to sign a Telework Agreement. The Telework Agreement provides guidelines and parameters on the teleworking program.

SECTION 5.16

Break Time for Nursing Mothers

Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the FLSA to require employers to provide a nursing mother reasonable break time to express breast milk after the

birth of her child. The amendment also requires that employers provide a place for an employee to express breast milk. As such, the City of Bellaire shall provide:

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

Non-exempt employees will not be compensated for these break periods unless it is during a routinely compensated break. In addition, the FLSA's general requirement that the employee must be completely relieved from duty or else the time must be compensated as work time and that exempt/salaried employees must be compensated during these break periods applies. Employees must contact their supervisor to make arrangements for these break periods.

## Chapter 6

## SECTION 6.01

Hours of Work

The hours in which City offices and departments are open for business will be determined by the City Manager.

## SECTION 6.02

Attendance

Employees will report for work able and willing to perform their job tasks, at the time and place specified by the supervisor. All departments will maintain daily attendance records for all employees within their respective departments.

## SECTION 6.03

Lunch Periods

All employees, except as noted in the approved FLSA exceptions, will be assigned at least a thirty-minute, non-paid lunch break each working day. Department heads are responsible for making every effort to avoid situations in which an employee is expected to work more than five and one-half continuous hours without taking at least a 30-minute lunch break.

Non-exempt employees may not perform work during the lunch period unless prior approval is received by the employees' supervisor. Work performed during lunch period must be recorded accurately as time worked.

## SECTION 6.04

Breaks

Rest breaks will be assigned each morning and afternoon if work assignments permit. Rest periods are to be taken as assigned and are not intended to be stored or "banked" to be cashed in later in the day as a means of leaving early.

## SECTION 6.05

Make-Up Time for Lost Work Hours

In order to avoid the loss of pay for time not worked, employees may request permission to make up lost work hours by working an equal number of hours outside the normal working day. Department heads may authorize these exchanged hours on an individual basis if work schedules permit. All such exchanges will be handled on an even hour-for-hour basis and must be completed within the same workweek (work period for firefighters). See Section 5.08 (Budget Time Off) for more guidance.

## SECTION 6.06

Holidays

The following ten holidays are declared as official holidays for City employees working 40 hours per week:

|                             |                             |
|-----------------------------|-----------------------------|
| New Year's Day              | January 1                   |
| Martin Luther King, Jr, Day | Third Monday of January     |
| Memorial Day                | Last Monday in May          |
| Independence Day            | July 4                      |
| Labor Day                   | First Monday in September   |
| Veterans Day                | November 11                 |
| Thanksgiving Day            | Fourth Thursday in November |
| Day after Thanksgiving      | Fourth Friday in November   |
| Christmas Eve               | December 24                 |
| Christmas Day               | December 25                 |

Official holidays and floating holidays will not accrue nor will holiday pay for official holidays be granted during periods of extended absence away from work due to illness, injury or approved leaves. However, an employee may utilize previously accrued holidays during a period of extended absence as a means of receiving compensation. An extended absence is defined as any leave that exceeds three months.

Fire department personnel who work a 48-96 (48 hours on duty and 96 hours off duty) shift cycle will earn the ten declared official holidays and two floating holidays each year. Each of these holidays will represent 12 hours of paid holiday time off. Refer to Section 6.12 for further information pertaining to holidays for fire department personnel working a nine-day shift cycle.

## SECTION 6.07

Scheduling of Holidays

If a declared official holiday falls on Saturday, it will normally be observed on the preceding Friday. If a declared official holiday falls on a Sunday, it will normally be observed the following Monday.

Floating holidays for 40-hour per week employees, as well as all holidays for police department employees who work a swing shift and fire department personnel who work a 48-96 shift cycle must be scheduled in advance with supervisors or department heads. The supervisor or department head will give due consideration to the need of the requesting employee, and to the ability of the remaining employees to perform the work of the department or division with an employee away from work due to holidays. Holidays can only be scheduled when workload permits, however every effort will be made to accommodate the individual request.

## SECTION 6.08

Floating Holidays

In addition to the ten holidays listed above, most employees will be eligible for two floating holidays per year. These floating holidays may be taken any time during the calendar year but will not be carried forward to the next year.

New employees hired between January 1<sup>st</sup> and June 30<sup>th</sup> will be eligible for one floating holiday upon completion of 90 days of service, thus earning only one floating holiday from their date of hire through the end of that calendar year. Those employees hired on or after July 1<sup>st</sup> thru September 30<sup>th</sup> will earn their two floating holidays after January 1 of the next calendar year. Those employees hired on or after October 1<sup>st</sup> thru December 31<sup>st</sup> will earn one floating holiday after 90 days of service or January 1<sup>st</sup>—whichever occurs later—and will begin earning two floating holidays the following calendar year..

Floating holidays and all other holidays for police officers, communication officers and fire personnel working a 48-96 shift cycle must be scheduled in advance with supervisors or department heads. Supervisors or department heads will give due consideration to the need of the requesting employee, and to the ability of the remaining employees to perform the work of the department or division with an employee away from work on holidays.

Refer to Section 6.12 for further information pertaining to fire, police and communications officers.

These holidays can only be scheduled when workload permits; however, every effort will be made to accommodate the individual request.

Use of floating holidays should be documented in the City's payroll/timekeeping system and must be accurately reflected on the employee's time sheet.

## SECTION 6.09

### If Required to Work on a Holiday

All employees who are required to work on a holiday will be given an alternate day off or will be reimbursed for the holiday. Method of reimbursement for regular eight-hour employees, police officers, emergency personnel and part-time employees is described in Section 6.10 through Section 6.13.

## SECTION 6.10

### Holiday Pay for Regular 8-Hour a Day Employees

All employees who work eight-hour days will receive eight hours pay for each of the ten official holidays during the year, plus the two floating holidays. See Section 7.18 for Short Term Disability exception.

All nonexempt employees who work eight-hour days and are called in on an emergency basis to work on a holiday will be paid eight hours holiday pay plus the actual hours worked on the holiday. If the total number of actual hours worked exceed forty hours during that calendar workweek, then all hours over 40 will constitute overtime and will be calculated accordingly. For further discussion, see Section 5.

## SECTION 6.11

### Holiday Pay for Employees on an Alternate Work Schedule

Employees participating in an alternate work schedule will be entitled to the same amount of cumulative annual holiday hours as employees working five eight-hour days, that annual amount being twelve eight-hour days. If an employee is on an alternate work schedule and a holiday falls on a day that the employee is scheduled to work more than eight hours, it is the responsibility of the employee and the department head to ensure that the appropriate total number of hours are worked

for the week. This can be done in one of two ways: an employee can supplement the eight-hour holiday with other leave time (vacation or compensatory time), or the employee can arrange their schedule within the holiday week so that the total hours actually worked plus the holiday time equals 40 hours.

Employees on an alternate work schedule who are called in on an emergency basis, or for other reasons as authorized by the supervisor may work on the holiday, will be paid eight hours holiday pay plus the actual hours worked on the holiday. If the total number of actual hours worked exceed forty hours during that workweek, then all hours over 40 will constitute overtime and will be calculated accordingly.

## SECTION 6.12

### Police, Communications and Fire Personnel Holiday Policy

When the holiday occurs on a regularly-scheduled work day, certified police officers, communication officers and fire personnel working a 48-96 shift cycle will be permitted to reschedule their holiday for a later date and receive straight-time pay for the hours worked. They will be required to take all holidays in the calendar year earned except Veterans Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, and Christmas Day, which may be carried forward to April 30 of the following year.

When the holiday and the regularly scheduled off-day occur on the same day, employees will accrue the holiday leave to be taken at a later date.

## SECTION 6.13

### Holiday Pay on Termination

Employees will be paid for all holidays earned providing the holidays are not lost due to the carry-over prohibition (for public safety employees) and the employee has completed the in-training period.

## SECTION 6.14

### Holiday Pay During Disciplinary Suspension

Should a regularly-scheduled holiday fall during the time of a disciplinary suspension, for any employee except certified police officers, communication officers or fire personnel on a 48-96 shift, the employee will receive pay for the holiday even though the suspension will be in effect and interrupted by the paid holiday. The employee will, however, receive an alternate day off without pay.

Police officers, communication officers and fire personnel working a 48-96 shift cycle may cancel and reschedule an approved holiday should the holiday fall during the time of a disciplinary suspension.

## SECTION 6.15

### Holiday Policy for Regular Part-Time Employees

Part-time and temporary employees will be paid their regular rates if required to work on a holiday. No holiday pay is authorized for part-time or temporary employees who do not work on the holiday. Part-time and temporary employees will not be eligible for floating holidays.

## SECTION 6.16

Ineligible for Holiday Pay

Any employee who is absent without authorized leave on the day immediately preceding or following a scheduled holiday will lose pay for the holiday as well as pay for the day without leave.

Part-Time and temporary employees are not eligible for floating holidays or holiday pay. Part-time or temporary employees who work on an official holiday will receive pay for the time they work at their regular rate.

## SECTION 6.17

Other Religious Holidays

The City recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the regular holiday schedule. Accordingly, employees who wish to take a day off for such reasons may be permitted to do so if the employee gives sufficient notice to his/her supervisor, and the employee's absence will not result in any undue hardship on the City's operations.

Employees may be paid for such days off by utilizing vacation leave, accrued comp time or floating holidays.

## SECTION 6.18

Vacation Leave

All regular full-time employees will be entitled to accrue vacation leave for each complete month of active service with the City. Accrual rate will be based on length of service with the City and number of hours worked per regular workweek. Effective January 1, 2015, accruals will be calculated proportionately and occur each pay period.

Vacation Accrual Schedule

|                               | <b>40 hour per week<br/>Employees</b> |                  | <b>Fire Dept. 48-96 Shift<br/>Cycle Employees</b> |                |
|-------------------------------|---------------------------------------|------------------|---|----------------|
| Years of<br>Completed Service | Monthly/Bi-Weekly<br>Accrual          | Annual Accrual   | Monthly/Bi-Weekly<br>Accrual                      | Annual Accrual |
| 0 – 4.9 yrs.                  | 8/3.6923 hrs.                         | 96 hrs./12 days  | 12/5.5384 hrs.                                    | 144 hrs.       |
| 5 – 9.9 yrs.                  | 10/4.6153 hrs.                        | 120 hrs./15 days | 15/6.9230   | 180 hrs.       |
| 10 – 14.9 yrs.                | 12/5.5384 hrs.                        | 144 hrs./18 days | 18/8.3076   | 216 hrs.       |
| 15 – 19.9 yrs.                | 13.3333/6.1538 hrs.                   | 160 hrs./20 days | 20/9.2307   | 240 hrs.       |
| 20 – 24.9 yrs.                | 14.6666/6.7692 hrs.                   | 176 hrs./22 days | 22/10.1538  | 264 hrs.       |
| 25+ yrs.                      | 15.3333/7.0769 hrs.                   | 184 hrs./23 days | 23/10.6153  | 276 hrs.       |

For the purpose of calculating vacation accruals, employees who enter the service of the City before the 16<sup>th</sup> day of the month or separates employment after the 15<sup>th</sup> day of the month will earn vacation leave for that month.

Vacation leave will not accrue during periods of extended absence away from work due to illness, injury or approved leaves. An extended absence is defined as any leave that exceeds three months.

All employees, except fire department personnel working a 48-96 shift cycle and employees working an alternate work schedule, will be charged eight hours for each workday they are on vacation. Firefighters working a 48-96 shift cycle will be charged 12 hours for each 12-hour shift they are on vacation. Employees who work an alternate work schedule will be charged the number of hours they are normally scheduled to work for each day of vacation used. Vacation may be used in increments of one-half hours.

## SECTION 6.19

### Vacation During In-Training Period

Accrual of vacation time begins upon employment; however, the time will not be credited until completion of six months of service, at which time six complete months of service will be credited for a total vacation accrual of five days.

Vacation leave will not be authorized during the first six months of employment for any employee. Employees terminating before satisfactory completion of the in-training period will not be entitled to payment for accrued vacation leave.

## SECTION 6.20

### Scheduling of Vacation

Vacations must be scheduled in advance with supervisors or department heads who will give due consideration to the need of the requesting employee, and to the ability of the remaining employees to perform the work of the department or division with an employee away from work on vacation. Vacations can only be scheduled when workload permits, however, every effort will be made to accommodate the individual request. Vacation may be used in increments of one-half hours.

Use of vacation must be documented in the City's payroll/timekeeping system and must be accurately reflected on the employee's time sheet.

## SECTION 6.21

### Maximum Vacation Accrual

Beginning January 1, 2015 employees may accrue a maximum of 240 vacation hours. Fire department personnel working a 48-96 shift cycle (2,756 hours/year) may accrue a maximum of 360 vacation hours. Employees who reach the maximum accrual of 240 hours will not accrue additional vacation hours until the balance falls below 240 hours. Upon termination of employment employees may be paid for vacation time not to exceed the maximum accrual rate of 240 hours or 360 hours for fire personnel.

SECTION 6.22

Holidays During Vacation

Official holidays occurring during employee's vacation will be coded as holiday time not vacation leave time.

SECTION 6.23

Vacation Leave During Disciplinary Suspension

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

SECTION 6.24

Employees Ineligible for Paid Vacation Leave

Part-time and temporary employees will not be eligible for paid vacation leave.

SECTION 6.25

Required Vacation Time Away From Work

When it appears that a vacation, or at least time away from the work place, may be in the best interest of the employee, the department or the City, the department head may require an employee who has not taken vacation leave in the last 12 months, to take at least one week of his or her accrued vacation leave.

SECTION 6.26

Bad Weather Policy

All employees are expected to make an effort to arrive at work each day prior to commencement of the workday, regardless of weather conditions. However, if you feel that driving conditions are so bad that they would constitute a danger to your life and property, you may elect to come in later than usual when conditions may be somewhat improved. You may also request to use a day of vacation so that you may take the entire day off with pay. On such bad weather days, you are required to contact your department head immediately to advise him or her of your decision to arrive at a later time or to request to use vacation time, earned comp time or a floating holiday.

When weather conditions are such that the City Manager declares the Administrative Offices officially closed, full-time employees, other than those in the emergency services, will be excused for the day without penalty or loss of pay. The City Manager will make such a decision.

The responsibility for designating those emergency services personnel who are required to be on the job regardless of weather conditions will rest with the department head and will include all police officers, firefighters, communication officers, certain public works and inspection personnel.

All emergency services employees will abide by the bad weather provisions prescribed by their respective department heads.

## SECTION 6.27

Sick Leave

All regular, full-time employees are entitled to accrue sick leave. Sick leave time is provided to protect the employee's earning power during those periods of time when the employee is too ill or incapacitated to work. Sick leave may also be used for the birth of a child, Military Caregiver leave, medical appointments, or when an employee's family member is ill or incapacitated and requires the employee's care or presence. In addition, sick leave may also be used if extra time is needed in addition to bereavement leave in the event of the death of a family member, friend or co-worker. For the purpose of authorizing sick leave, "family" will be defined as: spouse, children, parents, sisters or brothers, grandparents, parents-in-law, grandparents-in-law, sister or brother-in-law, grandchildren or any legally designated dependent. If the employee's presence is required in cases of illness of persons other than family as defined above, the employee may request the use of vacation leave, floating holiday or accrued comp time. In cases where the employee qualifies for FMLA leave (including Military Caregiver leave) and the FMLA leave also qualifies for sick leave as permitted by this section, any available sick leave will run concurrent with FMLA leave. See Section 6.35— Coordination of Family and Medical Leave.

Department heads may require satisfactory proof of illness as specified in Section 6.33.

## SECTION 6.28

Sick Leave Accrual Rate and Maximum Balance

For employees working 8-hour days and other alternate work schedules, except firefighters working a 48-96 shift cycle, sick leave will be accrued at the rate of eight hours for each month of active service. Sick leave will not accrue during periods of extended absences away from work due to illness, injury or approved leaves. An extended absence is defined as any leave that exceeds three months. Fire personnel working a 48-96 shift cycle (12 hour shifts) will earn sick leave at a rate of 12 hours per month of active service. Sick leave time will accumulate during the in-training period and may be used if approved by the supervisor. Maximum cumulative sick leave accrual will be 60 days or 480 hours for employees working five eight-hour days or other alternate work schedules. Firefighters may accumulate up to 60 twelve-hour shifts or 720 hours. Effective January 1, 2015, accruals will be calculated proportionately and occur each pay period. This means the accruals will be 3.6923 hours per pay period for 40 hour per week employees, and 5.5384 hours per pay period for fire department personnel working a 48-96 shift cycle.

## SECTION 6.29

Employees Ineligible for Sick Leave

Part-time and temporary employees will not be eligible to accrue sick leave.

## SECTION 6.30

Partial Month Accrual of Sick Leave

A regular, full-time employee who enters the service of the City before the 16<sup>th</sup> day of the month or who leaves the employment of the City after the 15<sup>th</sup> of the month will accrue sick leave for that month.

## SECTION 6.31

Use of Sick Leave

All employees who work eight-hour days will be charged eight hours for each day of sick leave used. Employees working an alternate work schedule will be charged the number of hours normally worked for each day of sick leave used and all fire department personnel working a 48-96 shift cycle will be charged twelve hours sick leave for each twelve-hour shift of sick leave they use. Sick leave will be charged in half hour increments for all absences due to illness. After an employee's sick leave has been exhausted, when requested, vacation leave, floating holiday or accrued comp time may be used in place of sick leave. When absence due to illness exceeds the amount of accumulated sick leave or other available time, the pay of an employee will be discontinued until he or she returns to work, becomes eligible for the City's disability program, or receives benefits through the City's Leave Sharing Program.

Use of sick leave should be documented in the City's payroll/timekeeping system and must be accurately reflected on the employee's time sheet.

Refer to Section 6.35 for specifics regarding Family and Medical Leave, Section 7.17 for specifics regarding Short Term Disability, and Section 6.37 for specifics regarding the Leave Sharing Program.

## SECTION 6.32

To Receive Sick Leave Pay

To receive paid sick leave, employees who are ill and unable to work must communicate with their immediate supervisor, department head or authorized representative before the workday begins if possible. Messages left with non-supervisory personnel will generally not be acceptable. Employees who fail to notify their supervisors at the beginning of each workday may be subject to disciplinary action, unless there is a justifiable explanation for failure to notify.

You may not be employed at another job without obtaining prior approval from the Director of Human Resources, perform any actions or any duties contrary to your recovery process, or be engaged in other outside activities which, based on medical opinion, would indicate physical ability to perform the essential functions of your regular position.

## SECTION 6.33

Proof of Illness May Be Required

Department heads or supervisors may require satisfactory proof of illness at any time an employee is away from work and claiming sick leave pay, and may also require a statement from the attending physician of the need for the employee to attend to a sick relative as defined in Section 6.27. Department heads may disallow sick leave pay in the absence of satisfactory proof. Similarly, the department head may require an employee to furnish a statement from the attending physician confirming the employee's ability to resume his or her job duties before permitting the employee to return to work. Sick leave absences lasting three or more days may require that the employee provide a physician's note permitting the employee to return to work and resume his/her job duties.

## SECTION 6.34

Sick Leave Buy Back

After five years of continuous service, employees may be eligible to receive partial pay for unused sick leave through the City's Sick Leave Buy Back Program. To be eligible for the program, an employee must have in excess of 480 (720 for firefighters working a 48-96 shift cycle) hours of sick leave as of September 30<sup>th</sup> and must be actively employed by the City when the incentive is paid.

The sick leave hours the City buys back over 480/720 will be purchased at 50% rate of pay, based on the September 30<sup>th</sup> pay rate. In no case may the sick leave balance after buy back be less than 480/720 hours. The maximum sick leave the City will buy back in any given year is 96/144 hours. Sick leave buy back checks will be paid by the end of each calendar year.

On retirement or disability retirement, employees may sell back all accumulated sick leave to a zero balance at a 50% rate. To qualify for this benefit, employees must be ending their employment with the City and be eligible, according to TMRS criteria, to receive retirement or disability retirement benefits, and officially apply to receive these benefits. This also applies upon the death of an employee if the employee would have been eligible for retirement at the time of death.

Employees affected by a lay-off may sell back accumulated sick leave to a zero balance at a 25% rate.

## SECTION 6.35

Family and Medical Leave

The City recognizes the occasional need for time away from work to balance an employee's family needs with workplace demands. This policy allows eligible employees to take leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible Employees – In order to be eligible for this leave, employees must have been employed at least 12 months prior to commencement of the leave (not necessarily 12 consecutive months) and must have worked at least 1250 hours during the 12-month period prior to the leave. Generally, employment periods prior to a break in service of seven years or more will not be counted in determining whether an employee has completed at least 12 months of services. Employees returning from Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service are credited with hours of service that would have been performed but for the USERRA- covered service. An employee meeting these requirements is eligible for up to twelve (12) weeks (480 hours) of leave per year due to:

1. The birth of a child and to care for the newborn child—leave must be taken in one consecutive period and must be completed within twelve months following the birth;
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child—leave must be taken in one consecutive period and must be completed within twelve months following the placement;
3. To care for the employee's spouse, child, or parent who has a serious health condition;
4. A serious health condition that makes the employee unable to perform the essential functions of his or her job;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.

**Military Caregiver Leave**

If the employee is an eligible family member or next of kin of a covered service member, the employee can have up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, or parent.

Spouse is defined as legally married spouse as defined by state law including common law spouses.

Parent/Child relationship includes any person who is "in loco parentis" to the employee and any child for whom the employee is "in loco parentis." A person is "in loco parentis" in relation to an employee if the person had such responsibilities for the employee when the employee was a child. An employee is "in loco parentis" in relation to a child if the employee has day-to-day responsibilities to care for and financially support the child. A biological or legal relationship is not necessary. A child is someone under the age of 18 or who is 18 or older but is incapable of self-care because of a mental or physical disability. Parents-in-law are not included.

Serious Health Conditions are those that involve inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by a health care provider; or any period of incapacity due to pregnancy, or for prenatal care; or any period of incapacity (or treatment therefore) due to a chronic serious health condition (i.e., asthma, diabetes, epilepsy, etc.); or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (i.e., Alzheimer's, stroke, terminal diseases, etc.); or, any absences to receive multiple treatments (including any period of recovery from the treatments) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (i.e. chemotherapy, physical therapy, dialysis, etc.).

Examples of serious health conditions include heart attacks and heart conditions requiring surgery (i.e. bypass or valve operations), most cancers, back conditions requiring extensive therapy or surgery, strokes, severe nervous disorders (mental/emotional/stress), severe respiratory conditions, pregnancy, severe morning sickness, prenatal care, childbirth, recovery from childbirth, appendicitis, pneumonia, emphysema, severe arthritis and injuries caused by serious accidents.

Health conditions not considered serious are short-term illnesses, voluntary or cosmetic treatments (i.e. orthodontia, acne treatments) and routine physical examinations. However, if short-term illnesses were to cause an incapacity of more than three consecutive calendar days, and require "qualifying treatment" then they would be considered serious health conditions.

Length of Leave – In accordance with this policy, eligible employees are allowed twelve (12) workweeks of unpaid leave during a rolling twelve-month period, measured backward from the date leave is used (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness). This is an annual limit, not "per occurrence".

Spouses Employed by the City are limited to a combined total of 12 workweeks of family leave for birth and care of a child; placement of a child for adoption or foster care, and to care for the newly placed child. However each spouse is also eligible to take any unused portion of his or her own 12 weeks for another eligible purpose (i.e. his or her own serious health condition or the care of a seriously ill parent, child or the other spouse).

Coordination of Family and Medical Leave With Paid Leave – All accrued vacation, holidays and sick leave must be utilized and applied toward the twelve (12) weeks leave for the medical condition of the eligible employee—including child birth—or applicable family members. All accrued vacation and holidays must be utilized and applied toward the twelve (12) weeks leave for birth, adoption or foster care placement. Employees must also use accrued compensatory time for either type of FMLA leave.

All accrued vacation, holidays and sick leave must be utilized and applied toward the twenty six (26) weeks leave for qualified Military Caregiver Leave. All accrued vacation and holidays must be utilized and applied toward qualifying exigency leave. Employees must also use accrued compensatory time for either type of Military leave.

After all such paid leave has been exhausted any additional balance of the Family and Medical Leave will be unpaid, unless the leave is in connection with the employee's own serious medical condition in which case the employee may be eligible for short term disability in Section 7.17.

All absences in connection with workers' compensation injuries and lasting longer than three days will be considered Family and Medical Leave.

Reduced or Intermittent Leave – While small periods of time or reduced hours are allowed and positions and benefits are protected against adverse employment actions as a result of intermittent leave, only whole workweeks consisting of 40 hours for non-firefighters working a nine-day shift cycle will be included in the count toward the twelve weeks of Family and Medical Leave. Whole workweeks for part-time personnel will be based on the average number of hours worked per week during the twelve (12) weeks prior to the leave.

Leave for birth, adoption or foster care placement can be on an intermittent or reduced leave basis only with the department head's approval. However, eligible employees may take medical leave for their own serious health condition or that of an applicable family member whenever medically necessary. If the needs of the employee will be better met by working reduced hours or an alternate position allowing reduced hours these requirements should be discussed with the employee's department head. If the employee's own medical condition requires, as a reasonable accommodation, an alternative "modified duty" (less demanding) job in lieu of leave, these requirements should be discussed with the Director of Human Resources. When possible the employee may be offered such a position on a temporary basis, but is not required to accept the "modified duty" position. Employees are permitted to utilize compensatory time, sick leave, vacation and holidays or flex time arrangements to make up for time off of less than eight hours (see Section 6.05, 6.08, 6.20, and 6.27 for further details). Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. The City of Bellaire is under no obligation to create or design a position to accommodate any employee.

Notice of Intent to Take Leave - To be eligible for Family and Medical Leave an employee must notify his/her immediate supervisor and the Human Resources Department of the desire to take leave in writing, on forms provided by the City, at least 30 days prior to the date the leave is to commence, except in bona fide emergency situations. In the case of unforeseeable medical emergencies, notice may be made as soon as possible and practical, by phone or other reasonable means by the employee or by a representative of the employee. If 30 days notice is not given and there is no reasonable excuse for delay (as in the case of an unforeseeable emergency), leave can be denied until at least 30 days after notice is received.

The Director of Human Resources may designate an employee's absence as Family and Medical Leave if appropriate, even if the employee does not specifically request leave in connection with this policy.

Certification of Medical Conditions – Granting of Family and Medical Leave for the serious condition of an employee or applicable family member is contingent upon certification by a health care provider. The employee will have at least 15 days, from the date the Director of Human Resources requests certification of medical condition to produce the information. The health care provider must be authorized to practice by the State in which they practice and perform within the scope of their practice as defined under State law, and may be defined as doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), nurse practitioner, nurse midwife, clinical social worker, Christian Science practitioner listed with the First

Church of Christ, Scientist, Boston, MA; any health care provider recognized by the City's group health plan; or a health care provider listed above who practices and is licensed in a country other than the U.S.

The health care provider's certification must be provided on the Certification of Physician or Practitioner form as provided by the U.S. Department of Labor (Form WH-380). These forms are available from the Human Resources Department or the health care provider and may include:

1. a statement that the employee is needed to care for the applicable family member (assist with activities of daily living or provide psychological comfort) or that the employee is unable to perform the essential functions of his/her position (or perform work of any kind),
2. date the health condition commenced,
3. probable duration of the condition,
4. whether inpatient hospitalization is required,
5. for intermittent leave, the dates of planned care and expected duration and
6. a statement that intermittent leave is medically necessary for the employee or for the care of an applicable family member.

In the event there is a question regarding an employee's need for Family and Medical Leave, the City reserves the right to require a second opinion by a health care provider of its choice, at the City's expense. If the second opinion conflicts with the original opinion, the City may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. This third opinion will be considered final and binding on both parties.

You or your representative will be responsible for providing appropriate continued medical documentation during leave for a serious health condition. The frequency of subsequent medical documentation will be determined by the Director of Human Resources based on the circumstances relating to the medical condition, but will not be more often than every 30 days unless:

1. the employee requests an extension,
2. the circumstances change (nature/duration of illness) or
3. the City receives information casting doubt on validity of original certification.

Other Benefits While On Family and Medical Leave – If an employee is on Family and Medical Leave because of their own medical condition, the employee may be eligible for short term disability benefits as described in Section 7.17.

Holidays, vacation and sick leave will continue to accrue during the twelve weeks of Family and Medical Leave and the City will maintain group health, dental, life, and LTD coverage, including family coverage on the same terms, conditions and at the same level of City contribution as provided any employee actively at work. The employee will be required to continue payment of the employee portion of the health care and/or other insurance coverages they choose to continue, and if there are changes to the City's contribution level and/or premium rates while the employee is on leave, those changes will take place as if the employee were actively at work.

Premium Reimbursement – If the applicable insurance premiums are not paid to the City by the employee during Family and Medical Leave that amount will be reimbursed to the City through payroll deductions when the employee returns to work. Further, the employee may be required to reimburse the City for any premiums paid during the leave if the employee does not return to work, unless the employee cannot return to work due to the continuation of a serious health condition of

the child, spouse, parent or employee, or due to other circumstances beyond the control of the employee.

If Additional Leave is Required beyond the twelve weeks permitted under this policy the employee may be eligible for personal leave as described in Section 6.42. However if the total leave exceeds three months, the employee will not be eligible for vacation, sick leave or holiday accrual and the employee must assume the responsibility of paying the entire monthly insurance premiums after the three month period ends, unless the employee goes on short term and long term disability (see Section 7.17)

Other Work While On Family and Medical Leave – You may not be employed at another job without obtaining prior approval from the Director of Human Resources, perform any actions or any duties contrary to your recovery process, or be engaged in other outside activities which, based on medical opinion, would indicate physical ability to perform the essential functions of your regular position.

Returning To Work – Eligible employees on Family and Medical Leave due to a serious health condition of an applicable family member are expected to return to work as soon as possible considering the condition of the family member.

To return to work from medical leave for an employee's own medical condition, the employee must submit a written release of "fitness-for-duty" statement by a health care provider. Eligible employees on leave due to their own serious health condition must return to work the next business day after being released by their health care provider. In the case of police officers and fire fighters, their next business day is construed to mean their next regular shift of duty. Failure to return to work when released will result in appropriate disciplinary action, and discontinuance of applicable insurance benefits.

Upon release to return to work by a health care provider the employee will return to their own position or to an equivalent position which would have the same pay, benefits and working conditions provided the absence did not exceed the twelve weeks provided under the Family and Medical Leave Act. If the absence exceeded the twelve weeks allowable under the Family and Medical Leave Act the employee may not be reinstated to the same or similar position. If medically necessary, the City is committed to making reasonable accommodations for an employee's own medical condition, consistent with the business needs of the City. This may include offering the employee a position other than the one they held prior to medical leave should such a position be available. In such case, the pay, benefits and working conditions may differ from that of the position held prior to the leave. However, the City of Bellaire is under no obligation to create or design a position to accommodate any employee.

Denial To Return To Work – An employee on Family and Medical leave may be denied the opportunity to return to work if:

1. the employee would have lost their job had they not been on leave (i.e. layoff),
2. the employee fraudulently obtained Family and Medical Leave,
3. the employee worked elsewhere without approval by the Director of Human Resources during Family and Medical Leave, or
4. the employee fails to provide fitness for duty certification.
5. as a key employee, reinstatement would result in substantial and grievous economic injury to the City's operations and if the employee is provided the appropriate notice, stating such, at the commencement of his/her leave. A key employee is a salaried FMLA-eligible employee who is among the highest paid 10% of the company's (City's) entire workforce within 75 miles of the employee's worksite.

## SECTION 6.36

Leave Sharing Program

The purpose of this benefit is to allow employees to help one another in times of need. Employees may donate vacation and/or sick leave to other employees who may need additional leave as a result of a catastrophic illness or injury of the employee or a family member.

Type of Leave to Be Shared: Vacation and sick leave are the only leaves authorized for the Leave Sharing Program. Other paid leave such as holidays, floating holidays, compensatory time, etc. will not be considered for donations.

Eligibility Criteria: Leave sharing will be allowed only in the event of non-job-related catastrophic illness or injury of an employee, or a medical condition of an employee's family member requiring the presence of the employee. The employee must be in a no-pay status. Receiving workers' compensation, short term or long term disability will disqualify employees from receiving paid leave through the Leave Sharing Program. For the purpose of the Leave Sharing Program, "family member" includes spouse, children, parents, sisters, brothers, grandparents, or any legally designated dependent.

Recipients shall have no balance of personal leave including sick leave, vacation, holidays, floating holidays and compensatory time. All such leave must be exhausted prior to receiving leave from fellow employees through the Leave Sharing Program. Recipients may not be working at another job while receiving leave through the Leave Sharing Program.

A recipient, whose medical condition improves sufficiently to return to work, or whose family member no longer needs his/her presence, shall notify his/her supervisor immediately. Usage of leave previously approved shall cease upon the physician's release to return to work. An employee who fails to advise the City of the physician's release to return to work shall be deemed as having abused the program, and shall be required to repay all leave previously authorized through the leave sharing program and shall be subject to disciplinary action up to and including termination.

An employee's medical condition resulting from the following will be excluded from eligibility for the Leave Sharing Program:

1. Any job-related injury or illness which has been determined to be "compensable" by the Texas Workers Compensation Commission (TWCC);
2. normal pregnancy with normal delivery;
3. cosmetic surgery, unless such surgery is the result of, or was necessitated by an illness, accident or injury;
4. participation in or voluntary commitment to a psychiatric facility, detoxification center, or similar center for the purpose of rehabilitation from substance and/or alcohol dependency;
5. intentionally self-inflicted injuries such as injuries resulting from a suicide attempt;
6. injuries occurring as a result of secondary employment; or
7. injuries occurring in the course of committing a crime.

Employees are ineligible to participate in the Leave Sharing Program if they have not satisfactorily completed the in-training period. Likewise, employees are ineligible to use donated leave during the period of any disciplinary suspensions.

Procedures for Recipients and Donors: The Human Resources Department will provide the necessary forms for leave sharing. Requests to initiate leave transfers are submitted to the Human Resources Department by the employee's department head, and require the approval of the City Manager. The request, as submitted by the department head, must include the signature of the employee or a family member acting on the employee's behalf. Such signature indicates the employees' willingness to accept payment for leave through the Leave Sharing Program. The Human Resources Department will communicate the request to all employees, but will not reveal the identity of the recipient unless the recipient gives his/her permission.

Employees wishing to donate leave will do so on a voluntary basis by signing an authorization form indicating the number of hours to be donated. Authorization forms to transfer leave will be submitted directly from the donor to the Human Resources Department. The names of donors will be kept strictly confidential within the Human Resources Department and payroll office. Further, no employee shall be coerced or intimidated into sharing leave, and anyone guilty of such conduct will receive disciplinary action.

The transfers of leave will be used in the order in which they are received in the Human Resources Department. As the hours are transferred they will be deducted from the donor's balance. Only after the donor's hours are used will the donor's vacation or sick leave balance be changed. Leave given by a donor can be reclaimed by the donor only if the authorization form has not yet been processed. Authorization of those donors whose hours are not used will be considered void, and will not be deducted from the donor's vacation or sick leave balance.

Employees working 8-hour days and other alternate work schedules, except firefighters working a nine-day shift cycle, will be limited to receiving 30 working days (240 hours) of paid leave through the Leave Sharing Program. Fire personnel working nine-day shift cycles (12-hour shifts) are limited to receiving thirty 12-hour shifts (360 hours) of paid leave through the Leave Sharing Program. Review for possible extension of leave through the Leave Sharing Program may be made by the department head, Director of Human Resources and City Manager at 30-day intervals. Satisfactory proof of illness in connection with an employee's medical condition, or a statement from the attending physician of the need for an employee to attend a sick relative maybe requested.

The estate of a deceased employee is not entitled to payment for unused leave available to that employee through the Leave Sharing Program.

General Procedures: Leave given by one employee to another will be transferred on an hour-for- hour basis without regard to pay differential. In other words the recipient of the donated leave will be paid for the extra time at their current rate of pay. The minimum gift from one employee to another will be in whole one-hour increments of vacation or sick leave. Donors do not have to retain a minimum balance of vacation leave, however they must retain 240 hours of sick leave for 40 hour per week employees, and 318 hours for firefighters working a nine-day shift cycle. There is no limit on how many hours of leave an employee may donate.

Recipients of shared leave will be treated, for all other benefit and employment purposes, as if they are absent on earned sick leave. Sick leave, vacation and holidays will not accrue during periods of extended absence away from work. An extended absence is defined as any leave that exceeds three months. Further, should an employee receiving leave through the Leave Sharing Program also qualify for FMLA leave, the two leaves shall run concurrently.

Shared leave represents taxable income to the recipient. Employees who donate leave cannot claim such donation as a deduction or expense when filing federal income tax returns.

Reimbursement of Leave: Eligible recipients shall not be required to reimburse leave hours donated to them unless one of the following situations occurs:

1. Compensation is received from another source for the same period of time the employee received leave sharing hours, such as when monies are received from the leave sharing

program and subsequently workers' compensation benefits or long term disability benefits, etc. are received retroactively for that same period of time; or

2. The Human Resources Department determines a recipient of the Leave Sharing Program has abused the program, falsified information, or was otherwise not eligible for leave, the recipient may be required to repay all donated leave, and/or shall be subject to disciplinary action, up to and including termination.

If repayment is required, reimbursed leave hours will be returned to the original donor(s). Reimbursement will be made on an hour-for-hour basis without regard to pay differential.

## SECTION 6.37

### Bereavement Leave

All regular employees may be granted bereavement leave with pay for a period not to exceed three days (36 hours for firefighters) to be used in the event of the death of an immediate family member.

This leave will be coded as bereavement leave. For the purpose of authorizing bereavement leave, "immediate" family is defined as the following relationships applicable by blood, marriage or adoption: spouse, children, parents, sisters, or brothers, grandparents and grandchildren. Stepparents, stepchildren and any dependent designated by court order are also included in this policy. Former in-laws are not included in this policy. Bereavement leave will not be authorized for any other reason.

Employees may be granted up to four consecutive hours (6 hours for firefighters) of paid bereavement leave for the express purpose of attending the funeral of a fellow employee, friend or relative not considered part of the employee's immediate family. No employee will be entitled to more than eight hours (twelve hours for firefighters) of paid bereavement leave during any calendar year for the purpose of attending the funeral of a fellow employee, friend or relative not considered part of the employee's immediate family.

If additional time is needed, the employee may utilize accrued vacation, comp time, holiday leave or sick leave. Such additional time for bereavement leave will be contingent upon the operation of the employee's department during his/her absence.

Due to the potential for abuse of this privilege, department heads may require satisfactory documentation or proof of need.

## SECTION 6.38

### Employees Ineligible for Bereavement Leave

Part-time, temporary and seasonal employees are not eligible for paid bereavement leave but will be granted time off without pay to attend funerals.

## SECTION 6.39

Military LeaveApplication

This policy establishes the rules and procedures that apply to employees enlisted in the United States military reserves or the Texas National Guard that are required to take military leave and regular employees who present official induction orders (draft notice) to enter the United States Armed Forces.

Military Training Leave applies to regular full-time employees who take a leave of absence to fulfill a military training obligation that does not exceed 15 days in a 12 month period.

Military Active Leave applies to regular full time employees who are in the United States Reserves or Texas National Guard and called to active duty.

Military Training Leave

- a. The City provides Military Training Leave to employees who are required to satisfy military obligations under the Uniformed Services Employment and Reemployment Rights Act (USERRA) 38 U.S.C. Sec. 4301 et seq) or other applicable law.
- b. The employee will continue to receive his/her salary for a period up to 15 workdays in accordance with Section 431.005 of the Texas Government Code for military training leave annually.
- c. The employee may use accrued vacation, holiday or compensatory leave after exhausting the 15 days of Military Training Leave pay. Thereafter, military leave will be unpaid.
- d. Other benefits (i.e., vacation and sick leave) will continue to accrue during the 15 workdays of paid military leave.
- e. Holiday pay will be granted (paid) during the expenditure of the annual 15 workdays of military leave. Holiday pay will be paid at straight time.
- f. Employees will only be paid for workdays missed as a result of military leave. For example, if an employee works a standard five-day workweek Monday through Friday, the employee will only be paid for days they are scheduled to work but are absent due to a military leave obligation.

Military Active Leave

- a. The City provides Military Active Leave to employees who are required to satisfy military obligations under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. Sec. 4301 et. seq) or other applicable law.
- b. Federal law allows, but does not require, the employee to use accrued vacation, holiday or compensatory leave. Thereafter, military leave will be unpaid Military Active Leave.
- c. Upon the end of the leave, the employees will, upon request, be reinstated to the position or similar position held prior to taking active military leave.
- d. Other benefits (i.e., vacation and sick leave) will not accrue during the military leave.

General Leave Procedures for both Military Training Leave and Military Active Leave

To the extent possible, employees must provide as much written or verbal advance notice as possible, including written copies of military orders documenting the requirement to take military leave, to their immediate departmental supervisor.

The supervisor must notify the Department Director and the Department Director will provide a copy of the military orders to the Human Resources Department.

Benefits

- a. Medical and Dental Insurance. Employees may elect to continue dependent health insurance coverage as allowed by Federal law for up to 24 months from the date the leave begins, if serving more than 30 days. Otherwise, health insurance coverage is allowed for 18 months. The employee's coverage will be provided through COBRA and the employee is responsible for any premium payment. Employees will receive health insurance automatically on the day they return to the City as a full-time regular employee, but must complete the required medical insurance forms to reinstate coverage.
- b. TMRS Retirement Benefits. Employees who take military leave may apply to the Texas Municipal Retirement System (TMRS) for service credits for the time they were on leave, if the employee:
  - Returns to work within 90 days of the end of the leave;
  - Receives an honorable discharge;
  - Completes an application and forms required by TMRS;
  - Within five (5) years of the end of leave, deposits the money that would have been deducted from the employee's salary had the employee not been on leave.
- c. TMRS Supplemental Death Benefit. The TMRS Supplemental Death Benefit does not cover employees on active duty.
- d. Vacation & Sick Leave Accrual. An employee's period of military leave will be credited toward vacation accrual rate. Unused vacation and sick leave will remain on the record to be available when the employee returns.
- e. Holiday Pay. Employees on military leave of absence without pay are not entitled to holiday pay. Unused holiday leave will remain on the record to be available when the employee returns.
- f. Seniority. Employees returning from a military leave of absence are entitled to be restored to the seniority they had on entering service plus credit for the time spent in service.
- g. Deferred Compensation. Employee deferred compensation plans (457 plans) will be maintained while on leave. If reemployed, the employee may resume contributions or contact the deferred compensation plan provider to make any changes.
- h. Life Insurance. Life insurance terminates coverage the day the employee enters the armed services of any state or country on active duty, except for duty of 30 days or less for training in the Reserves or National Guard. If coverage terminates due to an approved leave of absence or a Military Leave, any waiting period or evidence of insurability requirement will be waived upon the employee's return, provided: 1) employee returns within six months after the leave begins; 2) the employee applies or is enrolled within 31 days after resuming active work; and 3) the reinstated amount of insurance does not exceed the amount which terminated.

Return from Military Active Leave

- a. Employees returning from Military Active Leave must provide written copies of their separation or deactivation orders to the City as follows:
  - Less than 31 days of leave – within 72 hours of their release from service.
  - More than 30 days, but less than 181 days of leave – within 14 days from their release from service.
  - More than 180 days of leave – within 90 days from their release from service.
- b. Reemployment. The City, in accordance with the following USERRA guidelines, will reemploy employees who:

- Served for a period of five (5) years or less (unless their service fits into one of the excused categories defined in USERRA);
- Are discharged under honorable conditions; and
- Reapply in a timely manner.
- Are able to perform the duties of the former/similar position.

c. An employee who is re-employed under this policy cannot be terminated from employment within 24 months from his/her re-employment date, except for cause.

SECTION 6.40

Employees Ineligible for Military Leave

Part-time and temporary employees will not be eligible for military leave.

SECTION 6.41

Personal Privilege Leave

Under certain conditions regular, full-time employees may be granted personal leaves of absence without pay. **HOWEVER, SUCH LEAVES WILL NOT BE AUTHORIZED FOR THE PURPOSE OF “TRYING OUT” OTHER EMPLOYMENT.** Department heads may authorize leaves of absence for a period not to exceed thirty calendar days in length. Longer leaves of absence will require authorization from the City Manager. Leaves of absence may not exceed one year in total duration.

Employees must request leaves of absence in writing well in advance of the date desired. Leaves may be requested for any legitimate purpose, but employees will be obligated to show that granting such leave is in the best interest of the City. If the leave exceeds three months, the employee will not be eligible for vacation, sick leave or holiday accrual and the employee must assume the responsibility of paying the entire monthly insurance premiums.

All family/medical leave, as described in Section 6.35 will count toward the maximum one year of leave provided in this section. All vacation, sick leave, holidays and paid insurance benefits received while on family/medical leave will be applied to the limitations set forth in this section.

SECTION 6.42

Administrative Leave

Administrative leave may be utilized at the discretion of the City Manager or department head when it is determined that a leave of absence is in the best interest of the City and/or the employee. Such leave may be with or without pay. The duration of the leave will be determined by the City Manager or department head.

SECTION 6.43

Jury Duty/Court Appearances

All employees will be excused from work for whatever time is necessary when they are subpoenaed for jury duty or to appear in a trial or court proceeding. Employees should notify their supervisor as soon as possible upon receiving said notice or subpoena so replacement personnel can be arranged. Regular, full-time employees shall be paid during their absence from work under certain conditions. Said conditions include when an employee has been subpoenaed for jury duty,

subpoenaed to testify in a trial or court proceeding that is pursuant to a work related incident or subpoenaed to appear in a trial or court proceeding as a victim or witness in a criminal case. Employees shall not receive compensation, unless authorized through leave of vacation, holiday, etc. when they are a defendant in a criminal case or a plaintiff in a civil case, even if said case is work related. In order for the absence to be excused and/or to receive compensation under applicable conditions, employees must furnish appropriate documentation from the court to their supervisor.

SECTION 6.44

Employees Ineligible for Jury Duty Pay

Part-time and temporary employees will not be eligible for jury duty pay. Part-time and temporary employees will be allowed time off without pay if they are called for jury duty or subpoenaed to appear in a trial or court proceeding as a victim or witness in a criminal case.

SECTION 6.45

Voting

Employees are strongly urged to register and to vote for the candidate of their choice in national, state, county and municipal elections. Employees should make every effort to vote outside normal working hours. In accordance with the Texas Election Code, Section 276.004(b) the City will provide employees with paid time off in which to vote on election day, unless the employee has two consecutive nonworking hours while the polls are open (generally, 7 a.m. to 7 p.m.).

Part-time employees will be allowed time off without pay to vote, unless the employee has two consecutive nonworking hours while the polls are open.

SECTION 6.46

Employees Ineligible for Paid Voting Leave

Part-time and temporary employees will not be eligible for paid voting leave.

SECTION 6.47

Unauthorized Absence

An employee on an unreported and/or unauthorized absence from work may be disciplined up to and including termination.

“Unreported/unauthorized absence” is defined as leave for which the employee failed to notify his/her department head or supervisor of the intent to be absent from work when reasonably able to do so.

Separation from employment under such circumstances will be recorded as job abandonment.

## Chapter 7

## SECTION 7.01

Retirement Plan

The City of Bellaire is a member of the Texas Municipal Retirement System (TMRS). The purpose of this plan is to provide an adequate and dependable program for the retirement of employees of Texas municipalities. Participation in the program is compulsory for all regular, full-time employees and for all part-time, non-temporary employees who are expected to work in excess of 1,000 hours per year. State laws governing TMRS require a specified contribution by each eligible employee. Employee contributions will be deducted from each paycheck. Under present law, TMRS deductions are tax-free. No income tax is owed until such time as retirement monies are drawn.

The City contributes two dollars for every one dollar contributed by the employee, to be available for the employee through monthly lifetime annuities when they retire from the City. Should a retiring employee choose to take a 100% lump sum distribution, they will **ONLY** receive an amount equal to their personal contributions and the interest that money has earned, and will forfeit what the City has paid on their behalf. There are several annuity options available to retiring employees, which are explained in detail in the TMRS Benefits Guide available online at [www.tmrs.org](http://www.tmrs.org) or in the Human Resources Department.

Employees considering applying for retirement benefits must notify the Human Resources Department of the desired retirement date. Effective dates of retirement must always fall on the last day of the calendar month. Your first annuity check will be mailed at the end of the month following your effective retirement date.

Any employee who ceases employment with the City is entitled to apply for a refund of their total deposits plus earned interest. In such cases the City's contributions will be forfeited. To apply for such a refund, an employee must contact the Human Resources Department.

For additional information regarding retirement benefits please visit [www.tmrs.org](http://www.tmrs.org) or contact the Human Resource Department or TMRS.

**NOTE: You may never borrow against your retirement account, nor may the account serve as collateral for securing any type of loan.**

## SECTION 7.02

Eligibility for Retirement

While you are a member of TMRS you are eligible to retire and to receive an annuity payment monthly for the rest of your life, if:

- You are at least 60 years of age and have at least 5 years of credited service with the system; or
- You are any age and have completed 20 years of service with the system.

(Note: Employees may have sufficient "combined service" in more than one of the Texas "statewide retirement systems" to be eligible for retirement under TMRS regulations. Time from other public employers you have worked for may also count toward your eligibility for vesting and retirement – see "Restricted Prior Service Credits" in the TMRS Benefits Guide).

## SECTION 7.03

TMRS Supplemental Death Benefit

The City of Bellaire provides supplemental death benefits through TMRS. Under the supplemental death benefit TMRS pays your beneficiary, should you die while still in the City's employment, a benefit approximately equivalent to your salary over the 12-month period immediately preceding your death. This payment would be separate from any benefit your beneficiary would receive from your actual retirement account. This benefit also provides a \$7,500 death benefit for retirees. For additional details regarding this benefit please refer to the TMRS Benefits Guide or contact TMRS.

## SECTION 7.04

Refund or Rollover of Retirement Contributions

If your employment with the City terminates and you are not eligible to retire or are not vested in the retirement system, your retirement contributions may remain in an inactive account for no longer than five years, unless you become employed by another TMRS city. You must apply for a refund or rollover of your contributions before the end of five years from the time of your termination or your account will be unavailable to you. This refund or rollover will include the employee's contributions and any accrued interest on the employee's contributions. In the event of a refund or rollover the City's contributions will be forfeited.

To apply for a refund or rollover of your retirement contributions contact the Human Resource Department.

Applications for refund or rollover of retirement contributions are filed with the Human Resources Department but are processed through TMRS in Austin. It may take up to two months from the time an application is signed until the member receives a refund check or a rollover is completed.

Please be aware that all contributions made to TMRS after January 1, 1984 were tax deferred, meaning you will owe income tax on these contributions when you file your income tax return for the year in which you receive your refund.

For additional information please refer to [www.tmrs.org](http://www.tmrs.org).

## SECTION 7.05

Retirement Age

The City of Bellaire does not have a mandatory retirement age.

## SECTION 7.06

Social Security and MedicareSocial Security

Only part-time, temporary and seasonal employees who are not eligible for participation in TMRS will participate in Social Security while employed by the City of Bellaire. Employees who are covered by Social Security will be subject to a payroll deduction, which will be matched in equal amounts by the City of Bellaire. This tax is often referred to as FICA and the amount of FICA tax may increase at anytime in the future.

All full-time, regular employees of the City of Bellaire who are eligible for participation in TMRS do not participate in the Social Security System and no deductions for Social Security will be withheld from their paychecks.

For employees not participating in Social Security, to plan your retirement, you should be familiar with the latest rules on how TMRS may affect Social Security benefits. Under certain circumstances, your Social Security retirement, disability, or survivors benefit may be reduced by your TMRS pension. This is based on the fact that you are earning your TMRS pension while performing work NOT covered by Social Security. For more information, ask any Social Security office for the leaflet, A PENSION FROM WORK NOT COVERED BY SOCIAL SECURITY RETIREMENT OR DISABILITY BENEFITS – WINDFALL ELIMINATION PROVISION or refer to [www.socialsecurity.gov](http://www.socialsecurity.gov).

Another provision, known as the "Government Pension Offset", can reduce Social Security benefits you may expect to receive on your spouse's Social Security record if you are also eligible for a public pension (TMRS) based on your work that was NOT covered Social Security. We urge you to learn more about this offset and possible exceptions to it by asking any Social Security office for the leaflet, GOVERNMENT PENSION OFFSET – A LAW THAT AFFECTS SOCIAL SECURITY SPOUSES' OR WIDOW'S BENEFITS.

It is very important to plan in advance for your retirement and familiarize yourself with the provisions of the Social Security System in that regard. These provisions are complex and change frequently. Therefore, we recommend that you contact Social Security Administration with any questions.

#### Medicare

Medicare is a Federal health insurance program for people 65 or older. Employees hired by the City of Bellaire prior to April 1, 1986 do not contribute to Medicare unless they elected to do so on June 1, 1993. Changes in the laws governing Medicare require all employees hired after March 31, 1986 to contribute to Medicare benefits. The City in turn matches the deduction in equal amounts for all employees hired after March 31, 1986 and for those who elected Medicare coverage on June 1, 1993. This tax may increase at any time in the future.

### SECTION 7.07

#### Workers' Compensation

The City of Bellaire is self-insured for workers' compensation coverage through the Texas Municipal League Intergovernmental Risk Pool to protect employees injured as a direct result of the duties being performed in the course of employment with the City. If you are injured on the job, workers' compensation insurance may pay medical costs, and income benefits to replace part of lost wages. Death benefits may also be paid to legal beneficiaries of employees killed on the job.

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job. It is not designed to cover "ordinary diseases of life."

### SECTION 7.08

#### Seeking Medical Treatment for Workers' Compensation Injuries

If you are injured on the job and require emergency medical treatment go to the nearest hospital emergency room. For all other medical treatment including follow-up care after being treated at the hospital you must select a doctor from the Political Subdivision Workers' Compensation Alliance. The Alliance doctor list may be found at [www.pswca.org](http://www.pswca.org) or you may call 866-99-PSWCA.

If you receive health care from a doctor other than an Alliance doctor without approval from the Texas Municipal League Risk Pool adjuster you will personally assume the risk of payment for medical treatment and potential loss of income benefits.

Do not use your City health insurance coverage for a workers' compensation injury, as this is in violation of your health insurance coverage and would be considered insurance fraud.

Before receiving medical treatment, tell the doctor the injury occurred at work.

Workers' compensation pays medical benefits for reasonable and necessary medical treatment of a compensable injury. A compensable injury is an occupational injury or exposure that causes damage or harm to the body, and that arises out of and in the course and scope of employment.

SECTION      7.09

Accident/Injury Reporting Procedures

1. Reporting the Injury

All job related injuries MUST be reported immediately to your supervisor or department head, even if you feel the injury is very minor and does not require the attention of a doctor or hospital treatment. If you have reason to believe you have been exposed to an occupational disease or health risk, you should notify your supervisor or department head as soon as you have knowledge or suspect that the exposure has taken place. Failure to report injuries or exposures may cause the claim to be denied by the workers' compensation carrier.

When reporting a work-related accident/injury or possible exposure please provide the following information to your supervisor or department head:

- a. Your name, address and phone number.
- b. Date, time and place the injury occurred.
- c. A description of the circumstances and nature of the injury.
- d. Names of any witnesses (if known).
- e. Name and location of the health care provider (physician or hospital) that will treat you.
- f. Name of the person (if any) acting on your behalf.

If you report an injury and do not know when the injury occurred, if there are no witnesses to the accident, or if injury is not directly related to or caused by a specific accident occurring in the performance of your assigned job duties, the carrier requires us to report the accident as "alleged." Decisions on whether or not injuries will be covered by workers' compensation are made by the carrier, not by the City of Bellaire.

You are also required by law to file a claim for compensation with the Texas Workers' Compensation Commission using Form TWCC-41, within one year of the injury. Call TWCC at the local field office 713-943-0800 for assistance. Even if you are already receiving weekly checks, a claim must be filed. All benefits may be denied if you fail to give notice of the injury to your supervisor or department head within 30 days, or fail to file a claim with TWCC within one year, unless you have good cause.

You cannot be discharged for filing a workers compensation claim. Texas law prohibits an employer from discharging or otherwise discriminating against you because you, in good faith, file a claim or hire an attorney to represent you in a workers' compensation claim. The City of Bellaire protects and upholds this employee right, both as matters of law and policy.

2. Exposures to Diseases

In order for law enforcement officers, firefighters, paramedics or emergency medical technicians who claim a possible work-related exposure to a reportable disease, including HIV infection, to qualify for workers' compensation benefits, the employee must be tested for the disease not later than the tenth (10<sup>th</sup>) day after the exposure, and must provide the City a sworn affidavit of the date and medical provider performing the test, as well as the date and circumstances of the exposure. The test result must indicate the absence of the disease. The employee is not required to pay for the test.

Reportable diseases are those communicable diseases and health conditions required to be reported to the Texas Department of Health. Exposure criteria and testing protocol must conform to Texas Department of Health requirements.

For additional information contact the Human Resources Department, or the Texas Workers' Compensation Commission. Also contact the Texas Department of Health (TDH) to ensure full compliance with the Health and Safety Code and TDH rules.

3. Penalty For Fraud

Fraud is an administrative violation punishable by a penalty of up to \$5,000. Fraud is committed if a person, to obtain or deny payment of workers' compensation benefits for himself or another, knowingly or intentionally:

- a. makes a false or misleading statement;
- b. misrepresents or conceals a material fact;
- c. fabricates, alters, conceals or destroys a document;
- d. or conspires to commit one of the above three acts.

Fraud may also be prosecuted as a criminal act.

4. Other Employment While On Workers' Compensation

In the event you wish to accept other employment or perform services for pay for third parties during any period of convalescence, you must first notify the Director of Human Resources and obtain approval. If you fail to notify the Director of Human Resources and/or obtain approval, you may be subject to disciplinary action and/or loss of benefits.

5. Supervisors' Responsibilities

Supervisors shall first respond to the immediate medical needs of any injured persons. Then they should begin reporting and investigative activities. All injury forms must be forwarded to the Human Resources Department immediately. The City of Bellaire is subject to extensive fines if injury forms are not promptly filed. Additional information obtained from the investigation can be added at a later date.

## 6. Recuperation Period

If the doctor recommends convalescence at home, you will be expected to contact your supervisor once a week during your time away from work. If you are absent without a doctor's excuse, that time missed will be charged to sick leave or leave without pay if no sick leave is available.

### SECTION 7.10

#### Return-to-Work Program

The City of Bellaire has a Return-to-Work Program available for all full-time employees injured on the job. This program provides the injured employee with immediate and appropriate medical attention and attempts to provide opportunities to return the employee to safe, productive work as soon as medically reasonable.

The ultimate goal is to return qualified employees to their original jobs. The Return-to-Work Program will attempt to provide alternative productive work that meets the injured employee's capabilities.

The Return-to-Work procedures are developed to meet the Texas Workers' Compensation laws and rules, Americans with Disabilities Act, and Family Medical Leave Act that support and encourage return-to-work programs.

#### Procedures

The return-to-work coordinator is the Director of Human Resources.

After medical treatment, if the employee is unable to return to work the next day, the employee should request a written statement of any restrictions he/she may have in performing their tasks and an expected return-to-work date from the physician. The employee is required to provide this information to his/her supervisor as soon as possible, preferably on the day of the injury. The supervisor should deliver the physician's information to the Director of Human Resources as soon as possible, preferably within the workday it is received from the employee.

For injuries requiring time away from work, the Director of Human Resources will send a return-to-work packet to the physician if modified duties are available. This packet will contain a copy of the City's Return-to-Work Policy, the employee's current job description, a list of alternative duty assignments, and an employee physical evaluation from (TWCC-73). The physician will be asked to complete the employee physical evaluation form and return it to the Director of Human Resources and workers' compensation carrier by the end of the second working day following the date of the examination.

If the physician indicates the employee is not able to return to their regular duties, even with minor modifications, but is physically able to perform alternative assignments in their own or another department, the employee will be required to report to that position. The priority will be to return employees to their own departments unless duties are not available.

If your doctor recommends modified duty, you will be expected to accept any modified duty assignment offered to you, including assignment to another department. Refusal to accept modified duty may result in loss of workers' compensation benefits and the City's salary continuation benefit.

Upon receipt of notification from the physician that the employee can return to work either their job with modifications or another assignment, the Director of Human Resources will notify the employee in writing with a bona fide offer of employment stating the components listed in an attachment. The offer should stipulate the pay to be received by the employee, shift/schedule of the position and any

other pertinent information. If the offer is made at a lower pay rate, the worker's compensation carrier will make up 70% of the difference of the employee's former pay.

The City cannot guarantee the availability of alternative or modified duty in every situation. Further, this Return-to-Work Program is intended to provide temporary alternative or modified work; in no way is it intended to be an indefinite duty assignment.

Alternative or modified work assignments shall not exceed twelve (12) weeks within a twelve month period from the time the employee is first placed on alternative or modified work assignment, regardless of the number of injuries/illnesses sustained during that twelve month period. Extensions beyond twelve (12) weeks must be approved by the City Manager and Director of Human Resources. At least every thirty (30) days employees on alternative or modified work assignments shall present a current statement from a physician with an estimated date of return to regular duty.

You may not be employed at another job without obtaining prior approval from the Director of Human Resources, perform any actions or any duties contrary to your recovery process, or be engaged in other outside activities which, based on medical opinion, would indicate physical ability to perform the essential functions of your regular position.

Prior to returning to regular duty, a statement from a medical doctor is required which gives full release for the employee to perform all the essential functions of their regular position.

## SECTION 7.11

### Eligibility for On-The-Job Benefits

1. If you are a regular, full-time employee and are injured on the job and provide a doctor's statement describing your condition in detail, stating you are unable to work, the City will continue your salary for the first eight calendar days in connection with the injury—this time shall be coded as injury leave. If, at the end of that period, you are still unable to report back to work, you may be entitled to workers' compensation income benefits as determined by the Texas Workers' Compensation Commission. You may receive a weekly workers' compensation payment and a supplemental salary from the City which together will equal 100 percent of your regular rate of pay. This arrangement will continue for a period of six months, until you reach maximum medical improvement or until you return to work, whichever comes first. Absences during this period will be carried as injury leave and will not be charged to sick leave, vacation or any other accrued credits.

When you receive a workers' compensation check from the City's carrier, you should deposit or cash that check for your own benefit. Workers' compensation benefit checks are not subject to Social Security/Medicare or income tax withholding.

When the Human Resources Department receives notice from the City's carrier that you have received a check and the amount of that check, that amount will be deducted from your next paycheck from the City. You should be aware that the deductions from your paychecks for the workers' compensation benefits will be running a couple of weeks after you have actually received the benefit check. Since you will receive the workers' compensation checks on a weekly basis, the deductions from your regular, paychecks will usually represent more than one workers' compensation check. Also, since the deductions are taken later than the compensation checks are received, there will be deductions that must be taken out of your paychecks even after you return to work.

All workers' compensation leave time and benefit provisions will count toward the twelve weeks leave provided in Section 6.35, Family/Medical Leave.

## 2. TMRS Deductions While on Workers' Compensation

Compensation that is to be reported to TMRS (and upon which the City's and your TMRS contributions are to be based) while on injury leave is the total of the workers' compensation payments paid by the insurance carrier and the supplemental salary payment made by the City. Further, even if the City does not pay the supplemental salary, you must still pay the appropriate amount of TMRS contribution to the City as you receive the workers' compensation payments, and the City will then forward your payment and the City's matching payment to TMRS.

Depending on the nature of the injury you may qualify for "Impairment Income Benefits" and/or "Supplemental Income Benefits". These benefits represent settlements from the insurance carrier based on the extent of impairment in connection with a work-related injury, paid to you over a period of time. You must also make payment to the City for TMRS contributions based on these benefits, and the City will also contribute the appropriate match.

## 3. Recuperation Longer Than Six Months

If your recuperation lasts longer than six months, you may elect to supplement your workers' compensation benefit with accrued sick leave, vacation, holidays, comp time or long-term disability. If you elect to use your sick leave, vacation, holidays, comp time or long-term disability the amounts of your workers' compensation checks will be deducted from your paychecks covered by these benefits. At no time can you receive workers' compensation and accrued leave benefits, which together exceed the amount of your regular salary.

Long-term disability insurance benefits may also be available for employees off work for six months due to medical conditions which prevent them from performing the essential functions of their job. Employees must submit applications for this benefit to the long-term disability carrier. Approval of long-term disability is made solely by the City's insurance carrier based on medical evidence provided by the physician/s.

## 4. Other Benefits While on Workers' Compensation Leave

The City will continue to contribute to insurance premiums in the same manner as for any employee actively at work for one year from the date supplemental salary continuation ends. During such leave, the amount of insurance premiums that are normally paid by the employee through payroll deductions will still need to be paid to the City by the employee or a representative acting on his/her behalf. Should a leave due to illness, injury, long-term disability or any other medically approved leave result in termination of employment, the City will no longer continue to pay any type of insurance premium.

Should your absence exceed six months, you will not be eligible for vacation, sick leave or holiday accrual during the duration of the absence.

## 5. Qualifying for Workers' Compensation Benefits

In order to receive workers' compensation benefits, you must adhere to the following:

- a. You must furnish sufficient proof to verify that the injury or accident did occur on the job and does prevent you from performing your regular job duties or any other assigned tasks.
- b. You must follow the same injury reporting procedure outlined in Section 7.09 of this Handbook. If you are to convalesce at home, you are expected to contact your supervisor once a week and be accessible by telephone during business hours. If you fail to communicate with your supervisor, you may be subject to loss of supplemental

benefits. If you are a registered patient in the hospital, you will not be required to contact your supervisor during your hospital stay.

- c. You must return to work the next business day after being released by the doctor. In the case of police personnel and firefighters, their next regular shift of duty. Failure to return to work when directed will result in appropriate disciplinary action, loss of supplemental benefits and compensation benefits, and the employee will be considered absent without pay.
- d. You must keep all appointments with the doctor. Willful failure to do so will result in loss of eligibility for supplemental benefits.
- e. You must provide your doctor with an appropriate authorization to release information to a representative of the City and encourage him/her to cooperate with the City while you are on workers' compensation leave. If the City contacts the doctor, either in writing or in person, requesting a report to determine your condition and recovery progress, and such report is not forthcoming or is deemed unsatisfactory by the City, the City has the right to send you to its designated doctor.

Note: The City reserves the right to send an employee to its designated doctor at any time.

- f. You must follow the doctor's instructions for recuperation so as to return to work fully recovered, as quickly as possible, without causing physical harm to yourself.
- g. You may not be employed at another job without obtaining prior approval from the Director of Human Resources, perform any actions or any duties contrary to your recovery process, or be engaged in other outside activities which, based on medical opinion, would indicate physical ability to perform the essential functions of your regular position.
- h. You must meet any other requirements as may, from time to time, be imposed by the City's insurance carrier.

#### 6. Who is Covered by Workers' Compensation

All employees, including regular part-time and temporary, are covered by workers' compensation insurance through the City of Bellaire. However, temporary and part-time employees are not eligible for the additional salary continuation benefits.

Individuals performing services for the City of Bellaire through any type of temporary or employment agency, as well as any contract employees are not covered on the City's workers' compensation insurance and are not eligible for any salary continuation, sick leave or long-term disability benefits. Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and are not employees of the City of Bellaire. These individuals are encouraged to verify their workers' compensation coverage through the agency, which they are employed by, or to seek their own personal coverage for this purpose.

#### SECTION 7.12

##### The Texas Workers' Compensation Commission

Employees may obtain additional information about their workers' compensation rights from any office of the Texas Workers' Compensation Commission or by calling 713-943-0800.

The OMBUDSMAN Program at the Texas Workers' Commission provides services to protect the rights of injured workers. However, the OMBUDSMAN cannot provide legal advice. The OMBUDSMAN Program is a free service of the Texas Workers' Compensation, the state agency that monitors workers' compensation claims. The OMBUDSMAN is a person who helps individuals understand how the system works. The OMBUDSMAN: assists injured workers in getting benefits under the Texas Workers' Compensation Act, assists persons in getting death benefits under the Texas Workers Compensation Act, provides general information on the workers' compensation system, explains benefits and responsibilities in making a claim, communicates with employees, insurance carriers and health care providers on behalf of the injured workers as needed, investigates complaints and helps protect the rights of injured workers, employers and other parties in the workers' compensation insurance system. If you have questions or need assistance from the Texas Workers' Compensation Commission OMBUDSMAN Program, please contact the OMBUDSMAN at 713-943-0800.

#### Reporting Unsafe Working Conditions

The Texas Workers' Compensation Commission has established a 24-hour toll-free telephone number for reporting unsafe conditions in the work place that may violate occupational health and safety laws. The City of Bellaire is prohibited by law from suspending, terminating or discriminating against any employee who in good faith reports an alleged occupational health or safety violation. The City of Bellaire protects and upholds this employee right, both as matters of law and policy. You may contact the Division of Workers' Health and Safety, Texas Workers' Compensation Commission at 1-800-452-9595 to report unsafe working conditions. However, as it is the full intention of the City of Bellaire to provide a safe working environment for all employees at all times, you are encouraged to inform your supervisor or department head immediately if you believe an unsafe condition or situation exists.

### SECTION 7.13

#### Accidents Not Covered by Workers' Compensation

Injuries resulting from accidents occurring while you are working for an employer other than the City of Bellaire are NOT COVERED under the City's salary compensation plan, workers' compensation insurance plan or any other hospitalization or compensation plan offered by the City of Bellaire. Police officers will be covered if the injury occurs while performing official duties for the City of Bellaire.

If you are self-employed after hours or on your days off, and are injured while working your own business, you will not be covered by workers' compensation or any other insurance offered by the City of Bellaire.

The above regulations are required by our workers' compensation and insurance company carriers, and are not subject to change by the City of Bellaire.

Any employee holding or even considering outside employment, whether full or part-time, is encouraged to contact the Human Resources Department for further clarification of our insurance coverage.

### SECTION 7.14

#### Dental Insurance

All regular, full-time employees will be covered for dental insurance at no charge to the employee. The entire premium cost will be paid by the City. Your dental insurance is effective the first day of the month following your employment, and ends on the last day of the month you cease

employment. If you would like your spouse and/or children to be covered, you may elect to carry dependent coverage. Upon termination of employment, except in cases of gross misconduct, you are eligible for continued dental insurance coverage at the regular monthly premium charged the City by the carrier for a period of 18 months. If you have dependent coverage, under certain circumstances, known as qualifying events (e.g. divorce, death, etc.) your dependents may elect to continue their insurance at the regular monthly premium charged the City by the carrier, for a period of 36 months. For more detailed information, please refer to the pamphlet on dental coverage available in the Human Resources Department.

Part-time and temporary employees are not eligible for dental insurance coverage.

## SECTION 7.15

### Medical Insurance

The City offers all regular, full-time employees medical insurance. The City pays the majority of employee's premium of the employee only plans. If you wish, you may also purchase medical insurance for your spouse and/or your dependent children. The City pays a portion of the dependent's medical insurance.

Your insurance is effective the first day of the month following your employment date, and ends on the last day of the month you cease employment with the City. Should you wish to change to a different medical plan, you may do so during the City's annual Open Enrollment period.

Upon termination of employment, except in cases of gross misconduct, you are eligible for continued health insurance coverage by paying the regular monthly premium, charged the City by the carrier, for a period of 18 months, or 29 months if employment terminates due to Social Security qualifying disability. If you have dependent coverage, under certain circumstances, known as qualifying events (e.g. divorce, death, etc.) your dependents may elect to continue their insurance by paying the regular premium, charged the City by the carrier, for a period of 36 months. At the end of these continuation periods, you and/or your dependents may convert your health insurance to a private policy.

Part-time and temporary employees are not eligible for health coverage.

### Health Plan Qualifying Events

Throughout the course of a plan year, certain qualifying events may occur which allow employees to add, change or terminate health or dental plan elections. To make any changes, notify your human resources representative within thirty (30) days of the qualifying event date for these changes to be effective. These qualifying events must result in you, your spouse, or your qualified dependent gaining or losing eligibility for health insurance coverage. Proper documentation surrounding any of these events is required.

Note: If Human Resources is not notified within thirty (30) days of the qualifying event date, employees will need to wait to make any changes to health plan elections until the open enrollment period.

#### Examples of qualifying events:

- Change in legal marital status, including marriage, death of spouse, divorce, legal separation, or annulment.
- Change in number of dependents, including a change due to birth or adoption.

- Change in employment status of employee, spouse, or dependent including a beginning or termination of employment, beginning or termination of an unpaid leave of absence, or a change in employment status (e.g. exempt to non-exempt).
- If a dependent satisfies or ceases to satisfy the requirements for coverage due to reaching a certain age.
- If employee, spouse, or eligible dependent changes his or her place of residence, but only if such change affects the persons' eligibility for coverage.

Please contact Human Resources directly for more information about qualifying events, as this list is not inclusive of all qualified change in status events.

#### Retiree Health Insurance

Employees separating employment with the City who have had at least five years of service with the City of Bellaire, and are eligible for TMRS retirement benefits at the date of separation may purchase retiree medical insurance through the City. Other terminating employees may be eligible for continued medical coverage under applicable federal laws.

Any dependents you have on your insurance policy at the beginning of the plan year, during which your retirement occurs, may remain on your insurance after your retirement. No new dependents may be added at the time of your retirement.

You may only opt for retiree medical insurance the first of the month following retirement. Should you waive retiree insurance upon retirement you will not be able to elect it at a later date.

The retiree is responsible for remitting medical insurance premiums to the Finance Department on or before the first of each month for that respective month. Should the first of any month fall on Saturday, Sunday, or a holiday the premium will be due on the business day prior to the first of that month. If payment is not received on or prior to the first of the month the privilege to continue under the City's coverage will be terminated.

#### SECTION 7.16

#### Life, Accidental Death and Dismemberment & Personal Loss Insurance

The City of Bellaire provides all regular, full-time employees with life insurance at no charge to the employee. Subject to all the terms of the group policy, life insurance amounts are:

1. Basic Life Insurance – 200% of your annual earnings, subject to a maximum amount of \$200,000.
2. Accidental Death and Dismemberment – The lesser of 200% of your annual earnings or \$200,000.
3. Passenger Restraint (Seat Belt) Benefit - \$10,000; Airbag Benefit - \$5,000
4. Education Benefit - 5% of principal sum or \$5,000/yr per dependent child for up to 4 years
5. Child Care Benefit – The lesser of 3% of principal sum or \$2,000 per year per dependent child for up to 4 years

Your life insurance is effective the first day of the month following your employment, and covers you until the last day of the month in which your employment ceases. At the time your employment ceases, you will have 31 days to convert to an individual life insurance policy.

Employees may also purchase supplemental life insurance. The premiums for the supplemental life insurance will be deducted from the employee's paycheck once approval is received from underwriting.

Supplemental life insurance is also available for spouses or dependent children.

The City also provides supplemental death benefits through the Texas Municipal Retirement System (TMRS). Under the supplemental death benefit, TMRS pays your beneficiary, should you die while still in the City's employment, a benefit approximately equivalent to your salary over the 12-month period immediately preceding your death. This payment would be separate from any benefit your beneficiary would receive from your actual retirement account. This benefit also provides a \$7,500 death benefit for retirees. For additional details regarding this benefit please refer to the TMRS Benefits Guide or contact TMRS.

## SECTION 7.17

### Short and Long Term Disability

The City has arranged for its employees to be protected against loss of income due to medical disability by providing a short-term salary continuation plan and long-term salary indemnity insurance program. This insurance will provide you with an income if you are medically unable to do any type of work for an extended period of time. Both the short-term salary continuation and the long-term disability plans are offered at no cost to the employee. Appropriate documentation will be required to substantiate employees' eligibility.

The short-term and long-term disability plans may not be converted to a private plan upon termination. Holidays, vacation leave and sick leave will not accrue during periods of extended absence away from work. An extended absence is defined as any leave that exceeds three months. However, in the case of such leaves, the City will continue to contribute to insurance premiums in the same manner as for any employee actively at work. During such leaves, the amounts of insurance premiums that are normally paid by the employee through payroll deductions will still need to be paid to the City in the form of check or money order. Unless otherwise stated for fire, police and communications officers, holidays that occur while an employee is on STD will continue to be treated/coded as STD and there shall be no additional compensation/accrual for such holidays.

If the employee is approved for long-term disability by the City's insurance carrier, the employee's service with the City will be terminated after one cumulative year if the employee is not able to return to work. Should a leave due to disability result in termination of employment the City will no longer continue to pay any type of insurance premiums. See Section 7.14 and 7.15 for information regarding self-paid continuation of health and dental plans.

Short-term salary continuation may be effective on the 31<sup>st</sup> calendar day of your time away from work due to non-occupational illness or injury, or after all accrued sick leave, vacation, holiday and compensatory time has been exhausted, whichever occurs last. The benefits are structured as follows:

| <u>Length of Employment</u>                   | <u>Short-Term Salary Continuation</u>  |
|---|--|
| Less than one year                            | None (i.e., sick leave only)   |
| One or more years, but less than three years  | 66 2/3% of pay up to 60 calendar days;<br>50% of pay for next 90 calendar days |
| Three or more years, but less than five years | 75% of pay up to 60 calendar days;<br>60% of pay for next 90 calendar days     |

|                    |   |
|--------------------|---|
| Five of more years | 100% of pay up to 60 calendar days;<br>75% of pay for next 90 calendar days |
|--------------------|---|

Employees who return to work from either short or long term disability will not be eligible for additional short term disability for a period of eighteen months from the date they return to work.

Eligibility for short-term salary continuation does not necessarily mean you will be approved by the long-term disability carrier. If approved as disabled by the carrier, long-term disability benefits are effective on the 181<sup>st</sup> calendar day of your time away from work due to illness or injury. In other words, an employee must be absent from work for six months before long-term disability goes into effect. Long-term disability pays an amount equal to 60% of the employee's monthly salary, to a maximum of \$5,000 per month. This benefit may be payable until the employee is no longer disabled or turns age 65. This policy is intended to protect employees against long-term loss of income due to major disabilities. For more information regarding long-term disability, you may obtain a copy of the certificate from the Human Resources Department.

## SECTION 7.18

### Eligibility for Disability Benefits

Only regular, full-time employees are eligible for the City's short-term and long-term disability benefits.

The City reserves the right to require employees receiving any type of sick leave or disability benefits to submit to a doctor of the City's choosing for a medical evaluation at any time either prior to or during the period of illness or disability. Similarly, department heads may require a written statement from the attending physician confirming the employee's ability to resume his or her job duties before permitting the employee to return to work.

## SECTION 7.19

### Employee Assistance Program (EAP)

The City of Bellaire recognizes that a wide range of problems – such as marital or family difficulties, alcoholism, drug abuse, child or spouse abuse, troubled teenagers, depression and mental health disorders, financial or legal difficulties – not directly associated with an individual's job function can nonetheless be detrimental to an employee's performance on the job. Such problems may lead to work place tension, diminished safety, lower productivity, and employee turnover. Consequently, we believe it is in the best interest of employees and the City to provide an effective program to assist employees and members of their households in resolving problems such as these, as the need arises. To this end, our employee assistance program (EAP) provides consultation services for referrals to qualified professionals for assistance.

All employees are free to use this program and are encouraged to do so. Employee visits to the EAP are held in confidence to the maximum extent possible, and in a manner not to jeopardize their job with the City. If the EAP representative determines that the employee should be referred to a qualified professional outside the EAP staff, the individual's regular health insurance will be considered. If necessary services are not covered by insurance, the counselor will try to help the individual minimize the cost by making referrals to the most affordable resource. The employee will be responsible for these charges, but many services are available which are based on ability to pay. The EAP services, consisting of short-term resolution, and assessment and referral sessions are available at no cost to the employee.

Participation in the EAP does not excuse employees from complying with normal City policies or from meeting normal job requirements during or after receiving EAP assistance, nor will participation in our EAP prevent the City of Bellaire from taking disciplinary action against any employee for performance problems that occur before or after the employee's seeking assistance through the EAP.

All information concerning the use of the Employee Assistance Program is considered confidential and it is considered a violation of this policy to discuss any information concerning the use of the EAP with anyone other than the involved employee.

Sick leave, vacation or comp time can be used for EAP appointments.

The EAP services are also extended to members of the employee's household.

SECTION      7.20

Internal Revenue Code, Section 125

Under Section 125(d) of the Internal Revenue Code of 1986 you may be eligible to take advantage of certain federal income tax laws which allow you to pay your share of the cost of your health and dental premium on a tax free basis.

This works by "redirecting" part of your pay before federal income taxes are computed. Under a Section 125 Program, the employee enters into a salary reduction agreement with the City and places this money into a premium conversion account. This account belongs to the City, but the employee can use the money for qualified health care contributions. This arrangement allows payment of these expenses with pretax dollars, thereby reducing the cost to the employee. In other words, your "take-home" pay is higher than if you paid those actual expenses without the benefit of a Section 125 plan. The actual savings will vary with each employee depending on salary and tax status.

These tax advantages are based on the law as it stands at the time of this printing. In the future, these laws may change. If any significant change in the law takes place, you will be notified.

You may not change or stop the premium conversion except during annual election period or within 30 days of a qualifying event to add a spouse or dependent child, or within 60 days of a qualifying event to drop a spouse or dependent child. A change in family status refers to an allowable change during the plan year. The events that qualify as a change in family status include:

1.    Gain dependents (includes marriage, the birth of adoption of a child, etc.)
1.    Loss of dependents (through divorce, death, child no longer an eligible dependent, etc.)
2.    Loss or commencement of medical or dental coverage for you or any of your dependents because your spouse lost or gained employer provided benefits.

Based on your choice of medical and dental plans, if there are deductions made from your paychecks for these premiums you will automatically be enrolled in the Premium Conversion Plan from January 1 through December 31 of each year. If you do **NOT** wish to participate in the "pre-tax" plan, you must sign a statement to that affect and submit the statement to the Human Resources Department.

Chapter 8

SECTION 8.01

Conduct and Expected Behaviors

It will be the duty of each employee to maintain high standards of cooperation, efficiency and economy in his or her work for the City. Department heads and supervisors will plan, organize and direct the work of their subordinates to achieve these objectives.

All employees will be expected to satisfactorily perform the job duties for which they have been employed, to maintain a high level of professional conduct on the job, to render courteous and efficient service to the public, to be mindful of safety practices and to exercise the utmost care in the use of City property.

Employees will be required to comply with all orders or directions given by a supervisor concerning work assignments, job performance or investigation of any matter relating to past, present or future job status or performance.

The City of Bellaire reserves the right to terminate its employees at any time, for any reason, with or without cause or notice.

SECTION 8.02

Working Relationships

When work habits, production or personal conduct of an employee falls below a desirable standard, supervisors should point out deficiencies at the time they are observed. Warning in sufficient time for improvement should precede any formal discipline but nothing in this section will prevent immediate formal action whenever the interest of the City requires such action.

Department heads will be responsible for the introduction, implementation and enforcement of good disciplinary practices and grievance resolution procedures in their respective departments in accordance with Section 8.07 through 8.08 of this Employee Handbook.

SECTION 8.03

Orders From Supervisor

When any question arises concerning an interpretation of an order of a supervisor, the employee is expected to complete the task assigned and settle any complaint with the supervisor at a later time. If satisfaction cannot be obtained at this level, the employee may choose to use the formal complaint procedure. Appeals concerning interpretations of orders of supervisors will only be considered where it is alleged that the supervisor's order is vague, indefinite or ambiguous, or the order relates to a subject matter not in any way connected with the performance of duties and services for the City of Bellaire or the employee's status.

However, no employee will follow an order from a supervisor if following the order would result in the employee committing an illegal and/or immoral act or if it would result in placing the employee or others in physical danger outside the normal requirements of the position.

In accordance with the Texas "Whistle Blower's Act", employees may not be suspended, terminated, or otherwise discriminated against for reporting a violation of the law to the proper law enforcement agency. The City of Bellaire protects and upholds this employee right, both as matters of the law and policy.

## SECTION 8.04

Discipline Guidelines and Prohibited Behaviors

Progressive discipline shall be followed; however, depending on the severity of the violation, management may impose an action, up to and including termination of employment with the City without prior notice or counseling. This applies to any rules/policies whether stated within the rules/policies or not.

Prohibited Behaviors include but are not limited to the following list:

1. Using official positions to secure special privileges or exemptions for themselves or others.
2. Granting any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group.
3. Disclosing, without proper authorization, confidential information that could adversely affect the property, government or affairs of the City, or in any way adversely affect third parties or their heirs or survivors, nor shall they directly or indirectly use any information gained by reason of their official position or employment for their own personal gain or benefit, or for the private interests of others.
4. Engaging in any outside activities which will directly conflict with, or will be incompatible with, the duties assigned to them in the course of their employment with the City, or reflect discredit upon the City, or in which their employment with the City will give them an advantage over others engaged in a similar business, vocation or activity. This will not prohibit employees from performing the same or other services for a private organization that they perform for the City if there are no conflicts with City duties and responsibilities.
5. Representing, directly or indirectly, or appear in behalf of private interests before any agency of the City or any City board or commission, nor will they represent any private interest in any action or proceeding involving the City, nor participate on behalf of others in any litigation to which the City may be party, nor will they accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies.
6. Using City supplies, equipment, vehicles, facilities, or services for any purpose other than the conduct of official City business; nor shall any employee damage, destroy, sell, or give away any property of the City of Bellaire.
7. Having a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employee.
8. Failure to assist or cooperate in an investigation, or providing false, erroneous, or misleading information during an investigation.
9. Working under the influence of or a presence in the system of alcohol or illegal drugs.
10. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment.
11. Theft or inappropriate removal or use of City property or other property not belonging to the employee.
12. Falsification of timekeeping or other records, including employment application.
13. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.

14. Conduct which results in waste or damage of a coworker's, City or citizen-owned property.
15. Outside employment that conflicts with, or potentially conflicts with, City interests.
16. Acceptance of payment of any kind for activities related to City employment.
17. Violation of City's policy regarding sexual or other unlawful harassment.
18. Violation of safety or health rules and failure to immediately report an on-the-job injury/accident.
19. Profanity, abusive language, or racial slurs.
20. Violation of any provision of the City Charter.
21. Violation of City or departmental policies, codes of conduct, rules and procedures.
22. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others.
23. Making or publishing false, vicious, or malicious statements about the city, or a City employee or citizen, or others.
24. Unsatisfactory performance or conduct; inefficiency, incompetence or neglect of duty.
25. Fighting, provoking or instigating a fight, or threatening voice; disruptive activity in the workplace.
26. Insubordination or other disrespectful or unprofessional conduct.
27. Dishonesty, including misrepresentation during the hiring process.
28. Discourteous treatment of the public.
29. Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of the job duties or employees with a handgun license with permitted weapon locked in their personal vehicle).
30. Violation of local, state, or federal law.
31. Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime.

SECTION 8.05

Anti-Harassment

It is the City of Bellaire's policy to provide all employees with a productive work environment free from unlawful harassment. All employees share important responsibilities for ensuring the harassment-free workplace we require. Any employee who violates this anti-harassment policy or the City's commitment to equal employment opportunity will be subject to disciplinary action, up to and including termination of employment.

All forms of harassment related to an employee's, customer's or supplier's race, color, religion, sex, sexual orientation, age, national origin and/or disability constitute violations of the City's anti-harassment policy. Harassment or retaliation against a person who engaged in protected activity

such as opposing harassment or reporting harassment to a supervisor, department head or Director of Human Resources will not be tolerated.

The City of Bellaire will not tolerate prohibited harassment of its employees by anyone, including department heads, supervisors, other employees, customers, visitors, contractors, or suppliers of the City. The use of racial, religious, sexual, gender-based, age-related, ethnic, national origin or disability-related epithets, innuendos, slurs or jokes of any type (verbal, non-verbal, written, e-mail, printed, etc.) within City facilities, or via use of City property, or in any context relating to the City's operations will not be tolerated.

It is important to remember that behavior or comments which one individual considers innocent or harmless may be regarded as harassment by another person, including a person who was not intended to be a target of the conduct or a witness to it. All department heads and supervisors have been trained to recognize and prevent prohibited harassment and to deal with harassment complaints.

#### Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct consisting of sexual inferences when:

1. submission to the conduct is an explicit or implicit term or condition of employment;
2. submission to or rejection of the conduct is used as the basis for making employment decisions;
3. the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual advances shall be defined as any gesture, word or words, stares of physical contact, which are or may be interpreted to be in any way suggestive of an intimate physical relationship. Such sexual advances shall include, but are not limited to, explicit sexual propositions, sexual innuendos, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, touching, fondling, patting pinching or brushing against another's body (or an attempt of such physical contact).

The victim of sexual harassment does not have to be of the opposite sex. The victim as well as the harasser may be male or female. The harasser can be a supervisor, representative of the City, co-worker or non-employee.

#### Reporting Harassment

If at any time you feel you have been subjected to or observed harassment that is prohibited by this anti-harassment policy, you are to report the incident immediately to the Director of Human Resources, your supervisor, or department head. Complaints do not have to be received in writing and will be kept confidential to the fullest extent possible. The Director of Human Resources is available to answer questions about the City's anti-harassment policy.

An investigation will be promptly initiated upon receipt of a complaint of harassment and swift and appropriate corrective action will be taken, if necessary. Persons who make harassment complaints will be notified of the results of the investigation or an update on the investigation within two weeks following receipt of the complaint.

Non-Retaliation

Retaliation for filing a complaint of harassment is also a violation of federal law and will not be tolerated.

The City prohibits any form of retaliation against any employee for reporting perceived harassment pursuant to this policy, or for assisting or cooperating in a complaint investigation.

EEOC

Information about preventing and correcting workplace harassment is also available at [www.eeoc.gov](http://www.eeoc.gov).

If for any reason you do not feel comfortable following the complaint procedures established in this policy, you are encouraged to report the matter to the U.S. Equal Employment Opportunity Commission (EEOC) at 1-800-669-4000 (voice) or 1-800-663-7114 (TTY).

SECTION 8.06

Non-Vested Rights Employment

The City of Bellaire believes strongly that all employees, to be productive and happy, must have minimum assurances that they will be treated fairly and adequately. However, in compliance with requirements of law, if not otherwise provided in these guidelines, the City of Bellaire does inform all employees that there exists no vested rights in any job (the right to continued employment), seniority, job status, position or right of promotion; and as such, any employee of the City may be terminated, suspended, demoted, sanctioned, disciplined or dealt with in any other manner at any time. The only obligation of the City of Bellaire shall be to pay such previously earned compensation and benefits as of the date of such termination, suspension, demotion, sanction, discipline or other action; and no obligation of any nature whatsoever for lost earnings, future pay or compensation of any other property right or interest to which an employee of any department of the City may claim they were otherwise entitled shall be paid at any time.

SECTION 8.07

Appeal and Grievance Procedures

All employees of the City of Bellaire are afforded the opportunity to seek internal resolution of their work-related complaints.

Any employee wishing to appeal disciplinary action, such as a dismissal, demotion or suspension must do so in accordance with the procedures set forth in this section. However, any departmental appeal, complaint or grievance procedure available should be followed and exhausted prior to filing an appeal or grievance under this policy.

A grievance is an employee's formal statement of dissatisfaction with an employment policy, practice, condition, policy interpretation, employment decision, or other similar issues. A grievance initiated by an employee will usually follow the same channels as an employee's appeal of a disciplinary action.

Appeals and grievances will be processed in a fair and timely manner and will minimize work disruption as much as possible. Investigations will be conducted objectively with consideration given to each employee's desire for privacy; however, no employee is guaranteed complete confidentiality.

and/or anonymity during an investigation. Only individuals with a legitimate “need to know” will be given any information regarding the complaint(s).

Each employee is encouraged to speak to his or her supervisor or department head whenever questions or concerns on job matters arise. Most complaints may not be resolved or corrected unless the employee's supervisor and department head are made aware of the problem. Each supervisor and department head is responsible for being accessible to employees to answer questions and resolve work problems.

In the event an employee has a specific complaint the employee may file an appeal or grievance under the guidelines of this policy.

For the purpose of this policy any statement referring to a specific number of “working days” shall be counted in this manner: not to include the date of receipt, Saturdays or Sundays, or specific holidays afforded the City of Bellaire employees, and a “day” ends at 5:00 p.m.

Procedure:

1. Notification to and discussion of the problem with the employee's immediate supervisor is encouraged as a first step. Such notification/discussion should take place within 30 working days of the date the affected employee had knowledge of the event that gave rise to the appeal or grievance. Based on possible extenuating circumstances, the department head has the discretion to waive this 30-day notice period. It is understood that both employees and supervisors have a responsibility to use good judgment and common sense in exercising their rights under this procedure and are expected to resolve all complaints in a professional and timely manner. The supervisor will make every effort to resolve the problem fairly and equitably. The supervisor shall render a decision to the employee within five working days of the discussion with the employee, unless the supervisor can provide extenuating circumstances preventing such timely decision. The supervisor's decision will be stated on the “Employee Appeal or Grievance Form”. If, the matter is not resolved to the employee's satisfaction, the employee may proceed directly to the next step. However, if there is some valid reason the employee cannot discuss the problem with their supervisor (as when the complaint is about the supervisor) the employee is encouraged to discuss the matter with their department head. If there is a valid reason why the employee cannot discuss the problem with their supervisor or department head, they may discuss the problem with the Director of Human Resources.
2. The employee must prepare a written statement regarding the matter he/she is appealing, or regarding his/her grievance, and submit such statement to his/her department head within ten working days of the date of an unfavorable decision by the supervisor. The statement must be prepared on an “Employee Appeal or Grievance Form” available from the department head and the Director of Human Resources. “Employee Appeal or Grievance Forms” must be filled out completely and must set forth in detail the basis of the appeal or grievance. The employee shall state the grounds of the appeal or grievance, and the facts and circumstances known to the employee that should be considered. The “Employee Appeal or Grievance Form” should also include any supporting statements, documents, evidence, and/or information, including the naming of any witnesses. The department head shall meet with the employee to further clarify the appeal or grievance. The department head is responsible for carefully considering the employee's appeal or grievance and for thoroughly reviewing all facts. The department head will render a decision to the employee within five working days of receipt of the “Employee Appeal or Grievance Form”, unless the department head can provide extenuating circumstances preventing such timely decision. The department head's decision will be stated on the “Employee Appeal or Grievance Form”.
3. If the department head's decision is not acceptable to the employee, the employee may present the appeal or grievance to the Director of Human Resources within five working days of receipt of the department head's decision. The Director of Human Resources shall evaluate the employee's appeal or grievance, and render a decision in writing to the employee, within ten

working days of receipt of the "Employee Appeal or Grievance Form", unless the Director of Human Resources can provide extenuating circumstances preventing such timely decision. The Director of Human Resources' decision will be stated on the "Employee Appeal or Grievance Form".

4. If the matter is not resolved to the employee's satisfaction, he/she may request that the matter be presented to the City Manager for a final decision. If the affected department head is in disagreement with the Director of Human Resources in the disposition of an appeal or grievance, the department head may request a review of the issue by the City Manager. Either party's request for review by the City Manager must be presented within five working days of receipt of the Director of Human Resources' decision. The City Manager shall evaluate the appeal or grievance, and then exercise discretion to resolve the matter in the best interest of the City. The City Manager shall render his/her decision normally within ten working days of receipt of the "Employee Appeal or Grievance Form". The City Manager's decision is final.

Notwithstanding any of the foregoing, the City Manager may, at his/her discretion, consider reviewing a written grievance(s) that comes directly to him/her from an employee, giving due consideration to the sensitivity of the grievance, the employment history of the aggrieved party, the need for a timely decision, and other relevant factors.

The City Manager shall have the absolute authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed. The City Manager's decision shall be final and binding on all parties concerned.

The City of Bellaire will not tolerate any form of retaliation against employees availing themselves of this procedure. However, the procedure should not be construed, as preventing, limiting, or delaying the City of Bellaire from taking disciplinary action against any employee, up to and including termination, in circumstances (such as those involving problems or performance, conduct, or demeanor) where the City deems disciplinary action appropriate, nor shall such disciplinary action be delayed pending the outcome of an appeal.

Questions concerning the Appeal and Grievance Policy should be directed to the Director of Human Resources. If the employee needs assistance in putting the appeal or grievance in writing, the employee may request assistance from the Director of Human Resources, and that assistance will be provided.

## SECTION 8.08

### Time Limitations of Filing Appeals and Grievances

Since it is important that appeals and grievances be resolved in a timely fashion, time limits, as set forth in the previous section, will be considered a maximum time allowed at each step and every effort will be made to expedite the process. However, the time limits may be extended or shortened at any time upon written notification by the City Manager.

## SECTION 8.09

### Reporting Fraud or Other Illegal Acts

Any City employee who has reason to believe that there may have been an instance of fraud, or other illegal act in connection with a City program, function, or activity shall report it immediately to their supervisor or department head, Director of Human Resources, City Manager, City Attorney, or auditor as soon as possible.

Reports will be investigated as expeditiously as possible. Where investigation confirms that fraud or another illegal act has occurred, appropriate corrective action will be taken. Employees who commit fraud or other illegal acts will be subject to disciplinary action up to and including termination, and will not be eligible for rehire.

Employees who report incidents of fraud or illegality or who assist in an investigation shall be protected from retaliation. However, any employee who assists in an investigation but who is found to have participated in the illegal act or fraud being investigated remains subject to discipline. In addition, if it is determined that a report was not made in good faith, or that an employee intentionally provided false information regarding an allegation, disciplinary action may be taken.

Any employee who believes that he or she experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to their department head, Director of Human Resources or City Manager.

## SECTION 8.10

### Threat and Violence Prevention Policy

It is the intent of the City of Bellaire to provide a work environment free of any type of violence that may bring harm to its employees or citizens. Threatening or violent behavior, including but not limited to intimidation, hostility, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons on City premises, bizarre or threatening comments regarding violent events and/or actions is a serious matter. Such conduct places the safety and health of City employees and others in jeopardy, and will not be tolerated when brought to the attention of City officials. Employees are required to report any observed or experienced behavior of a threatening or violent nature, regardless of whether it is carried out by an employee or non-employee on City premises.

The City of Bellaire will consider any reports of workplace threats and/or violence as a serious matter and will investigate promptly and thoroughly. The City of Bellaire, during any investigation shall have the right to involve law enforcement agencies in investigation and/or further police action, up to and including arrest.

### Screening Job Applicants

The City is committed to providing a safe/secure workplace and hiring employees who are qualified to perform their job functions. Reference checks and criminal background checks will be conducted on new hires of City positions. Any applicant with a known history of violence may be disqualified from consideration for employment, subject to compliance with legal restraints imposed by federal, state and local laws, regulations and codes.

### Procedures For Reporting Threats

Employees should immediately report the following situations to their supervisor or the Director of Human Resources:

1. If the employee is threatened, or is the victim of a violent act at the workplace.
2. If the employee observes behavior that is violent or potentially violent.
3. If the employee is aware of statements or conversations of acting out/committing violence.

Information that should be reported includes the following:

1. Name of the person making the threat.

2. Date and time the threat was made.
3. Who the threat was made against.
4. Location where the threat was made, i.e. City Hall, Public Works, parking lot, home, etc.
5. Description of the threat. What the person actually said, to whom, in what context, etc.
6. Whether there is a serious or imminent danger of the violent act being carried out; i.e. was the person carrying a gun or other weapon?
7. Who witnessed the threat?
8. Description of the subject making the threat.
9. Description of the subject's vehicle (where applicable).
10. Other pertinent information that can be used to evaluate the seriousness of the threat.

If an employee believes a threat poses an imminent danger, such as a situation where a violent act is about to occur or is in progress, call 9 – 911 immediately.

#### Violence in Progress

In the event that a violent act is in progress at a City facility, employees should take whatever measures are necessary to protect themselves from physical harm. This may include escaping from the immediate vicinity where the violent act is occurring. Attempts should not be made to try and stop the perpetrator unless you are trained to do so. Once you are out of the danger area, you should call 9 – 911 when it is safe to do so. Co-workers and the general public should be warned and directed to leave the danger area, if possible.

Non-police employees who experience violent acts in the field should take proper precautions to protect themselves from physical harm. As soon as it is safe to do so call 9 – 911, and warn co-workers and the general public to leave the danger area.

Police employees should follow applicable departmental policies and procedures in responding to and dealing with hostile situations.

#### Dealing With Abusive Customers

While the City of Bellaire has a strong commitment to customer service, it is not intended that employees be subjected to verbal abuse by the customer. A supervisor should be requested to intervene when a customer is abusive. If there is a concern over the possibility of physical violence or if an employee believes a threat poses an imminent danger, such as a situation where a violent act is about to occur or is in progress, call 9 – 911 immediately.

#### Personal Disputes

If a City employee has cause to believe that an individual may perpetrate a violent act against him/her or fellow employees, whether at a City facility or not, they are directed to report these situations to their supervisor. If a serious or imminent danger situation exists, call 9 – 911 immediately.

If an employee has a court order or injunction against contact by an individual, the employee is required to inform their supervisor or department head of the order, and provide a description of the individual and the restrictions cited in the order.

Discipline of Employees Engaged In Possible Violent Behavior

Employees engaging in any type of violent or inappropriate behavior, including fighting or making verbal threats, may be removed from City premises and subject to disciplinary action, up to and including termination of employment, and arrest.

Employee Assistance Program

Employees are encouraged to seek counseling through the Employee Assistance Program for personal problems that might lead to violent encounters. In addition, employees may be required to seek counseling through the EAP or other appropriate programs of resources.

Warning Signs of Possible Violent Behavior

Early warning signs of possible workplace violence may include but not be limited to:

1. Threatening Statements: shall include but not be limited to threatening remarks directed toward harming or harassing another employee, group of employees, or person, or remarks condoning or mentioning violent acts that have been committed elsewhere when such remarks are intended to threaten or harass another employee, employee group, or person by suggesting the same thing could happen at the City of Bellaire.
2. Intimidating behavior, including openly defying authority or crossing boundaries of appropriate professional behavior.
3. Past incidents of violence, recklessness, or antisocial behavior.
4. Fascination or pre-occupation with firearms, knives and/or explosives.
5. Notable decline in workplace performance, including drop in attendance, decreased productivity, and/or difficulty concentrating.
6. Sharp mood swings or erratic behavior, including withdrawal, changes in interpersonal relationships, a decline in personal grooming, paranoia or a feeling that everyone is "out to get them".
7. Obsessive behavior toward another person, weapons, or violent incidents.
8. Severe stress caused by work, finances and/or family.
9. Substance abuse problems.
10. The feeling or verbal statements that no one cares or listens to their complaints.
11. Sudden outburst questioning orders of supervisor, or outburst over work assignments.
12. Repeated statements from employees that they believe they are being treated unfair.

An employee will not be retaliated against by the City of Bellaire for reporting violence, threats, or harassment.

**As most phones in City offices do not have direct access to outside lines, if there is an immediate need for Police intervention call 9 – 9 – 1 - 1.**

SECTION 8.11

Weapons on City Property

Carrying of weapons while in City facilities or vehicles is strictly prohibited. Even employees licensed to carry (concealed or open) in accordance with TEX. GOV'T CODE Chapter 411, Subchapter H are, as is the City's right, prohibited from bringing a weapon into City facilities or vehicles.

The only exceptions to this policy are in the case of licensed peace officer, and commissioned security officers in the performance of their duties as a security officer.

SECTION 8.12

Workplace Searches

In order to safeguard the property and welfare of our employees, the public and the City, and to help prevent the illegal possession of weapons, as well as the possession, use and sale of illegal drugs on City premises and in keeping with the spirit and intent of the City's drug-free workplace policy, the City of Bellaire reserves the right to question employees entering and leaving City premises, and to inspect any vehicle, packages, parcels, purses, handbags, briefcases, lunch boxes or any other personal possessions or articles on City property. In addition, the City reserves the right to search any office, desk, files, locker or any other area or article owned by the City. In this connection, it should be noted that all offices, desks, files, lockers, etc., are the property of the City, and are issued for the use of employees only during their employment. Inspections may be conducted at any time at the discretion of the department head, Director of Human Resources, or City Manager with or without the individual's consent or approval.

Furthermore, employees should not have an expectation that their voice mail, computer files, messages, diskettes, etc., will be for their private use. These are considered City property and subject to search or review as needed in the day-to-day operations of the City.

No employee will be forced to submit to a search of his/her person, nor will an employee be touched without his/her consent except in the case of a criminal investigation.

Employees working on or entering or leaving City premises who refuse to cooperate in an inspection, as well as employees who after an inspection has been conducted are believed to be in possession of stolen property, illegal drugs or illegal weapons will be sent immediately to the Director of Human Resources and will be subject to disciplinary action up to and including discharge if upon investigation they are found to be in violation of a City policy or procedure.

Search of an employee, their personal items on City property, their work area or any other City property does not imply an accusation of wrongdoing.

**SECTION 9.01****Accident Prevention Plan Components**

|  |      |
|--|------|
| Management Statement of Safety Policies .....              | 9-2  |
| Safety Responsibilities .....                              | 9-3  |
| Accident / Incident Analysis Policy.....                   | 9-11 |
| Accident / Incident Analysis Form.....                     | 9-12 |
| Record Keeping Policy .....                                | 9-13 |
| Accident Prevention Plan --- 12-Month Planning Chart.....  | 9-15 |
| Safety Education and Training Policy .....                 | 9-16 |
| Safety Meeting Attendance Form .....                       | 9-18 |
| New Employee Safety Orientation Record.....                | 9-19 |
| Employee Report of Unsafe Act / Unsafe Condition Form..... | 9-20 |
| Safety Audit / Inspection Policy.....                      | 9-21 |
| General Safety Inspection Form .....                       | 9-22 |
| Job Site Safety Inspection Form.....                       | 9-24 |
| Vehicle Inspection Form .....                              | 9-26 |
| Machinery / Equipment Inspection Form.....                 | 9-27 |
| Accident / Incident Investigation Policy.....              | 9-28 |
| Accident / Incident Investigation Report.....              | 9-31 |
| Safety Program Review / Revision Policy .....              | 9-32 |
| Review of Safety Program Form.....                         | 9-33 |

## **MANAGEMENT STATEMENT OF SAFETY POLICY**

Dear Employee:

The success of the City of Bellaire depends upon our efficient use of resources to produce a high quality product for the citizens of our community. Our most important resource is our employees. To protect this resource, we are committed to providing a safe and healthful work place for all employees by establishing and maintaining an effective safety and health program. We consider safety and health to be a fundamental part of our organization's operations.

The responsibility for safety resides within each of us. We are each challenged to stay informed and to take responsibility for our own safety and the safety of our co-workers. To ensure the success of our safety and health process, we must all give our full participation and support to the safety policies and procedures that have been developed to protect us. Working safely and in accordance with established safety policies is an absolute requirement for all employees, supervisors and managers.

City Manager

## SAFETY RESPONSIBILITIES

The policies and procedures contained in this Safety Program are for City of Bellaire internal use only and do not increase an employee's civil liabilities in anyway. These policies and procedures should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. Violations of these policies and procedures, if proven, can only form the basis for non-judicial administrative considerations such as corrective action and/or employee discipline.

It is understood that exigent circumstances may arise which may preclude compliance with this established safety program, and that other situations may arise which could not be anticipated and therefore no safety guidelines are included, but department heads, supervisors and employees must always exercise caution and perform their duties in a safe manner.

### DEPARTMENT HEAD SAFETY RESPONSIBILITIES:

Throughout this Safety Program the term "department head" shall also mean a department head's designee.

Department heads or their designees are responsible for providing a place of employment that is free from recognized hazards that could result in injuries or accidents. Since it is impossible for department heads to personally observe all employee activities, they must assure that all supervisors are trained and are aware of their safety responsibilities. Other safety responsibilities for department heads include:

1. Provide leadership and direction concerning safety activities.
2. Participate actively in the continuous evaluation of the safety program.
3. Set goals concerning safety performance within your department.
4. Review losses for potential trends on a regular basis.
5. Enforce all safety rules.
6. Participate in facility and work site audits.
7. Participate and support all accident investigation activities.
8. Review accident reports and recommend corrective actions.
9. Provides subordinates with training through this Safety Program.
10. Ensure that an accident investigation report is completed for each reported accident or incident and maintain a copy of such reports.
11. Ensure that all inspection reports required by the Safety Program (Work Site Inspection Reports, Vehicle Inspection Reports, etc.) are completed in a timely manner and maintained in the department.
12. Document corrective action(s) for any deficiencies noted on the inspection reports.
13. Encourage, educate and train employees on safe work practices through departmental safety meetings and training. Such topics should include, but not be limited to the following:
  - Hazards associated with the work place
  - Hazards of particular jobs or tasks
  - Emergency procedures

**DEPARTMENT HEAD SAFETY RESPONSIBILITIES (Continued)**

- Hazard communication
- Specific equipment operation training
- Employee reporting requirements
- Office safety
- Driving safety
- Machinery safety
- Contractor safety requirements
- Back injury prevention
- Housekeeping
- New equipment purchased
- New/changes in operations
- Identified areas of increased accidents
- Newly identified areas of exposure

14. Provide information to be used in safety meetings/training, and attend and participate in the meetings.
15. Document, and maintain such documentation of all safety meetings/training as to the date, those in attendance and topics discussed.
16. Provide orientation to all respective new employees to address the hazards of their position.
17. Document and maintain documentation on new employee safety orientation.
18. Receive and maintain "Employee Report of Unsafe Act/Unsafe Condition/Equipment".
19. Respond to "Employee Report of Unsafe Act/Unsafe Condition/Equipment".
20. Conduct self-inspection of facilities and job sites when appropriate but at least quarterly in an effort to detect unsafe conditions and initiate corrective action(s) as soon as possible.
21. Document inspection of facilities on "General Safety Inspection" form and maintain forms in respective department.
22. Maintain completed daily vehicle inspection reports.
23. Document corrective action(s) of any identified deficiencies on the "Employee Report of Unsafe Act/Unsafe Condition" and "Vehicle Inspection Reports".
24. Determine the need for final investigations in the case of on-the-job injuries and advise the supervisor, so the supervisor can set the time and place of the final investigation within seventy-two hours of the original accident or incident.
25. Assume overall responsibility for the personal protective equipment (PPE) program of their departments and will ensure that appropriate equipment and training are provided including proper selection, fit, functionality, maintenance and storage of PPE. This will include PPE for use and handling of hazardous chemicals.
26. Read and become familiar with the City of Bellaire Hazard Communication Program.
27. Maintain a list of all hazardous chemicals used or stored within their department.
28. Maintain MSDS sheets for all hazardous chemicals used or stored within their department.

**DEPARTMENT HEAD SAFETY RESPONSIBILITIES (Continued)**

29. Properly label all containers of hazardous chemicals used or stored within their department.
30. Provide appropriate training on hazardous chemicals to all covered employees.
31. Provide information concerning the hazardous chemicals to which employees may be exposed during the performance of non-routine tasks.
32. Inform contractors of their rights under the Hazard Communication Act, providing copies of Workplace Chemicals Lists, and copies of all MSDSs for the hazardous chemicals they may be exposed to in the workplace, and requiring contractors to provide MSDSs for any hazardous chemicals they will be bringing into the City of Bellaire workplace to which City of Bellaire employees will have an exposure.
33. Be knowledgeable of, comply with, and enforce the City of Bellaire Substance Abuse Policy.
34. Enforce the appropriate provisions outlined in the Substance Abuse Policy, or take any other action that shall be reasonable and necessary to accomplish the objectives of this policy.
35. May develop and implement additional departmental safety policies which are separate from or in addition to the policies, procedures and guidelines listed in this Safety Program
36. May institute disciplinary leave for:
  - Repeated minor violations of safety rules or procedures.
  - Single serious violations of a rule or procedure that could have potentially resulted in injury to themselves or another employee, or could have caused property damage.
  - Activities that could have potentially resulted in injury or property damage.
  - Repeated violations or non-compliance to safety rules/procedures.
37. May terminate any employee for repeated serious violations of the above circumstances.

**SUPERVISOR SAFETY RESPONSIBILITIES:**

Safety is as much a part of the supervisor's responsibility as is getting the job done efficiently. Among the important safety responsibilities of each and every supervisor are:

1. Familiarize themselves with and enforce the safety rules and regulations that have been established by applicable local, state and federal organizations. These regulations are intended to set minimum standards for safety and the contents of the regulations should be enforced as minimum safety requirements for all activities on our work sites or in our facilities.
2. Continuously review and inspect work practices/procedures and correct or have corrected all reported hazards. Operating under known hazardous conditions will not be tolerated.
3. Do not permit new or inexperienced employees under your supervision to work with power tools, machinery or complex equipment without proper instruction and training.
4. Give adequate instructions. Do not assume that an employee knows how to do a job unless you personally have knowledge that the person can perform the task correctly.
5. Ensure tools, equipment and machinery being used in the workplace are maintained in proper working condition.

**SUPERVISOR SAFETY RESPONSIBILITIES (Continued)**

6. Ensure that proper personal protective equipment (PPE), clothing and protective devices are available and used by employees when necessary or required. This will include PPE for use and handling of hazardous chemicals.
7. Always set a good example in safety, such as wearing the proper safety equipment (safety glasses, hard hats, etc.) following policies/procedures, using seat belts, personally attending and promoting employee attendance at safety meetings, etc.
8. Do not allow the use of unsafe tools or equipment.
9. Consistently enforce the requirements of the City's Safety Program and any associated rules or policies.
10. Ensure that all employees have access to a copy of the City of Bellaire Safety Program.
11. Encourage safety suggestions from employees under your supervision.
12. Obtain prompt first aid for injured employees.
13. Participate in accident or incident investigations involving your employees. Properly investigate all accidents and "near misses" with prompt and complete reporting.
14. Conduct audits of all work areas and facilities on a regular basis in an effort to improve housekeeping, eliminate unsafe conditions and encourage safe work practices.
15. Complete and submit an employee injury report to your department head immediately following an employee injury (to be received in Human Resources within three days of injury),
16. When a supervisor becomes aware an employee or third party sustained an on-the-job injury, or had the potential for injury, the supervisor should first respond to the immediate medical needs of the injured person.
17. The supervisor shall immediately protect all other persons from the hazards that caused the initial problem and also preserve the area where the incident occurred for investigation.
18. After the injured person(s) have been attended to, and the site is secure, the supervisor should begin the initial investigation and reporting activities as described in the Safety Program.
19. The initial report must be completed as soon as possible after the occurrence, but no longer after the occurrence than twenty-four (24) hours.
20. Set the time and place, and notify all participants of the final investigation within seventy-two (72) hours of the original accident or incident, if a final investigation is requested by the department head.
21. Issue the final accident/incident report.
22. Supervisors or other available personnel may treat an injured employee in accordance with their individual abilities and the severity of the injury. The following are examples of conditions in which medical treatment is mandatory:
  - Severe chest pains
  - Traumatic injuries
  - Loss of consciousness or severe dizziness

**SUPERVISOR SAFETY RESPONSIBILITIES (Continued)**

23. Read and become familiar with the City of Bellaire Hazard Communication Program.
24. Comply with and enforce the Hazard Communication Program.
25. Report all accidents involving a hazardous chemical to their department head or the Assistant Fire Chief/ Fire Marshal.
26. Be knowledgeable of, comply with, and enforce the City of Bellaire Substance Abuse Policy.
27. Enforce the appropriate provision outlined in this Safety Program, or take any other action that shall be reasonable and necessary to accomplish the objectives of this Safety Program.
28. Make every effort to make sure employees are following safe work practices.
29. Issue verbal warnings to employees who commit minor infractions or violations of the safety rules or safe work practices. Continued violations or verbal warnings will lead to more stringent action.
30. May issue written warnings, utilizing the Safety Program Corrective Action form which will be kept on file in the respective department, for the following:
  - Repeated minor violations of safety rules or procedures.
  - Single serious violations of a rule or procedure that could have potentially resulted in injury to themselves or another employee, or could have caused property damage.
  - Activities that could potentially result in injury or property damage.
31. May recommend disciplinary leave for the above reasons and the following:
  - A single serious violation of a rule or procedure that results in injury to an employee or property damage.
  - Repeated violations of non-compliance to safety rules/procedures.
32. May recommend the termination of any employee for repeated serious violations of the above circumstances.

**EMPLOYEE SAFETY RESPONSIBILITIES:**

All employees bear a certain amount of responsibility in any safety program. You must be aware that your actions, mental state, physical condition, and attitude directly affect the safety of yourself and your fellow employees. All employees will:

1. Know your job, follow instructions, think before you act, and ask questions about safety policies and procedures if uncertain about requirements and/or operational procedures for a particular piece of equipment or job assignment.
2. Know your exact duties and responsibilities in case of fire or other catastrophes.
3. Use all safety devices and protective equipment (eye protection, hard hats, gloves, etc.), as the job requires.
4. Work according to good safety practices as posted, instructed, and/or discussed.
5. Refrain from horseplay or any other unsafe act that might endanger yourself or your fellow workers.

**EMPLOYEE SAFETY RESPONSIBILITIES (Continued)**

6. Report any potential hazard, unsafe acts or unsafe conditions to your supervisor immediately. The report may be made verbally or by using an "Employee Report of Unsafe Act/Unsafe Condition" form.
7. Assume responsibility for thoughtless or deliberate acts that may cause injury to yourself or your fellow workers.
8. Abide by and support all policies, procedures, rules, etc. associated with the City of Bellaire Safety Program and attend safety classes and meetings as scheduled. A copy of this Program is available at anytime upon request.
9. Maintain equipment and facilities in a safe, clean and orderly manner.
10. Never operate equipment that you are unfamiliar with or not trained to use. Also, equipment that is defective or in need of repair, shall not be used and must be reported to your supervisor.
11. Report all injuries, accidents/incidents to your supervisor as soon as they occur.
12. All drivers of City vehicles or any vehicle on City business are expected to have a valid drivers' license and be knowledgeable of Texas Motor Vehicle laws and to practice safe driving habits at all times.
13. Immediately notify your supervisor of your inability to operate equipment or perform a task if such is appropriate.
14. Ask any relevant questions that may pertain to assigned duties.
15. Individual employees are responsible for inspecting their work areas for possible hazards on a continual basis.
16. Employees assigned to drive a City of Bellaire vehicle will complete vehicle inspections on a daily basis.
17. Immediately report to their supervisor any on-the-job injury, illness, or exposure they have sustained, or suspect they have sustained, no matter how minor. Also report any incidents that had the potential for injury to employees or third parties, and any instances where property damage occurred.
18. In the event of a serious or disabling injury, fellow employees must assume this reporting responsibility.
19. Be knowledgeable and comply with the City of Bellaire Hazard Communication Policy.
20. Immediately report all accidents involving a hazardous chemical to their supervisor.
21. Be knowledgeable and comply with the City of Bellaire Substance Abuse Policy.
22. Sign the acknowledgement form for the City of Bellaire Substance Abuse Policy and return it to the Human Resources Department.
23. Employees authorized to operate City of Bellaire vehicles and motorized equipment or who operate personal vehicles on City of Bellaire business, shall meet the minimum conditions set forth as Operator Standards in the City of Bellaire Vehicle Operator Standards Policy.

**SAFETY COMMITTEE RESPONSIBILITIES**

1. Twice a year the Committee will review all injuries, mishaps, near misses, property damage accident investigation reports, unsafe condition reports and work site inspection reports that have occurred or been completed over the past year to determine if injury or hazard trends are developing.
2. Where potential trends are identified, the cause(s) will be determined to assist in the implementation of corrective actions for the trend(s).
3. The Safety Committee will recommend and initiate prompt corrective actions as needed to eliminate or reduce hazardous exposures to employees
4. The Safety Committee will recommend and follow up on the effectiveness of the corrective action(s) to assure the situations have been abated or are in the process of being corrected.
5. Annually review the entire Safety Program to meet exposures within the current operations and document on the "Review of Safety Program Form".
6. Coordinate the workplace safety program and help identify corrective measures needed to eliminate or control recognized safety and health hazards.
7. Continuously assist in evaluating the effectiveness of control measures used to protect employees from safety and health hazards in the workplace.
8. Make recommendations as to any adjustments needed to improve any components of the Safety Program.
9. Assist management in reviewing and updating workplace safety rules based on accident investigation findings, inspection findings, employee reports of unsafe acts or unsafe conditions and employee suggestions/complaints.
10. Reviews stated in #9 above will be conducted on an ongoing basis during quarterly meetings and will focus on hazard/injury analysis and possible developing trends. Resources used during these analyses will include TWCC-1 Forms, Accident Investigation Reports, TML-IRP Loss Runs, other insurance carrier loss runs, etc.
11. Provide written notification of any identified trends to the respective department head or their designee.
12. Assist management in continually evaluating employee accident prevention programs in an effort to promote safety awareness and employee participation in the Safety Program. This evaluation will involve conducting periodic safety inspections, observing work practices, reviewing accident causes, suggesting recommendations for corrective measures, etc. Responsibilities may also include updating or rewriting of policies, or procedures as evaluations identify possible deficiencies.
13. Regularly participate in safety training activities and assist management in monitoring the effectiveness of workplace safety education and training sessions.
14. Participate in the development of improvements for identified deficiencies in the education and training program.
15. The Safety Committee will meet at least quarterly and more often as needed.

**SAFETY COMMITTEE CHAIRPERSON RESPONSIBILITIES**

1. Perform annual checks of the records for inclusion of all required safety documentation as described in the Safety Program.
2. Ensure changes or revisions cited in the annual review of the Safety Program will be added to the written Safety Program in a timely manner.

**DIRECTOR OF HUMAN RESOURCES SAFETY RESPONSIBILITIES**

1. Complete and maintain copies of the Texas Workers' Compensation Form (TWCC-1) (Employer's First Report of Injury).
2. Complete and maintain copies of the Texas Workers' Compensation Form TWCC-6 (Supplemental Report of Occupational Injury or Illness).
3. Maintain copies of workers' compensation claim/loss information from TML-IRP.
4. Document and maintain copies of quarterly safety meetings.
5. Maintain a file containing Accident/Incident Analysis reports.
6. Maintain a file containing Reviews of Safety Program reports
7. Maintain a 12-month Planning Chart to outline the required activities, the person responsible, the designated form and frequencies for the activities.
8. Upon receiving the initial report of Injury, completing the Texas Workers' Compensation Forms (TWCC-1, and forwarding them to the appropriate insurance representative in a timely manner.
9. Be knowledgeable of, comply with, and enforce the City of Bellaire Substance Abuse Policy, or take any other action that shall be reasonable and necessary to accomplish the objectives of this policy.
10. Prepare minutes from each Safety Committee meeting.
11. Periodically make a list of personnel who have driving or motorized equipment operation responsibilities and check the driving record status through a motor vehicle record check.
12. Notify the City Manager, appropriate department head and supervisor of any employee whose driving record fails the criteria set forth in the City of Bellaire Vehicle Operator Standards Policy.

**ACCIDENT/INCIDENT ANALYSIS POLICY**

Twice a year, to coincide with regular quarterly safety meetings, the Safety Committee will review all injuries, mishaps, near misses, property damage, accident investigation reports, unsafe condition reports and work site inspection reports that have occurred or been completed over the past year to determine if injury or hazard trends are developing. Where potential trends are identified, the cause(s) will be determined to assist in the implementation of corrective actions for the trend(s). The Safety Committee will recommend and initiate prompt corrective actions as needed to eliminate or reduce hazardous exposures to employees. The Safety Committee will follow up on the effectiveness of the corrective actions to assure the situations have been abated or are in the process of being corrected.

The attached Safety Committee Minutes/Trends Analysis Form shall be used to document this accident/incident analysis. If there were no reported injuries or incidents during the analysis period, the attached form should still be completed as documentation of the activity. Items to be addressed during the analysis may include progress on previous corrective actions, trends, safety meeting and inspection reports, etc. This documentation will be kept on file in the Human Resources Department for a period of at least five years.

**ACCIDENT/INCIDENT ANALYSIS FORM**

Date: \_\_\_\_\_ For Calendar Year \_\_\_\_\_

**Prior year's data shall be reviewed for trends.**

- Accidents/Injuries Reviewed:
- Accident Investigation Reports Reviewed:
- Inspection Reports Reviewed:
- Other Reports That Were Reviewed:

Identified Trends:

Corrective Action(s) (Include responsible party for implementation):

Prior year's corrective action(s) status:

Review completed by (list all employees who participated, including their titles):

Printed Name

Signature

Date

**Attach additional sheets, if needed.**

## RECORDKEEPING POLICY

It is the policy of the City of Bellaire to maintain records of all safety and health documents for a minimum of five years (longer if required by law), unless otherwise specified in the Plan. The Director of Human Resources will ensure that records maintained by the City of Bellaire will include, but are not limited to:

### **INJURY LOSS RECORDS:**

A copy of each Texas Workers' Compensation Form TWCC-1 (Employer's First Report of Injury) shall be on file in the Human Resources Department.

A copy of each Texas Workers' Compensation Form TWCC-6 (Supplemental Report of Occupational Injury or Illness) shall also be kept in the above-mentioned location.

Claim/loss information from TML-IRP, insurance carriers, etc. (all lines of coverage) shall be maintained in files at the Human Resources Department and City Clerk's Office. This information can be used for various means of trend analysis.

### **ACCIDENT/INCIDENT INVESTIGATION REPORTS (INCLUDING MOTOR VEHICLE ACCIDENT REPORTS):**

The department head will ensure that an accident investigation report is completed for each reported accident or incident. A copy of all completed accident investigation reports will be maintained in the City Clerk's Office. Only City of Bellaire approved accident investigation report forms shall be used to document accident investigation data. Department heads are encouraged to maintain a copy of these reports. (See Accident Investigation Policy for more specific information.)

### **INSPECTION REPORTS:**

A file will be maintained in each department for all inspection reports required in the Safety Program (Work site Inspection Reports, Vehicle Inspection Reports, etc). The department heads will ensure that all required inspection reports are completed in a timely manner. The work site inspection reports will be completed by the person immediately responsible for the task or job site, and the vehicle inspection reports will be completed by the driver or assigned operator. Only department head approved inspection forms will be used. Corrective action will be documented for any deficiencies noted on the inspection reports.

### **SAFETY MEETINGS/TRAINING RECORDS:**

Documentation of quarterly safety meetings and other applicable records will be maintained at the Human Resources Department. Only City of Bellaire approved safety meeting forms shall be used to document the activities. When safety meetings are used as training activities, it should be duly noted on the form. The individual conducting the safety/training meeting is responsible for turning in a copy of the safety meeting form to the Human Resources Department. The Director of Human Resources will ensure that the meetings are held on at least a quarterly basis.

**ACCIDENT/INCIDENT ANALYSIS:**

A file containing Accident/Incident Analysis reports, using the City of Bellaire form, will be maintained in the Human Resources Department.

**REVIEWS OF THE SAFETY PROGRAM:**

A file containing Reviews of the Safety Program reports, using the City of Bellaire form, will be maintained at the Human Resources Department.

**ACCIDENT PREVENTION PLAN --- 12 MONTH PLANNING CHART**

A Planning Chart should be included in the Plan to outline the required activities, the person responsible, the designated form, and frequencies for the activities. Each person with assigned responsibilities should receive a copy of the completed Chart as a guideline for their assigned duties. During scheduled program reviews, the current chart should be reviewed and modified as necessary to accommodate planned activities for the upcoming year. Any noted weaknesses in the previous year's activities should be so noted and corrective actions implemented to assure activities are completed as stated in the plan.

**The Safety Committee Chairperson will perform annual checks of the records for inclusion of all required safety documentation as described in this policy.**

***CITY OF BELLAIRE***  
**ACCIDENT PREVENTION PLAN --- 12 MONTH PLANNING CHART**

**SAFETY - ACCIDENT PREVENTION PLAN COMPONENTS**  
**SAFETY EDUCATION & TRAINING POLICY**

**SAFETY MEETINGS/TRAINING:**

Safety meetings are an effective way to encourage, educate and train employees on safe work practices and will be held on a frequency as directed by the department head. The department head designee will provide information to be used in the meetings and will attend and participate in the meetings when possible. Safety meetings will normally be conducted by the department head designee. Discussions of safety rules, possible hazards to be encountered in future job duties or changes in procedures or equipment are some topics that should be covered on a regular basis. All safety meetings will be documented as to the date, attendance and topic discussed. The City of Bellaire form will be used to document the safety meetings.

Subjects to be addressed during the safety meetings will include, but not limited to, the following:

- Hazards associated with the work place
- Hazards of particular jobs or tasks
- Emergency procedures
- Hazard communication
- Specific equipment operation training
- Employee reporting requirements
- Office safety
- Driving safety
- Machinery safety
- Contractor safety requirements
- Back injury prevention
- Housekeeping

**DOCUMENTATION OF SAFETY MEETING/TRAINING:**

Documentation from any safety meeting/training courses attended by employees, supervisors or managers will also be kept for record keeping purposes. Documentation associated with safety meetings and training will be kept in respective department files.

**ONGOING TRAINING:**

Each department will also provide ongoing safety training in the following areas as the need arises:

- New equipment purchases.
- New/changes in operations.
- Identified areas of increased accidents.
- Newly identified areas of exposure.

**NEW EMPLOYEE SAFETY ORIENTATION:**

Each department will provide an orientation to all respective new employees to address the hazards of their position. This will include a review of all safety rules, policies/procedures, equipment, etc. that are applicable to the new employee's area of assignment. The new employees will be given an opportunity to ask any relevant questions that may pertain to their assigned duties. Documentation on the City of Bellaire New Employee Safety Orientation Form will be maintained in respective department files.

New employees' work activities will be limited to very basic tasks until the safety orientation is completed.

**REPORTING UNSAFE ACTS/UNSAFE CONDITIONS:**

All employees are encouraged and required to report any unsafe acts or unsafe conditions. This report will be made using the attached "Employee Report of Unsafe Act/Unsafe Condition Form." (The routing of the form will be as indicated on the form.)

# SAFETY MEETING ATTENDANCE FORM\*

**Date Presented:** \_\_\_\_\_ **Presented By:** \_\_\_\_\_

**Topic(s) Discussed:** \_\_\_\_\_

**Printed Name:**

**Signature:**

**Date of Next Scheduled Safety Meeting:** \_\_\_\_\_

**Topic(s) for Next safety Meeting:** \_\_\_\_\_

**\*Attach Copy of Training Materials/Handouts Used**

**NEW EMPLOYEE SAFETY ORIENTATION RECORD\***

Employee Name: \_\_\_\_\_ Date Employed: \_\_\_\_\_

Job Title: \_\_\_\_\_ Assigned Work Area: \_\_\_\_\_

|   | Date Completed | Supervisor's Initials | Employee's Initials |
|---|----------------|-----------------------|---------------------|
| Overall Safety Program discussed with employee.   | _____          | _____                 | _____               |
| General Safety Rules and safety rules specific to job duty discussed with employee.   | _____          | _____                 | _____               |
| Employee safety responsibilities reviewed with employee: Where and when to report unsafe conditions; how/when/where to report injuries; care & use of tools & equipment; etc. | _____          | _____                 | _____               |
| General hazards in workplace reviewed.  | _____          | _____                 | _____               |
| Substance Abuse Policy discussed with and signed by employee.   | _____          | _____                 | _____               |
| Hazardous chemicals, including MSDS, discussed with employee.   | _____          | _____                 | _____               |
| Proper lifting and materials handling discussed with employee.  | _____          | _____                 | _____               |
| Identified past safety problem areas in employee's job duty area discussed with employee.   | _____          | _____                 | _____               |
| Record keeping systems discussed with employee.   | _____          | _____                 | _____               |
| Office safety discussed with employee.  | _____          | _____                 | _____               |
| Reviewed evacuation and emergency action procedures.  | _____          | _____                 | _____               |
| Identify location of fire extinguishers and use of those extinguishers.   | _____          | _____                 | _____               |
| _____   | _____          | _____                 | _____               |
| _____   | _____          | _____                 | _____               |
| _____   | _____          | _____                 | _____               |

\*To be placed in employee's department file.

**EMPLOYEE REPORT OF UNSAFE ACT/UNSAFE CONDITION/EQUIPMENT FORM****EMPLOYEE COMPLETES SECTION BELOW AND GIVES TO SUPERVISOR:**

Employee \_\_\_\_\_

Department \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Hazard or Problem \_\_\_\_\_  
\_\_\_\_\_Suggestions \_\_\_\_\_  
\_\_\_\_\_

Has this issue been previously reported? YES NO

If so: Date \_\_\_\_\_ By Whom: \_\_\_\_\_

**SUPERVISOR COMPLETES SECTION BELOW AND GIVES TO MANAGER:**

Supervisor \_\_\_\_\_

Department \_\_\_\_\_

Date Received \_\_\_\_\_

Action Taken \_\_\_\_\_  
\_\_\_\_\_Date Action Was Taken \_\_\_\_\_  
\_\_\_\_\_**DEPARTMENT HEAD REVIEW:**Date Received \_\_\_\_\_ Type of Hazard \_\_\_\_\_  
\_\_\_\_\_

Manager Reviewing Condition \_\_\_\_\_

Review Comments/Action to Correct \_\_\_\_\_  
\_\_\_\_\_*Signature of Department Head*

SAFETY - ACCIDENT PREVENTION PLAN COMPONENTS  
**SAFETY AUDIT/INSPECTION POLICY**

A documented, self-inspection of facilities and job sites will be conducted when appropriate but at least quarterly by a designee of each department head in an effort to detect unsafe acts or unsafe conditions and initiate corrective action(s) as soon as possible. An employee(s) may be requested to assist the department designee in conducting the inspections. A copy of the attached "General Safety Inspection" form will be completed for each work site and the completed forms will be maintained in each respective department.

Individual employees are responsible for inspecting their work areas for possible hazards on a continual basis. Any potential hazards will be reported to supervisory personnel immediately and may also be reported using the "Employee Report of Unsafe Act/Unsafe Condition" form.

Employees assigned to drive a City of Bellaire vehicle will complete vehicle inspections on a daily basis. The completed vehicle inspection reports will be maintained in each respective department.\*

*Corrective actions should be documented on the reports for any identified deficiencies.*

Audit/Inspection records should be maintained for at least two years. In addition, all maintenance records should be kept for the life of the vehicle.

\* The Police Department vehicles are inspected more frequently than this policy requires - i.e. at the beginning of each shift. Due to the frequency of inspections, only items requiring attention are noted and the "Request for Service" form is destroyed once the item is corrected.

SAFETY - ACCIDENT PREVENTION PLAN COMPONENTS  
**GENERAL SAFETY INSPECTION FORM**

Person Conducting Inspection: \_\_\_\_\_

Date: \_\_\_\_\_ Location of Inspection: \_\_\_\_\_

| Area   | Satisfactory |    | Corrective Action |
|--|--------------|----|-------------------|
|  | Yes          | No |                   |
| Is Housekeeping Clean/Orderly                    | —            | —  | _____             |
| Are Floors in Good Condition                     | —            | —  | _____             |
| Proper Lifting Procedures Practiced              | —            | —  | _____             |
| Condition of Hand Tools                          | —            | —  | _____             |
| Condition of Power Tools                         | —            | —  | _____             |
| Equipment Guards                                 | —            | —  | _____             |
| Personal Protective Equipment Used               | —            | —  | _____             |
| Is Material Storage Adequate                     | —            | —  | _____             |
| Fire Extinguishers                               | —            | —  | _____             |
| Chemical Handling/Use                            | —            | —  | _____             |
| Are All Chemical Containers Labeled              | —            | —  | _____             |
| First Aid Kit                                    | —            | —  | _____             |
| Are Grounds in Place on All Electrical Equipment | —            | —  | _____             |
| Electrical Cords in Good Condition               | —            | —  | _____             |
| Is Lighting Adequate in all Areas                | —            | —  | _____             |
| Condition of Ladders Adequate                    | —            | —  | _____             |
| Safety Signs Posted Where Needed                 | —            | —  | _____             |
| Office Condition                                 | —            | —  | _____             |
| Fall Hazards Addressed                           | —            | —  | _____             |
| Condition of Scaffolds                           | —            | —  | _____             |

**SAFETY - ACCIDENT PREVENTION PLAN COMPONENTS**  
**General Safety Inspection Form - Page 2**

| <b>Area</b>   | <b>Satisfactory</b> | <b>Corrective Action</b> |       |
|---|---------------------|--------------------------|-------|
|   | YES                 | NO                       |       |
| Condition of Machinery<br>(List types of machinery on the work sites.)                          | —                   | —                        | _____ |
|   | —                   | —                        | _____ |
|   | —                   | —                        | _____ |
| Have all employees received training on the proper operation of all machinery at the work site? | —                   | —                        | _____ |
| Are all assigned operators qualified to operate the machinery?                                  | —                   | —                        | _____ |
| <br><b>Since Last Inspection:</b>   |                     |                          |       |
| Have Safety Meetings been held with all employees?  | —                   | —                        | _____ |
| Have all new employees received a new employee orientation?                                     | —                   | —                        | _____ |
| Have all accidents been investigated?   | —                   | —                        | _____ |
| Are current safety rules sufficient for the operations in the area?                             | —                   | —                        | _____ |
| Have MSDS's been submitted by all subcontractors or vendors?                                    | —                   | —                        | _____ |
| <br><b>List any other conditions not addressed above that need attention:</b>                   |                     |                          |       |
| _____   | —                   | —                        | _____ |
| _____   | —                   | —                        | _____ |
| _____   | —                   | —                        | _____ |
| _____   | —                   | —                        | _____ |
| _____   | —                   | —                        | _____ |
| _____   | —                   | —                        | _____ |
| _____   | —                   | —                        | _____ |

**\*\* Completed report must be turned-in to the department head or his/her designee with listed corrective actions for any deficiencies!**

**JOB SITE SAFETY INSPECTION FORM**

(Use of this form will vary from department to department depending on circumstances and duration of job site.)

Person Conducting Inspection: \_\_\_\_\_

Date: \_\_\_\_\_ Location of Inspection: \_\_\_\_\_

| <u>Area</u> | <u>Satisfactory</u> |    | <u>Corrective Action</u> |
|-------------|---------------------|----|--------------------------|
|             | Yes                 | No |                          |

**PERSONAL PROTECTIVE EQUIPMENT**

|                        |   |   |       |
|------------------------|---|---|-------|
| Eye Protection         | — | — | _____ |
| Head Protection        | — | — | _____ |
| Hand Protection        | — | — | _____ |
| Foot Protection        | — | — | _____ |
| Hearing Protection     | — | — | _____ |
| Respiratory Protection | — | — | _____ |
| Fall Protection        | — | — | _____ |
| _____                  | — | — | _____ |
| _____                  | — | — | _____ |

**TRENCHING**

|   |   |   |       |
|---|---|---|-------|
| Protective System (sloping, shoring, etc) | — | — | _____ |
| Proper Access                             | — | — | _____ |
| Underground Lines Located                 | — | — | _____ |
| Competent Person Assigned                 | — | — | _____ |
| _____                                     | — | — | _____ |

**CONFINED SPACES**

|                        |   |   |       |
|------------------------|---|---|-------|
| Entry Permit Completed | — | — | _____ |
| Monitoring Adequate    | — | — | _____ |
| Ventilation            | — | — | _____ |
| Stand-by Person        | — | — | _____ |
| _____                  | — | — | _____ |
| _____                  | — | — | _____ |

| <u>Area</u>                             | <u>Satisfactory</u> |    | <u>Corrective Action</u> |
|---|---------------------|----|--------------------------|
|   | Yes                 | No |                          |
| <b>TRAFFIC CONTROL</b>                  |                     |    |                          |
| Warning Signs                           | —                   | —  | _____                    |
| Barricades/Barriers and Cones           | —                   | —  | _____                    |
| Flagger (Stop/Slow Paddle)              | —                   | —  | _____                    |
| High Visibility Vest                    | —                   | —  | _____                    |
| _____                                   | —                   | —  | _____                    |
| _____                                   | —                   | —  | _____                    |
| <b>MATERIAL HANDLING</b>                |                     |    |                          |
| Proper Lifting Techniques               | —                   | —  | _____                    |
| Condition of Lifting Accessories        | —                   | —  | _____                    |
| Adequate Number of Personnel            | —                   | —  | _____                    |
| _____                                   | —                   | —  | _____                    |
| _____                                   | —                   | —  | _____                    |
| <b>GENERAL ISSUES</b>                   |                     |    |                          |
| Fire Protection                         | —                   | —  | _____                    |
| Compressed Gas Cylinders                | —                   | —  | _____                    |
| Material Safety Data Sheets             | —                   | —  | _____                    |
| First-Aid Kit                           | —                   | —  | _____                    |
| Lockout/Tagout                          | —                   | —  | _____                    |
| Housekeeping                            | —                   | —  | _____                    |
| Machine Guarding                        | —                   | —  | _____                    |
| Condition of Machinery                  | —                   | —  | _____                    |
| Condition of Portable Power Tools       | —                   | —  | _____                    |
| Condition of Hand Tools                 | —                   | —  | _____                    |
| Condition of Electrical Cords           | —                   | —  | _____                    |
| Use of Ground Fault Circuit Interrupter | —                   | —  | _____                    |
| _____                                   | —                   | —  | _____                    |
| _____                                   | —                   | —  | _____                    |

**\*\* Completed report must be turned-in to department head or his/her designee with listed corrective actions for any deficiencies!**

## VEHICLE INSPECTION FORM

(In the absence of a department specific vehicle inspection form, this form is recommended.)

Date \_\_\_\_\_

Insp. Sticker Exp. Date \_\_\_\_\_

Odometer Reading \_\_\_\_\_

License Plate No. \_\_\_\_\_

| CONDITION      |      |            |                           |     |            |                 |      |             |  |
|----------------|------|------------|---------------------------|-----|------------|-----------------|------|-------------|--|
| ITEM           | Sat. | Un.<br>Sat | ITEM                      | Sat | Un.<br>Sat | ITEM            | Sat. | Un.<br>Sat. |  |
| Horn           |      |            | Transmission Fluid        |     |            | Front Bumper    |      |             |  |
| Mirrors        |      |            | Brakes                    |     |            | Grill           |      |             |  |
| Glass          |      |            | Play in Steering<br>Wheel |     |            | Lt. Frt. Fender |      |             |  |
| Battery        |      |            | Exhaust System            |     |            | Rt. Frt. Fender |      |             |  |
| Engine         |      |            | Head Lights               |     |            | Hood            |      |             |  |
| Windshield Wp. |      |            | Parking Lights            |     |            | Left Doors      |      |             |  |
| Power Steering |      |            | Tail Lights               |     |            | Right Doors     |      |             |  |
| Turn Indicator |      |            | Brake Lights              |     |            | Rear Bumper     |      |             |  |
| 4-Way Flashers |      |            | Back-up Lights            |     |            | Top             |      |             |  |
|                |      |            | Tires                     |     |            | Seats           |      |             |  |
|                |      |            | Seat Belts                |     |            |                 |      |             |  |

Explain all items shown as unsatisfactory in the "remarks" section.

Remarks: \_\_\_\_\_

---



---



---

**The report must be signed by the employee who performed the inspection! \*\*** Completed report will be turned in to the department head or his/her designee.

---

Employee's (Driver's) Signature

# MACHINERY/EQUIPMENT INSPECTION FORM

(In the absence of a department specific machinery/equipment inspection form, this form is recommended.)

Date \_\_\_\_\_

Insp. Sticker Exp. Date (If Applicable) \_\_\_\_\_

Odometer Reading \_\_\_\_\_ Hour Meter (If Applicable) \_\_\_\_\_

Equipment No. or License Plate No. \_\_\_\_\_

| CONDITION            |      |         |     |  |      |         |     |                         |      |         |     |
|----------------------|------|---------|-----|--|------|---------|-----|-------------------------|------|---------|-----|
| ITEM                 | Sat. | Un Sat. | N/A | ITEM   | Sat. | Un Sat. | N/A | ITEM                    | Sat. | Un Sat. | N/A |
| Battery              |      |         |     | Horn   |      |         |     | Turn Indicator          |      |         |     |
| Motor Oil            |      |         |     | Mirrors  |      |         |     | 4-Way Flashers          |      |         |     |
| Engine               |      |         |     | Glass  |      |         |     | Overhead Lights         |      |         |     |
| Engine Coolant       |      |         |     | Windshield Wipers  |      |         |     | Brakes                  |      |         |     |
| Transmission Fluid   |      |         |     | Steering   |      |         |     | Head Lights             |      |         |     |
| Exhaust System       |      |         |     | Seat Belts   |      |         |     | Tail Lights             |      |         |     |
| Hydraulic Fluid      |      |         |     | Seat   |      |         |     | Brake Lights            |      |         |     |
| Hydraulic Oil Lines  |      |         |     | Fuel   |      |         |     | Tires                   |      |         |     |
| Roll Over Protection |      |         |     | Back-up Alarm  |      |         |     | Outriggers              |      |         |     |
| First Aid Kit        |      |         |     | Gauges   |      |         |     | Mud Flaps               |      |         |     |
|                      |      |         |     | Doors  |      |         |     | Steps/ Handrails        |      |         |     |
|                      |      |         |     | Safety Equipment: Flares, Flags, Cones, Chock Blocks, Etc. |      |         |     | Operation of Implements |      |         |     |
|                      |      |         |     |  |      |         |     | Fire Extinguisher       |      |         |     |

Explain all items shown as unsatisfactory in the "remarks" section.

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**The report must be signed by the employee who performed the inspection! \*\*** Completed report will be turned in to the department head or his/her designee.

Employee's (Driver's) Signature \_\_\_\_\_

## ACCIDENT/INCIDENT INVESTIGATION POLICY

It is the policy of the City of Bellaire to investigate all work-related accidents or incidents that result in or could potentially have resulted in injury or property damage. As nearly all accidents and incidents have their own unique characteristics, only general rules and procedures can be outlined here.

The standard Accident/Incident Investigation Report will be used for both initial and final investigations. (The bottom of the report shall be marked to indicate whether it is an initial or final report.)

### RESPONSIBILITIES:

1. Employees must immediately report to their supervisor any on-the-job injury or illness they sustain, or suspect they have sustained, no matter how minor. They must also report any incidents that had the potential for injury to employees or third parties and any instances where property damage occurred.
2. Supervisors shall first respond to the immediate medical needs of any injured persons. Then, they should begin reporting and investigative activities as described in this policy.
3. City of Bellaire will make every effort to obtain a written statement from all witnesses. The witnesses may also be asked to participate in the initial and/or final investigations.
4. The Director of Human Resources is responsible for receiving the initial reports of injury, and City Clerk for receiving reports of non-employee injury and property damage and forwarding them to the appropriate insurance representatives in a timely manner.
5. The respective supervisor is responsible for reviewing the initial accident/incident report, and then setting the time and place for the final investigation if a final investigation is requested by the department head.

### PROCEDURES:

#### Initial Notification

Employees are responsible for reporting all injuries, illnesses or incidents as described earlier in this policy. Failure to report any injury or incident may be cause for disciplinary action. (In the event of a serious or disabling injury, fellow employees must assume this reporting responsibility.)

#### Initial Treatment

Any injury shall be treated by the supervisor or other available personnel in accordance with their individual abilities and the severity of the injury. During normal working hours, City of Bellaire's preferred occupational medical provider will be Dr. George G. Hancock, Hillcroft Medical Clinic, 713-917-5730, located at 2500 Fondren, however employees may be treated by any medical provider of their choice. After normal working hours employees should be treated at the closest appropriate medical facility.

Examples of conditions in which medical treatment is mandatory:

- Severe chest pains
- Traumatic injuries
- Loss of consciousness or severe dizziness

**Accident/Incident Investigation Policy (Continued)**

The first responders to any incident scene will be responsible for securing the area to prevent further damage or injury and also protecting the integrity of the incident scene until an investigation can be initiated.

Any incident involving possible exposures to bloodborne pathogens, communicable diseases, or any other contagious substance shall be handled in accordance with those specific policies or procedures regarding that particular incident.

Injured employees are to be transported for medical treatment either by ambulance or another person depending on the severity of the injury. Injured employees should never be allowed to transport themselves for initial medical treatment, but they may transport themselves for follow-up visits if the injury does not impair their driving abilities.

If an employee refuses medical treatment for an on-the-job injury, the investigation report should be completed and the employee's signature used to document the event.

**Further Notification**

The respective supervisor must be contacted following the occurrence of an accident or incident to assure an initial report is completed and forwarded to the City Clerk.

**Drug/Alcohol Policy Requirements**

Employees involved in an incident that results in injury to persons or property damage will be directed to submit to a drug/controlled substance and/or alcohol screening to aid in determining fitness for duty, if there is reasonable suspicion that the employee was under the influence of drugs/controlled substance and/or alcohol at the time of the incident.

**Initial Investigation**

The supervisor shall immediately protect all other persons from the hazards that caused the initial problem and also preserve the area where the incident occurred for investigation. After the injured persons have been attended to, and the site is secure, the supervisor should begin the initial investigation. The initial investigation should be documented on a "Report of Employee Injury" form and/or "Accident/Incident Investigation Report", and should include:

1. Statement from the injured employee
2. Statement(s) from witnesses
3. Photographs or sketches of area if deemed necessary
4. Completion of the accident/incident report in its entirety
5. Immediate corrective actions to prevent reoccurrence.

**Initial Report**

An initial report will be completed for all accidents and incidents within twenty-four (24) hours of occurrence. The immediate supervisor of the employee will complete the initial investigation and report as soon as possible after the occurrence.

The initial "Report of Employee Injury" should be turned in to the Director of Human Resources, and the "Accident/Incident Investigation Report" should be turned in to the City Clerk.

**Accident/Incident Investigation Policy-(Continued)****Final Investigation**

Depending on the severity of the injury and/or property damage the department head may require within seventy-two (72) hours of the original accident or incident, a final investigation take place. Attendance at the investigation meeting will, as a minimum, include the following personnel: injured employee (if available), injured employee's supervisor, and witnesses (if available). The supervisor will take responsibility for scheduling the final investigation and notifying all participants.

The final investigation will include:

1. Description of the event by the involved persons
2. Accounts of witnesses
3. Input from supervision
4. Listing of causes
5. Development of corrective actions.

Basically, the investigation must answer the following questions:

- Who was injured or what was damaged?
- When did the accident/incident occur?
- Where did the accident/incident occur?
- Why did the accident/incident occur?
- What caused the accident/incident to occur?
- How can it be prevented from occurring again?

The respective supervisor will take responsibility for issuing the final report. The final investigation report will reflect all changes from the initial report and also must include:

1. Finalized corrective actions.
2. Assigned completion dates for all corrective actions.
3. Assigned persons to complete the corrective actions. The persons assigned the corrective actions shall also be required to sign-off on the final report when the corrective actions have been completed.

Copies of the final report should be supplied to:

1. Director of Human Resources, and/or
2. City Clerk, and
3. Department Head

Note: Department heads may consider their respective departmental internal investigative and disciplinary processes when addressing incidents under this section. Those departmental established and documented procedures may be followed if the department head deems such procedures more appropriate.

# ACCIDENT/INCIDENT INVESTIGATION REPORT

**Have you addressed the “Five W’s” and “H” required for an accident investigation? (Who, What, When, Where, Why, and How)**

**Initial or Final Report (Circle One)**

## **SAFETY PROGRAM REVIEW/REVISION POLICY**

The Safety Committee will annually review the entire Safety Program for revisions to meet exposures within the current operations. Normally, the review will take place during the month of April. Areas that will be evaluated include: operations added, equipment added/changed, changes in environmental conditions, adequacy of personal protective equipment, etc. In addition, procedures should be reviewed to make sure they are still applicable.

The Safety Committee Chairperson will notify all department heads at least one month prior to the Safety Program review process that such a review will take place and solicit input on any needed changes or revisions.

Upon changes in the Safety Program, all employees will be informed of these changes and provided proper training as needed. Safety Committee Chairperson will ensure that changes or revisions are added to the written Safety Program in a timely manner.

This review will be documented on the attached form and maintained by the Safety Committee Chairperson. A five-year history of completed forms should be maintained.

## REVIEW OF SAFETY PROGRAM FORM

Date of Review \_\_\_\_\_

Review of the Seven Components: \_\_\_\_\_

---

---

---

---

---

---

---

New Exposures Identified: \_\_\_\_\_

---

---

---

---

---

---

---

Action Taken to Control Exposures: \_\_\_\_\_

---

---

---

---

---

---

---

Reviewed By ( Name(s) and Title(s) ): \_\_\_\_\_

---

---

*(Various Managers, Supervisors or Employees May Participate in the Review.)*

Chapter 9b

**SECTION 9.02****General Administrative Policies and Procedures**

|  |      |
|--|------|
| Hazard Communication Program.....                          | 9-35 |
| Safety Program Corrective Action Policy .....              | 9-41 |
| Safety Program Corrective Action Form .....                | 9-43 |
| Safety Committee Formation .....                           | 9-44 |
| Safety Committee Minutes / Trend Analysis Report Form..... | 9-45 |
| Vehicle Operator Standards .....                           | 9-46 |

## HAZARD COMMUNICATION PROGRAM

### I. General Information

The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009(b) of the THCA and Section 295.7(a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1- 295.12), the following written Hazard Communication Program has been established for the City of Bellaire.

The master copy of the written hazard communication program will be maintained in the Fire Department. Copies of the written program will be modified as needed for each separate workplace where hazardous chemicals are used or stored and a copy maintained at each workplace. The written program will be available to all interested employees and their representatives upon request.

To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:

- A. The Assistant Fire Chief/Fire Marshal will have overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.
- B. Department heads or their designees will be responsible for:
  - 1. Maintaining a list of all hazardous chemicals used or stored within their department.
  - 2. Maintaining MSDS sheets for all hazardous chemicals used or stored within their department.
  - 3. Properly labeling all containers of hazardous chemicals used or stored within their department.
  - 4. Providing appropriate training on hazardous chemicals to all covered employees.
  - 5. Providing information concerning the hazardous chemicals to which employees may be exposed during the performance of non-routine tasks.
  - 6. Providing appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals and overseeing all aspects of the PPE program.
  - 7. Informing contractors of their rights under the Act, providing copies of Workplace Chemical Lists, providing copies of all MSDSs for the hazardous chemicals they may be exposed to in the workplace, and requiring contractors to provide MSDSs for any hazardous chemicals they will be bringing into the City of Bellaire workplace to which the City of Bellaire employees will have an exposure.
- C. Supervisors will be responsible for:
  - 1. Being knowledgeable of the City of Bellaire Hazard Communication Program.
  - 2. Complying with and enforcing the Program.
  - 3. Reporting all accidents involving a hazardous chemical to their department head or the Assistant Fire Chief/Fire Marshal.

**GENERAL INFORMATION (Continued)**

D. Employees will be responsible for:

1. Being knowledgeable of the City of Bellaire Hazard Communication Program.
2. Complying with the Program.
3. Reporting all accidents involving a hazardous chemical to their supervisor.

**II. Exemptions**

A. The following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:

1. Hazardous waste that is subject to regulation by the Texas Natural Resource Conservation Commission and/or the U.S. Environmental Protection Agency.
2. A chemical in a laboratory under the direct supervision or guidance of a "technically qualified individual" if:
  - a. Labels on incoming containers of chemicals are not removed or defaced,
  - b. This employer complies with Sections 5002.006 and 5002.009 of the THCA with respect to laboratory
  - c. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes.
3. Tobacco or tobacco products.
4. Wood or wood products.
5. Articles formed to a specific shape or design during manufacture and that do not release or otherwise result in exposure to a hazardous chemical under normal conditions or use.
6. Food, drugs, cosmetics or alcoholic beverages.
7. Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by a consumer.
8. Radioactive waste.

**III. Workplace Chemical List**

A. The City of Bellaire will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds, or any chemical that may be classified as an "Extremely Hazardous Substance" present in quantities that meet or exceed the threshold determined by the EPA in 40 CFR, Part 37. A listing of "Extremely Hazardous Substances" can be found at the EAP web site, Section 302 of Employer Planning and Community Right-To-Know Act (EPCRA).

### III. WORKPLACE CHEMICAL LIST (Continued)

This Workplace Chemical List will be developed for each **workplace** where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives. This amount does not have to be in one container, but can be accumulative amounts of smaller containers to total, equal to, or greater than 55 gallons or 500 lbs.

- B. The Assistant Fire Chief/Fire Marshal will be responsible for reviewing and updating the Workplace Chemical List(s) for the City of Bellaire as necessary, but at least by December 31 of each year.
- C. The Workplace Chemical List will be maintained for at least 30 years.
- D. Further information on each noted chemical can be obtained by reviewing Material Safety Data Sheets (MSDSs) located in each workplace where these hazardous chemicals are used or stored.

### IV. Material Safety Data Sheets

- A. The City of Bellaire will maintain a current and appropriate Material Safety Data Sheet (MSDS) for each hazardous chemical purchased.
- B. The Assistant Fire Chief/Fire Marshal will be responsible for the MSDS system for City of Bellaire and will ensure that:
  - 1. Incoming MSDSs are reviewed for new and significant health/safety information and that any new information is passed on to the respective department head, who is in turn responsible for providing the information to the affected employees.
  - 2. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of actual MSDSs.
  - 3. Emergency responders are provided MSDSs as soon as practical upon request.
- C. Department heads or their designees are responsible for ensuring that:
  - 1. Hazardous chemicals received without an MSDS are withheld from use until a current MSDS is obtained.
  - 2. Missing MSDSs are requested from an appropriate source (e.g. chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.
- D. Master MSDS files for the City of Bellaire will be kept in Fire Department.
- E. Each department will maintain its own chemical list.
- F. MSDSs will be readily available for review by employees or their designated representatives upon request.

**V. Chemical Container Labels**

- A. All **containers** of hazardous chemicals used or stored by the City of Bellaire will be appropriately labeled.
- B. The Assistant Fire Chief/Fire Marshal is responsible for the hazardous chemical labeling system. The Assistant Fire Chief/Fire Marshal will verify that a description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS Standard).
- C. Department heads or their designees are responsible for ensuring that:
  - 1. All **primary containers** of hazardous chemicals are clearly labeled to include:
    - a. The identity of the chemical as it appears on the MSDS.
    - b. The appropriate hazard warnings.
    - c. The name and address of the manufacturer.
  - 2. All **secondary containers** of hazardous chemicals are clearly labeled to include:
    - a. The identity of the chemical as it appears on the MSDS.
    - b. The appropriate hazard warnings.
  - 3. Every effort is made to label pipes that carry materials that could be hazardous. Labeling can be specific markings identifying the contents of the pipes. If hazardous chemicals run through the pipes, the potential hazards and necessary safety precautions relative to the chemicals must be obtained and given to the employees working in the area.
  - 4. Any empty container being considered for re-use must be fully cleaned and all labels removed prior to its use.
- D. The City of Bellaire will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

## **VI. Employee Training Program**

- A. The City of Bellaire will provide an education and training program to **all employees** who routinely use or handle hazardous chemicals in their workplace.
- B. The Assistant Fire Chief/Fire Marshal will be responsible for the overall training program.
- C. The department heads or their designees are responsible for ensuring that:
  - 1. Appropriate training is provided to all covered employees and includes:
    - a. The use of information provided on MSDSs and chemical container labels.
    - b. The location of hazardous chemicals present in the employees' work areas.
    - c. The physical and health effects of exposure.
    - d. Proper use of personal protective equipment.
    - e. Safe handling of hazardous chemicals.
    - f. First aid treatment for exposure to hazardous chemicals.
    - g. Safety instruction on clean-up and disposal of hazardous chemicals.
  - 2. Required training records are maintained and include:
    - a. The date of the training session.
    - b. A legible list of all employees attending the training session.
    - c. The subjects covered.
    - d. The name of the instructors.
  - 3. All covered employees are identified and incorporated into the training program.
  - 4. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.
  - 5. New employees are trained prior to their being required to use or handle a hazardous chemical.
  - 6. The need and frequency for periodic/refresher training is assessed. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

## **VII. Reporting Employee Deaths and Injuries**

- A. The City of Bellaire will notify the Texas Department of Health, Hazard Communication Branch, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.
- B. The Assistant Fire Chief/Fire Marshal will be responsible for reporting all such accidents to the Texas Department of Health, Hazard Communication Branch, within 48 hours after their occurrence. Notifications will be made either orally or in writing.
- C. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.
- D. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to their department head or the Assistant Fire Chief/Fire Marshal.

### **VIII. Posting Employee Notice**

- A. The City of Bellaire will post and maintain in **all workplaces** where hazardous chemicals are used or stored the most current version of the TDH *Notice to Employees*, informing employees of their rights under the THCA.
- B. The *Notice* shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
- C. Where necessary, a copy of the *Notice*, printed in Spanish, will be posted together with the English version of the *Notice*.
- D. Additional copies of the *Notice*, in both English and Spanish, are available from the Hazard Communication Branch.

### **IX. Personal Protective Equipment**

- A. The City of Bellaire will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.
- B. The respective department heads will assume overall responsibility for the PPE program of their departments and will ensure that appropriate equipment and training are provided, to include:
  1. Proper selection of PPE based on:
    - a. Routes of entry.
    - b. Permeability of PPE material.
    - c. Duties being performed by the employee.
    - d. Hazardous chemicals present.
  2. Proper fit and functionality of PPE as described by the manufacturer's specification.
  3. Appropriate maintenance and storage of PPE.

### **X. Maintaining Employee Rights**

- A. The City of Bellaire shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of Health, participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.
- B. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer violates the Act.

### **XI. Informing Contractors**

Before a contractor commences work in a City of Bellaire workplace, the department head and/or Supervisor who controls the work area will be responsible for:

1. Informing the contractor of its rights under the Act.
2. Providing a copy of the Workplace Chemical List.
3. Providing copies of all MSDSs for the hazardous chemicals that they may be exposed to in the workplace.
4. Requiring contractors provide MSDSs for any hazardous chemicals they will be bringing into the City of Bellaire workplace to which the City of Bellaire employees will have an exposure.



## SAFETY PROGRAM CORRECTIVE ACTION POLICY

### **Safety Reprimands:**

Should employees be observed not following documented safety rules/procedures, the attached Safety Program Corrective Action form shall be used. Supervisors should make every effort to make sure employees are following safe work practices.

The Safety Program Corrective Action Policy is a tool to ensure enforcement of the rules and procedures for a safe and healthful working environment. The policy applies to all employees of the City of Bellaire.

### **Verbal Warnings:**

Supervisors may issue verbal warnings to employees who commit minor infractions or violations of the safety rules or safe work practices. Continued violations or verbal warnings will lead to more stringent action.

### **Written Warnings:**

Supervisors may issue written warnings for the following:

- Repeated minor violations of safety rules or procedures.
- Single serious violations of a rule or procedure that could have potentially resulted in injury to themselves or another employee or could have caused property damage.
- Activities that could potentially result in injury or property damage.

### **Disciplinary Leave or Termination:**

Supervisors may recommend and management may institute disciplinary leave or termination for the above reasons and the following:

- A single serious violation of a rule or procedure that results in injury to an employee or property damage.
- Repeated violations or non-conformance to safety rules/procedures.

### **Documentation:**

Violations of City of Bellaire safety rules, regulations or procedures will be documented by filling out a Safety Program Corrective Action form on employees. The Safety Program Corrective Action form will state the type of violation and corrective action(s) taken. The employee must read and sign the report acknowledging that they understand the seriousness of the violation. Verbal and written Corrective Action forms will be filed in the respective department. Suspensions and terminations will be documented on a Personnel Action Form.

**Individual Department Corrective Action or Discipline Policies:**

It will be the prerogative of each department head to develop and implement additional department policies which are separate from or in addition to the policies, procedures and guidelines listed in this Safety Program, which has been designed for all employees of the City. In the event a question arises regarding a conflict between this Safety Program and departmental policies and procedures, the City Manager will determine the resolution to be implemented after considering all factors of the situation.

SAFETY PROGRAM CORRECTIVE ACTION FORM

Date: \_\_\_\_\_

Regarding Employee: \_\_\_\_\_

Employee Position: \_\_\_\_\_

Location: \_\_\_\_\_

Regarding: Safety Policy, Procedures and Instructions

Describe: \_\_\_\_\_

---

---

---

---

Corrective Action:

---

---

Employee's Signature

Supervisor's Signature

This record documents a verbal warning.

This record represents a written warning.

Maintain Safety Program Corrective Action forms in department personnel files.

**\*State safety policy, rule, or procedure violated.**



# SAFETY COMMITTEE FORMATION

## SAFETY COMMITTEE ORGANIZATION

A safety committee has been established for the City of Bellaire to coordinate our workplace safety program and also to help in the identification of corrective measures needed to eliminate or control recognized safety and health hazards. The safety committee will consist of representatives from various departments and from various levels of the workforce.

Members of the Safety Committee should be enlisted through a volunteer process or through election by co-workers. The Committee members demonstrate interest in achieving results and are dedicated to creating and maintaining a safe workplace.

## RESPONSIBILITIES

The safety committee will continue to assist in evaluating the effectiveness of control measures used to protect employees from safety and health hazards in the workplace. The committee will also make recommendations as to any adjustments needed to improve any components of the safety program.

The safety committee will be responsible for assisting management in reviewing and updating workplace safety rules based on accident investigation findings, inspection findings, employee reports of unsafe acts or unsafe conditions and employee suggestions/complaints. These reviews will be conducted on an ongoing basis during quarterly meetings and will focus on hazard/injury analysis and possible developing trends. Resources used during these analyses will include TWCC-1 Forms, Accident Investigation Reports, TML-IRP Loss Runs, Other Insurance Carrier Loss Runs, etc. The Chairperson of the safety committee will maintain a copy of these records for reference as needed. The committee will provide a written notification of any identified trends to the respective department head or department head's designee.

The safety committee will assist management in continually evaluating employee accident prevention programs in an effort to promote safety awareness and employee participation in the safety program. This evaluation will involve conducting periodic safety inspections, observing work practices, reviewing accident causes, suggesting recommendations for corrective measures, etc. Responsibilities may also include updating or rewriting of policies or procedures as evaluations identify possible deficiencies.

Safety committee members will regularly participate in safety training activities and will also be responsible for assisting management in monitoring the effectiveness of workplace safety education and training sessions. Members of the committee will participate in the development of improvements for identified deficiencies in the education and training programs.

## MEETINGS

Safety committee meetings will be held at least quarterly and more often as needed. A Safety Committee member will be responsible for recording the minutes of each meeting. A copy of the finalized minutes will be forwarded to each member of the committee and may also be posted in the workplace for other employees to review.

**SAFETY COMMITTEE MINUTES/TRENDS ANALYSIS REPORT FORM**

|              |              |                  |
|--------------|--------------|------------------|
| <b>Date:</b> | <b>Time:</b> | <b>Location:</b> |
|--------------|--------------|------------------|

**Members in attendance:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Previous Action Items:**

**Recommendations from Anonymous Employees:**

**Suggestions from Employees:**

- **Review of Accidents (TWCC-1s and injury log) since previous meeting:**
- **Review of Near Miss Reports since previous meeting:**
- **Review of Accident Investigation Reports (motor vehicle accidents and employee injury accidents) since previous meeting:**
- **Identified trends, if any:**
- **Recommendations for Prevention:**

**Recommendations from Inspection Reports (facilities, jobsites, vehicles, equipment):**

**Safety Training Recommendations:**

**Recommended Updates to Safety Program:**

**Comments:**

|                     |              |
|---------------------|--------------|
| <b>Prepared By:</b> | <b>Date:</b> |
|---------------------|--------------|

**Attach additional sheets, if needed.**

## VEHICLE OPERATOR STANDARDS

This policy establishes minimum standards for the qualification of employees and applicants to operate vehicles and motorized equipment, personal vehicles, leased or rented vehicles in the course and scope of employment with the City of Bellaire.

This policy shall apply to:

1. Employees driving City of Bellaire owned, leased, or rented vehicles or motorized equipment.
2. Employees receiving a monthly car allowance, or who use personal vehicles for City of Bellaire related business.
3. Applicants for positions which require the operation of vehicles or motorized equipment in the course and scope of employment with the City of Bellaire.

### **DEFINITIONS**

1. City of Bellaire Vehicles - any passenger car, pickup, truck, or other similar vehicle that is owned, leased, rented, or otherwise under the care, custody, or control of the City of Bellaire. A City of Bellaire vehicle shall also include vehicles driven by employees receiving a car allowance and personal vehicles.
2. Motorized Equipment - this category includes, but is not limited to, backhoes, dozers, mower- tractors, loaders, graders, and other similar operational equipment.
3. Personal Vehicles - privately owned vehicles used in the conduct of City of Bellaire business, and for the use of which the driver is eligible to claim mileage reimbursement.
4. Driving Records - the complete driving history of an employee as can be discerned from any official records.

### **RESPONSIBILITIES**

Employees who drive vehicles or operate motorized equipment in the course and scope of employment with the City of Bellaire shall be required to meet the following minimum conditions of eligibility for driving/operating privileges:

1. Have reached the age of eighteen (18) years.
2. Be physically qualified to hold a driver's license and to safely operate a vehicle or motorized equipment.
3. Have current valid Texas driver's license in the appropriate class as established on the official description for the position.
4. Wear seat belts and other relevant safety equipment when operating vehicles or motorized equipment within the course and scope of employment with the City of Bellaire.

**VEHICLE OPERATOR STANDARDS (Continued)**

5. Observe all City of Bellaire vehicle and traffic related policies.
6. Observe all laws and ordinances relating to the operation of vehicles or motorized equipment.
7. Be responsible for the proper care and use of vehicles or motorized equipment. This includes maintaining City of Bellaire vehicle/motorized equipment interiors and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor, and operating all City of Bellaire vehicles/motorized equipment in a manner that conserves fuel and reduces depreciation.
8. Employees receiving a car/vehicle allowance for operating their personal vehicle within the course and scope of employment with the City of Bellaire shall fulfill all current legal regulations such as insurance, inspection, and registration.

**OPERATOR STANDARDS - APPLICANTS**

Applicants for positions requiring the operation of vehicles or motorized equipment in the course and scope of employment with the City of Bellaire **shall not** be eligible for driving/operating privileges if the total points assigned to their driving record from the table below is 10 or more in the past three (3) years. This policy represents the minimum acceptable standards. Individual department heads may establish stricter standards in accordance with the needs and functions of their respective departments.

| <b>VIOLATIONS</b>   | <b>POINTS</b> |
|---|---------------|
| • License suspension, revocation  | 10            |
| • A conviction for driving while intoxicated or under the influence of narcotics.   | 10            |
| • Any serious conviction involving issues related to reckless driving, endangering lives of others, racing, etc.  | 10            |
| • Any standard moving conviction, such as speeding, running a red light/stop sign, failure to yield right of way, unsafe lane change, failure to signal, failure to keep right, following too closely, etc. | 2             |
| • Any moving conviction involving bodily injury and/or property damage motor vehicle accident.  | 3             |

**OPERATOR STANDARDS - EMPLOYEES**

Employees currently in a position requiring them to operate vehicles or motorized equipment in the course and scope of employment with the City of Bellaire **shall not** be eligible for driving/operating privileges if the total points assigned to their driving record is 10 or more in the past three (3) years. This policy represents the minimum acceptable standards. Individual department heads may establish stricter standards in accordance with the needs and functions of their respective departments.

| <b>VIOLATIONS</b>   | <b>POINTS</b> |
|---|---------------|
| • License suspension, revocation  | 10            |
| • A conviction for driving while intoxicated or under the influence of narcotics. | 10            |
| • Any serious conviction involving issues related to reckless driving,            |               |

SAFETY - GENERAL ADMINISTRATIVE POLICIES AND PROCEDURES

endangering lives of others, racing, etc.

10

**VEHICLE OPERATOR STANDARDS (Continued)**

- Any standard moving conviction, such as speeding, running a red light/stop sign, failure to yield right of way, unsafe lane change, failure to signal, failure to keep right, following too closely, etc. 2
- Any moving conviction involving bodily injury and/or property damage motor vehicle accident. 3

**Sustained Allegations**

The above point systems for applicants and employees would also apply if the same or similar allegations were "sustained" through internal investigations rather than a conviction.

**PROCEDURES**

The following procedures shall be observed under this policy:

1. Employees who are in positions that require driving/operating vehicles or motorized equipment must report to their supervisors any accident that occurs within the course and scope of employment with the City of Bellaire involving vehicles or motorized equipment as soon as possible and no later than twenty-four (24) hours from the time of the occurrence.
2. Employees who are in positions that require driving/operating vehicles or motorized equipment shall report to their immediate supervisor, or department head within 24-hours if their driver's license is suspended, revoked, cancelled, surrendered, or if they receive a conviction for driving while intoxicated or under the influence of narcotics, or conviction of any serious violation including reckless driving, endangering lives of others, racing, etc.
3. Failure to report items identified in the previous paragraph; failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action.
4. The City's insurance coverage requires that no employees' family members, friends or acquaintances be authorized to operate City vehicles or equipment. You may permit another City employee to operate your City vehicle as long as the use is for City business. City vehicles are to be used only for authorized purposes consistent with City and departmental policies and procedures. When a City-owned vehicle is parked unattended, you are responsible for locking the vehicle and keeping the keys in your possession at all times.
5. Periodically the Human Resources department will make a list of all personnel who operate City vehicles/motorized equipment, or may drive their personal vehicle on City business. This list shall include the employee's name, date of birth, and current driver's license number. All such employees will then have their driving record status reviewed through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The City Manager, appropriate department head and supervisor will be notified of any employee whose driving record fails the criteria set forth in this policy.
6. Employees who have been ruled ineligible (except for driving while intoxicated or under the influence of narcotics) for driving privileges may have their privileges reinstated provided the employee successfully completes a Defensive Driver Training Program approved by the Director of Human Resources and submits evidence of satisfactory completion to the Director of Human Resources.

An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years in order to have his/her eligibility status reinstated.

**VEHICLE OPERATOR STANDARDS (Continued)**

7. Employees who have been ruled ineligible to drive/operate vehicles or motorized equipment within the course and scope of employment with the City of Bellaire due to their driving record may, at the City of Bellaire's sole discretion be:
  - Assigned non-driving responsibilities within their current department, if available; or
  - Transferred to another department and assigned non-driving responsibilities, if available; or
  - Dismissed, if neither of the above alternatives can be achieved within twenty (20) working days. All non-driving responsibilities must have prior approval of the City Manager and appropriate department head.
8. Employees who receive a car allowance and become ineligible for driving privileges shall have their car allowance revoked and shall not be permitted to drive on City of Bellaire related business. Mileage reimbursement recipients who become ineligible for driving privileges shall be forbidden to drive their personal vehicles on City of Bellaire related business.

**SECTION 9.03****General Safety Rules, Practices & Procedures**

|  |       |
|--|-------|
| General Safety Rules .....                                       | 9-52  |
| Personal Protective Clothing & Equipment-General Requirements... | 9-53  |
| Personal Protective Equipment-Fire Department .....              | 9-54  |
| General Safety Rules for Motor Vehicle and Equipment Operation.. | 9-55  |
| Refuse Collection Safety .....                                   | 9-57  |
| Electrical Safety.....   | 9-59  |
| Lockout / Tagout Procedures.....                                 | 9-60  |
| Bloodborne Pathogen Safety.....                                  | 9-63  |
| First Aid .....  | 9-64  |
| Confined Space Safety.....                                       | 9-65  |
| Trenching and Excavation Safety .....                            | 9-67  |
| Work Zone Traffic Control.....                                   | 9-69  |
| General Fire Personnel Safety.....                               | 9-70  |
| Material Handling Safety .....                                   | 9-74  |
| Fire Extinguisher Awareness .....                                | 9-75  |
| General Tool Safety.....   | 9-76  |
| Ladder Safety.....   | 9-77  |
| Material Storage Safety .....                                    | 9-79  |
| General Shop Safety .....  | 9-81  |
| General Storage Yard Safety.....                                 | 9-83  |
| Compressed Gas Cylinder Safety.....                              | 9-84  |
| General Welding and Cutting Safety.....                          | 9-86  |
| Cold and Heat related Illnesses Awareness.....                   | 9-88  |
| Pesticide / Herbicide Safety.....                                | 9-89  |
| Chain Saw Safety.....  | 9-90  |
| Forklift Safety .....  | 9-91  |
| Backhoe / Loader Safety .....                                    | 9-92  |
| Dump Truck Safety.....   | 9-94  |
| Tractor / Shredder Safety .....                                  | 9-95  |
| Grounds Maintenance Safety (Mowers, Edgers and Chippers.....     | 9-96  |
| Poison Ivy, Oak or Sumac Awareness.....                          | 9-97  |
| General Painting Safety.....                                     | 9-98  |
| General Office Safety .....                                      | 9-99  |
| Ergonomics Awareness.....  | 9-100 |
| Aggressive Animal Awareness .....                                | 9-101 |
| Tips for Preventing Workplace Violence .....                     | 9-102 |
| Tree Removal Policies and Procedures .....                       | 9-104 |
| Cell Phone Safety.....   | 9-105 |
| Skin Cancer Prevention .....                                     | 9-106 |

## **NOTICE**

The following pages contain general safety rules, practices and procedures. These rules, practices and procedures may not represent an exhaustive list of all the safety requirements for specific work areas and job tasks, and safety requirements may change from time to time as changes in equipment styles, technology, and job procedures occur. It will be the prerogative of each department head to develop and implement additional safety requirements, which are separate from or in addition to those stated in this Safety Program. In the event a question arises regarding a conflict between this Safety Program and departmental policies and procedures, the City Manager will determine the resolution to be implemented after considering all factors of the situation.

Law enforcement safety procedures are intentionally omitted from this section and should be found in the Bellaire Police Department General Directive Manual.

It is the responsibility of each employee to read, understand or ask their supervisor for clarification, and comply with all safety requirements both of this Safety Program and of their respective departments.

## GENERAL SAFETY RULES

1. Each employee shall be required to comprehend and abide by the contents of this Safety Program.
2. All accidents, no matter how minor, shall be reported immediately to your supervisor.
3. All hazardous conditions, actions and/or practices shall be reported to your supervisor.
4. Work areas, including the inside and outside of vehicles and buildings, shall be kept clean and orderly at all times.
5. Employees shall only operate equipment/tools that they are trained and authorized to operate.
6. Smoking shall be prohibited in areas where there is a danger to equipment, materials, coworkers or buildings, or where "No Smoking" signs are posted.
7. Employees shall use all safety devices and personal protective equipment provided for their protection.
8. Employees shall wear clothing and shoes suitable for the particular work they are doing.
9. Employees shall use assisted lifting devices or obtain assistance from a coworker when lifting heavy objects.
10. Guards shall never be removed except when authorized to make repairs or adjustments. Replace guard immediately upon completion of work.
11. Before starting work on any machine or equipment that is out of service, employees shall render the equipment or machine inoperative and attach a lockout device to the equipment control.
12. The use of drugs and alcohol during working hours is prohibited. Any employee reporting for work under the influence of alcohol or controlled substances shall be subject to disciplinary action.
13. Any employee taking prescription drugs or over-the-counter drugs that could impair assigned work shall report this fact to the supervisor as required by the Alcohol and Controlled Substances Policy.
14. Employees shall not engage in practical jokes or horseplay.

**PERSONAL PROTECTIVE CLOTHING & EQUIPMENT – GENERAL REQUIREMENTS**

1. All employees shall wear clothing suitable for their particular type of work. Loose clothing shall not be worn while working around or near moving machinery or equipment.
2. All department approved special protective clothing or protective devices shall be used by employees when departmental supervisors require their use.
3. Clothing that is soiled by oil or chemicals should be avoided to prevent skin irritations.
4. When work is performed in the vicinity of exposed energized parts of equipment, employees shall remove all exposed conductive articles, such as key or watch chains, rings, wristwatches or bands, if such articles increase the hazards associated with inadvertent contact with the energized parts.
5. Rings or jewelry shall not be worn while climbing on or off structures or vehicles while performing any task where the ring might get caught under or snagged by a projecting item. In addition, rings and wristwatches with metal case and watchbands shall not be worn while working on or near energized equipment or lines.
6. Department approved gloves shall be provided to and worn by all employees when work site operations could cause injury to the hands.
7. Gloves and long sleeves shall be worn to protect hands and arms when handling cement, brush, sharp objects, hot materials, acids and other chemicals, or when there is a possible exposure to poison ivy.
8. Department approved head protection shall be provided to and worn by employees when working in areas where possible danger or head injury exists from impact, falling or flying objects, or from electrical shock and burns.
9. Employees shall wear department approved eye and face protection where injury exists from flying objects, glare, liquid splashes, weedeaters, edgers, chemicals, grinding, sandblasting, and welding. Eye protection shall be kept in a sanitary and usable condition and shall be replaced when it becomes warped, scratched, or pitted.
10. Department approved hearing protection devices shall be provided to and worn by all employees working in areas where a danger of noise exposure exceeds acceptable levels.
11. Employees shall wear footwear suitable to the type of work being performed. Safety boots or shoes shall be worn when required. Wearing of sandals, thongs, tennis shoes, loafers or similar footwear shall not be acceptable during working hours for employees serving in labor, maintenance, construction, or inspection positions.
12. Department approved life jackets or buoyant work vests shall be worn by all employees when working over or near water where the danger of drowning exists.
13. Department approved respiratory protection shall be worn in areas where dangerous air contamination, chlorine, gasses, vapors, fumes, dust, or other hazardous contaminants exist.
14. Employees required to work in or near the roadway shall wear high visibility clothing, garments, or reflective vests.
15. Department approved fall protection devices, such as harnesses, lanyards, etc., shall be used by all employees when working in an overhead position which may require use of both hands and when there is a danger of falling.
16. Protective clothing and equipment shall be used and maintained in accordance with manufacturer's recommendations.

**PERSONAL PROTECTIVE EQUIPMENT – FIRE DEPARTMENT**

1. Full protective clothing shall meet NFPA standards and include the following: approved helmets, pants, coats, gloves, hoods, and boots.
2. Full protective clothing shall be worn at all times while engaged in any fire fighting activities or other emergencies unless a specific exception is made by departmental policy or the officer in charge deems safety and efficiency are not jeopardized.
3. An approved self-contained breathing apparatus shall be provided for and used by all personnel when working in areas where the atmosphere is hazardous, suspected of becoming hazardous, or may rapidly become hazardous.
4. Approved gloves shall be worn when engaged in fire fighting, overhaul, training with the hose and ladders, using hand or power tools, and any other situation where injuries to the hand are likely to occur.
5. Eye and face protection appropriate for the given hazard shall be provided for and used by all personnel exposed to that hazard.
6. Hearing protection shall be provided for and used when exposed to noise levels that exceed acceptable levels except in situations where the use of such protective equipment would create an additional hazard to the user.
7. Personnel who perform emergency medical care or are otherwise likely to be exposed to blood or other body fluids shall be provided with and use emergency medical garments, emergency medical face protection devices, and emergency medical gloves. (For additional information, please refer to the bloodborne pathogen section of this manual).
8. Personnel who engage in operations during hazardous material emergencies that may expose them to known chemicals in vapor form or unknown chemicals shall be provided with and use vapor-protective suits.
9. Personnel who engage in operations during hazardous material emergencies that may expose them to known chemicals in liquid-splash form shall be provided with and use liquid-splash suits.

**For additional guidance in the use of personal protective equipment, please refer to the Personal Protective Clothing and Equipment - General Requirements section of this manual.**

**SAFETY – GENERAL SAFETY RULES, PRACTICES & PROCEDURES**  
**GENERAL SAFETY RULES FOR MOTOR VEHICLE & EQUIPMENT OPERATION**

1. Employees who are authorized to operate City of Bellaire vehicles or personally owned vehicles on City of Bellaire business, must have a valid Texas Driver's license for the class vehicle they operate and must notify their supervisor immediately should the license be suspended or revoked.
2. Motor vehicle record checks will be conducted annually on all employees who have driving or motorized equipment operation responsibilities.
3. The Certificate of insurance coverage and other required documents, along with accident forms should be carried in all City of Bellaire owned vehicles.
4. All drivers of City of Bellaire vehicles must be familiar with and abide by all applicable state, federal and local traffic regulations.
5. All drivers/operators shall be responsible for the proper care and use of vehicles and motorized equipment. This includes maintaining City of Bellaire vehicle/motorized equipment interiors and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor.
6. A driver/operator shall not permit any unauthorized persons to drive, operate or ride in or on a City of Bellaire vehicle. Riders shall not be allowed on running boards, tailgates, fenders, bumpers, atop cabs, on tow bars or towed equipment. (Exceptions may include operator trainees and mechanics sharing operator positions.)
7. Every accident involving personal injury or property damage shall be reported to your supervisor immediately.
8. Where seat belts are provided, they shall be worn by all occupants. The size of the vehicle or equipment does not excuse the operator from the seat belt requirement.
9. Equipment on all City of Bellaire motor vehicles must conform to state, federal, and Department of Transportation (DOT) regulations.
10. When possible, park so that backing is not required.
11. Extreme caution shall be exercised when backing any vehicle. If another employee is present, he/she shall act as a "spotter" to assist the driver in backing safely. Drivers shall stop immediately if they lose sight of the "spotter".
12. Back-up alarms are a useful warning device and should be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle.
13. Unsafe and discourteous driving practices such as road hogging, disregarding the rights of pedestrians, violating traffic regulations, and deliberate recklessness of any kind are prohibited.
14. Getting in or out of a vehicle/mobile equipment while it is in motion is prohibited, as is riding anywhere on the vehicle/mobile equipment not designed for passengers. Do not get out of a vehicle/mobile equipment and leave the motor running, or drive/operate with a door ajar.
15. Personnel should maintain three-points of contact with mobile equipment when entering and exiting to help in maintaining balance if a slip occurs. Many injuries occur as a result of slips and this should help control that exposure. In addition, the condition of handrails, steps, etc. should be inspected regularly.
16. Smoking is prohibited in any areas where fueling is being performed.

**GENERAL SAFETY RULES FOR MOTOR VEHICLE & EQUIPMENT OPERATION (Continued)**

17. Except in emergencies, gasoline must not be carried inside passenger cars or the cabs of trucks. Gasoline shall be transported in approved safety containers and sealed tight to prevent the leakage of gasoline or gasoline vapors.
18. Garage doors must be opened for ventilation whenever a motor vehicle engine is running to help prevent the accumulation of carbon monoxide gas.
19. Keys shall be removed from unattended vehicles and equipment. Doors should be locked for security purposes when applicable.
20. Driving a vehicle under the influence of alcohol or any controlled substance will not be tolerated. Never attempt to perform work or drive a vehicle when you are impaired by alcohol, medication or drugs.
21. Picking up hitchhikers is dangerous and prohibited.
22. Before starting out in your vehicle in the morning, clear all windows of any frost, ice or dew. Cleaning only a small place on a windshield does not allow for proper visibility.
23. Driving is a full time job. Drivers should not engage in other activities, such as dialing a telephone, updating records, etc. while operating a vehicle. The vehicle should be pulled off the road and stopped before performing these activities.
24. Driving at the maximum posted speed limit can be too fast for safety in some situations. The drivers of all vehicles must use good judgment and proceed at a pace suitable to conditions of the vehicle, road, traffic and weather.
25. All vehicle cabs should be kept clean to reduce distractions to drivers and interference with the operation of the vehicle or equipment.

**STOPPING ON ROADWAYS**

1. When it is necessary to stop on the roadway, extreme caution shall be used.
2. A rotating beacon shall be used if so equipped.
3. Tail lights/emergency flashers shall be used.
4. If work is in progress, traffic control devices shall be used in accordance with the Texas Manual on Uniform Traffic Control Devices, Part VI. Please see additional information in the Work Zone Traffic Control section of this manual.

**INSPECTION OF VEHICLES AND EQUIPMENT**

1. Drivers/operators shall utilize equipment checklists to inspect vehicles and equipment before operating. Check windshield wipers, signals, horn, lights, reflectors, tires, fluid levels, etc. to determine if they are in good operating condition prior to operating the vehicle.
2. The driver/operator shall determine that brakes are in good operating condition before using the vehicle or equipment. If brakes are not working properly, they must be corrected before use.
3. The driver/operator shall report all defects promptly. Items that affect safety shall be repaired prior to continued use.

**For additional information, please refer to Vehicle Operator Standards section of this manual.**

**REFUSE COLLECTION SAFETY****Personal Protective Equipment**

1. Gloves shall be worn by employees while handling cans, bags, boxes, etc.
2. Protective eyewear shall be available and worn whenever items that could cause an eye injury are being handled.
3. Appropriate footwear with anti-slip soles shall be worn. Leather work boots with good ankle support are recommended.
4. High visibility clothing shall be worn by employees at all times when working in or around the roadway.
5. Rainwear shall be provided for protection from the rain.

**Material Handling**

1. Size up the load and the weight to be lifted. This is done by holding the container at the top and rocking it back and forth. If it is too heavy, get help.
2. Get a firm grip on the handle or top edge of the container with one hand, tip the container, then grasp the bottom edge of the container with the other hand.
3. If the waste is in boxes, check the weight and condition of the box before lifting. Grasp the box with the fingers and palm of one hand around the top of one corner of the box; place the other hand at the bottom near the opposite corner.
4. When handling plastic bags, always grab bags by the neck. Sharp objects can protrude through the bag and puncture hands and arms.
5. If the container is in an area where there are potholes or the ground is uneven, move the container to a safer area before attempting to lift.
6. Tips in lifting:
  - a) Size up the load
  - b) Keep feet apart, establish a good base of support
  - c) Bend at the knees and hips, not at the waist
  - d) Get a good grip
  - e) Keep the load close
  - f) Lift with your legs
  - g) Pivot, do not twist your body

**Control of Falls**

1. Jumping on or off a moving garbage truck shall be prohibited. When exiting or entering the truck, "three points of contact" should be maintained at all times to provide adequate control.
2. To get off the platform (step) at the back of the truck, wait until the truck has come to a complete stop. Make sure you have good footing when you reach the ground.
3. Step off onto wet grass or icy surfaces slowly and carefully.

**REFUSE COLLECTION SAFETY (Continued)**

4. Make sure your foot has made good contact with the platform or step before getting back onto the truck. Only signal the driver to move when you are ready.
5. Always look in the direction that the truck is traveling. Watch out for low hanging tree limbs, brush, utility poles, etc. Do not ride the platform with your body leaning out beyond the body of the truck any farther than necessary.
6. Do not lie, sit or squat on the platform while the truck is moving.
7. **Never** ride the platform while the truck is backing up, exceeding 10 miles per hour, or traveling more than .2 miles (three city blocks) without stopping. Spotters shall be used anytime a truck is backing up.
8. Watch for oil or grease on platforms, streets and sidewalks.

**Packer Operation**

1. Never activate the packer while standing in front of it; always stand to the side with head and eyes turned away.
2. One crewmember should be solely responsible for operating the packing mechanism.
3. The packer operator must be completely familiar with the location and operation of all controls and know how to stop the packer in an emergency.
4. Do not overload the hopper or stick hands in while the packer is operating.
5. The packing mechanism should be inspected and serviced according to the manufacturer's operating manual.

**Vehicle Operation and Condition**

1. A spotter shall always be used anytime a truck is backing up. Standard agreed upon hand signals should be used. Anytime the spotter leaves the driver's view in the mirrors; the driver must stop immediately.
2. Trucks must be equipped with working back-up alarms.
3. The driver will use flashing lights whenever collections are being performed.
4. Know your vehicle's height and width clearances and be cautious near low hanging wires and tree limbs.
5. Keep your truck in good condition. A pre-trip and post-trip inspection shall be conducted each day.
6. A fire extinguisher, first aid kit, and water shall be provided on the trucks.
7. Keep bottles, cans, boxes, etc. off the floor of the cab.
8. When exiting the vehicle, get a good grip on the handholds and exit the cab backwards. "Three points of contact" should be maintained at all times to provide adequate control.

**ELECTRICAL SAFETY**

1. Consider all wires as dangerous and do not permit any object being handled to come in contact with electrical lines. The insulation on the wire is no guarantee that it will not cause instant death. Employees other than electricians must never attempt to determine if a wire is energized.
2. All electrical tools, equipment, extension cords etc. shall be inspected on a regular basis. All faulty equipment shall be reported immediately to your supervisor. Lockout or tag the equipment so that others are aware the equipment is damaged. The tool, equipment or cord shall not be used if it has any defects, such as bad insulation, missing grounds, loose prongs, etc.
3. All electrical equipment shall be properly grounded.
4. Extension cords should not be used in wet or damp areas. For adequate protection, a Ground Fault Circuit Interrupter (GFCI) should be used to protect employees in wet or damp locations.
5. All circuit breakers shall be identified as to use. Maintain clear access to electrical panels and main power sources at all times. Electrical panels and boxes should be securely fastened.
6. All electrical panel boards, boxes, disconnects, switchgears, etc. shall be covered or isolated to prevent accidental contact with energized parts and to protect equipment and wiring from potential contamination.
7. Before work begins at a job site, the location of electrical lines (underground and above) shall be determined and precautions taken to prevent accidental contact.
8. Electrical Lockout/Tagout procedures shall be used when circuits or electrical equipment are being worked on.
9. Electrical cables passing through work areas shall be covered or elevated to protect them from damage, which could create a shock hazard.
10. Metal ladders shall not be used when working near electrical circuits.
11. Exposed light bulbs or fluorescent tubes shall be guarded or recessed in reflectors to prevent accidental breakage.
12. To aid in the prevention of electrical shock, 120-volt, single-phase, temporary receptacles used at work sites should be used with a GFCI. If a GFCI is not available, an assured equipment grounding conductor program may be used for added protection. Another option in protection from electrical shock involves the use of double-insulated equipment.
13. Because electrical shock can stop the heart and lungs from operating efficiently, be sure that workers involved in activities around hazardous energy levels know cardiopulmonary resuscitation (CPR) and rescue procedures. Any victim of electrical shock should be administered CPR immediately after the electrical shock if heart or lung failure is suspected. The CPR should be continued until the person is revived or medical personnel arrive at the site.

## LOCKOUT/TAGOUT PROCEDURES

### DEFINITIONS

**Lockout and tagout** are methods of preventing equipment from being set in motion unexpectedly, which in turn may endanger workers.

**Lockout** is the placement of a lockout device on an energy-isolating device to ensure that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

**Lockout device** is a device that utilizes a positive means such as a lock, either key or combination type, to hold an energy-isolating device in the safe position thus preventing the energization of a machine or equipment.

**Tagout** is the placement of a prominent warning device, such as a tag, on an energy-isolating device to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed. Does not offer the physical protection of lockout.

An **energy-isolating device** is a mechanical device that physically prevents the transmission or release of energy. These devices can include, but are not limited to, electrical circuit breakers, disconnect switches, block valves, slip blinds, slide gates, etc.

**Energy** source refers to any sources of electrical, mechanical, hydraulic, pneumatic, chemical, thermal or any other energy.

An **affected employee** is an employee whose job requires him/her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed.

An **authorized employee** is a person who uses locks and/or tags on machines or equipment while performing service or maintenance activities. An authorized employee and an affected employee may be the same person when the affected employee's duties also include performing maintenance or service on a machine or equipment, which must be locked and/or tagged.

### EMPLOYEE RESPONSIBILITIES

All equipment should be locked out or tagged out to protect against accidental or inadvertent operation when such operation could cause injury to personnel. Employees should never attempt to operate any switch, valve, or other energy-isolating device that is locked or tagged out. Employees should be trained on the importance of lockout/tagout procedures. Only authorized employees who have been trained in the procedures should be allowed to apply lockout or tagout.

### PREPARATIONS FOR LOCKOUT/TAGOUT

Obtain the lockout/tagout procedures for the equipment. After a review of the procedure, determine if changes may be necessary in the procedure.

Identify all affected employees that may be impacted by the impending lockout/tagout.

Obtain necessary supplies, such as locks, tags, etc. that may be needed during the lockout or tagout.

**LOCKOUT/TAGOUT PROCEDURES (Continued)****SEQUENCE OF EVENTS TO IMPLEMENT LOCKOUT/TAGOUT**

1. Notify all affected employees that servicing or maintenance is required on a machine or equipment and that the machine or equipment must be shut down and locked out to perform the servicing or maintenance.
2. The authorized employee should refer to the organization's written procedures to identify the type and magnitude of the energy that the machine or equipment utilizes. After identifying the type of energy source, the authorized employee should assure that he/she understands the hazards of the energy source and knows the methods to control the energy source.
3. If the machine or equipment is operating, shut it down by the normal stopping procedure (depress stop button, open switch, close valve, etc.).
4. De-activate the energy isolating device(s) so that the machine or equipment is isolated from the energy source(s).
5. Use lock(s) and/or tag(s) as necessary to prevent the accidental or inadvertent operation of the energy isolating device(s).
6. Any stored or residual energy (such as that in capacitors, springs, elevated machine members, rotating flywheels, hydraulic systems, air pressure, steam pressure, gas pressure, etc.) must be dissipated or restrained by methods such as grounding, repositioning, blocking, bleeding down, etc.
7. To ensure that the equipment is disconnected from the energy source(s), the authorized employee should follow these listed steps: (a) Check to make sure that no personnel are exposed to possible hazards; (b) Verify the isolation of the equipment by operating the push button or other normal operating control(s) or by testing to make certain the equipment will not operate; and (c) Return the operating control(s) to the "neutral" or "off" position after verifying the isolation of the equipment.
8. The equipment or machine should now be locked out.

**SEQUENCE OF EVENTS TO RESTORE MACHINE OR EQUIPMENT TO NORMAL OPERATIONS**

1. Check the machine or equipment and the immediate area around the machine or equipment to ensure that nonessential items have been removed and that the machine or equipment components are operationally intact.
2. Check the work area to ensure that all employees have been safely positioned or removed from the area.
3. Verify that the controls are in the "neutral" position.
4. Remove the lockout and/or tagout devices and reenergize the machine or equipment.
5. Notify affected employees that the servicing or maintenance is completed and the machine or equipment is ready for use.
6. Return or file used lockout and/or tagout devices.

**LOCKOUT/TAGOUT PROCEDURES (Continued)**

**EMPLOYEE TRAINING REQUIREMENTS**

The employer should provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage and removal of the energy controls are acquired by the employees.

Each authorized employee should receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy sources, and the methods and means necessary for energy isolation and control.

Each affected employee should be instructed in the purpose and use of the energy control procedure.

All other employees whose work areas may or may not be in an area where energy control procedures may be utilized, should be instructed about the procedure, and about the prohibition relating to attempts to restart or reenergize machine or equipment which are locked out or tagged out.

**BLOODBORNE PATHOGEN SAFETY**

1. Due to potential hazards associated with bloodborne pathogens that cause diseases such as hepatitis and AIDS, care shall be taken to eliminate contact with blood and bodyfluids.
2. Universal precautions (treating all body fluids as potentially infectious) must be observed at all times.
3. Preventative immunizations and vaccinations shall be offered to affected employees as required by Texas Civil Statutes.
4. Use of appropriate gloves, gowns, faceshields, masks and eye protection may be necessary to prevent potentially infectious materials from passing through or reaching an employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes. A specialized mask for administering CPR shall be used.
5. Employees shall wash hands and other contaminated body areas and remove all contaminated clothing immediately after administering first aid.
6. Employees shall immediately report all exposures to blood and body fluids to their supervisor so post-exposure care can be initiated.
7. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures, or contact with blood or potentially infectious materials.
8. Infectious waste shall be placed in closable, leak-proof containers with proper labels and must be disposed of in a proper manner. Any used needles, syringes, etc. should be placed in an approved "sharps" container that will prevent accidental contact with the sharp edge.

**FIRST AID**

1. All injuries, regardless of how minor, shall be reported to your supervisor.
2. Preplanning for a potential emergency situation is most valuable. All employees shall be aware of the medical services available and how to obtain them. Emergency phone numbers shall be posted in all work areas.
3. Where first aid kits are supplied, employees shall be familiar with the location, contents, and the instructions given with the first aid kit. Each employee shall learn how to use this equipment so they can render treatment when needed.
4. The contents of the first aid kits shall be inspected each month and expended items replaced. Personal medication shall not be kept in first aid kits.
5. Where the eyes or body may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided for emergency use.

**CONFINED SPACE SAFETY**

1. All potential hazards shall be evaluated prior to entry into a confined space.
2. Only employees who have been properly trained on the hazards associated with confined space work shall be allowed to enter a confined space.
3. If work is to be performed in a confined space, a written permit system shall be followed. The entry supervisor shall complete the written permit prior to entry to ensure that all safety equipment is in place and acceptable entry conditions are present.
4. Before any entrance cover to a confined or enclosed space is removed, it shall be determined that there are no temperature or pressure differences, or other hazardous conditions that may injure the employees removing the cover.
5. No smoking shall be permitted in a confined space or near the entrance/exit area.
6. When covers are removed from confined or enclosed spaces, the opening shall be guarded by a railing, temporary cover, or other temporary barrier.
7. Before an employee enters a confined space, the internal atmosphere shall be tested for oxygen content, flammable gases and vapors, and potential toxic air contaminants. Approved and calibrated testing equipment shall be used to measure the concentration of the various gases.
8. If an oxygen deficiency is found, or if flammable or toxic gases or vapors are detected, the space shall be continuously tested and forced ventilation shall be used to maintain oxygen at a safe level and to prevent a hazardous concentration of flammable or toxic gases and vapors.
9. Electric welding, gas welding, cutting, or any other hot work shall not be performed on the interior, exterior, or near the openings of any confined or enclosed space that may contain flammable or explosive gases or vapors until the space has been properly cleared. Monitoring shall be continuous during any hot work activities.
10. If a hazard-increasing work activity is to take place in a confined or enclosed space (i.e., welding, painting, working with solvents and coating), the air in the space shall be continuously tested for the presence of flammable or toxic gases and vapors or insufficient oxygen. Forced ventilation shall be used as required.
11. Before employees are allowed to enter a confined space, all electrical and mechanical energy sources that could affect the employees working in the space shall be physically rendered inoperative, locked out, and tagged. If required, the space shall be drained, vented, and cleaned.
12. A properly trained attendant shall be stationed outside the confined space. The attendant shall maintain continuous communication with the employees authorized to be in the confined space. The attendant shall be able to recognize confined-space hazards and changing conditions in the confined space that could affect employees in the space. In the event of an emergency, the attendant shall not enter the confined space but shall be able to summon emergency and rescue services.
13. All employees required to enter a confined or enclosed space shall be equipped with a body harness and lifeline monitored by a properly trained attendant. Other personal protective equipment and rescue devices may also be required depending on the situation.
14. Compressed gas cylinders, other than breathing air, shall not be taken into a confined space.

**CONFINED SPACE SAFETY (Continued)**

15. While work is being performed in an enclosed space, a person with CPR and basic first aid training shall be immediately available to render emergency assistance if there is reason to believe that a hazard may exist in the space or if a hazard exists because of traffic patterns in the area of the opening used for entry.
16. Necessary rescue personnel and equipment shall be available in the event of an emergency.
17. Safe access to the confined space shall be maintained at all times. If possible, all cords, hoses, leads, etc., shall be routed through an entrance other than the employee access into the confined space.

***For additional information concerning confined-space requirements, refer to OSHA standard 29 CFR 1910.146.***

**TRENCHING AND EXCAVATION SAFETY**

1. Before opening an excavation, all interferences such as trees, sidewalks, and foundations shall be removed or supported as necessary to protect employees and the public.
2. The estimated location of utility and other underground installations that may be encountered during excavation work shall be determined before opening the excavation.
3. When excavation operations approach the estimated location of underground installations, the exact location of the installation shall be determined by safe and acceptable means.
4. While the excavation is open, underground installations shall be protected, supported, or removed to safeguard employees.
5. Employees exposed to vehicular traffic shall wear "high visibility" vests or clothing.
6. A stairway, ladder, ramp, or other safe means of egress shall be located in trench excavations that are 4 feet or more in depth so as to require no more than 25 feet of lateral travel for employees. Ladders must extend 3 feet above the surface and be tied off if necessary.
7. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials.
8. All mobile equipment (front-end loaders, bulldozers, and dump trucks) shall be equipped with a warning device such as a back-up alarm. When mobile equipment is operated adjacent to an excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be sloped away from the excavation.
9. In excavations deeper than four feet with the potential for a hazardous atmosphere or oxygen deficiency, air testing shall be conducted before employees can enter an excavation and as often as necessary to ensure the atmosphere remains safe. Ventilation or respiratory protection may be needed to protect employees from harmful atmospheres.
10. Daily inspections of the excavations and adjacent areas and protective systems shall be made by a competent person for evidence of situations that could result in a possible cave-in, failure of protective systems, hazardous atmospheres or other hazardous conditions. An inspection shall be conducted prior to the start of work, when there are changes in weather conditions, if the excavation has been left unattended for a period of time (such as lunch), and as needed.
11. Employees shall not work in excavations in which there is accumulated water or in an excavation in which water is accumulating unless adequate precautions have been taken to protect employees. The precautions necessary to protect employees adequately can include special support or shield systems, water removal, or the use of a body harness and lifeline.
12. Surface water shall be prevented from entering an excavation by utilizing diversion ditches, dikes, or other suitable means.
13. Excavations subject to run-off from heavy rains shall require an inspection by a competent person.
14. Excavated earth (soil), materials, tools, and equipment shall be placed no closer than two feet from the edge of the excavation.
15. Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.

**TRENCHING AND EXCAVATION SAFETY (Continued)**

16. When excavations are left open, warning devices, barricades, or guardrails shall be placed to adequately protect employees and the public.
17. At the end of the workday, as much of the excavation as practical shall be closed.
18. Mechanical excavating equipment that is parked or operating on streets or highways shall be protected by proper warning devices.
19. Each employee in an excavation shall be protected from cave-ins by an adequate protective system (sloping, benching, shoring, or shielding), unless excavations are made entirely in stable rock, or are less than five feet deep and examination of the ground by a competent person provides no indication of a potential cave-in.
20. When choosing a protective system, a competent person shall take into consideration soil type, vibration sources, previously disturbed soil, layered soil, presence of water, heavy equipment work adjacent to the excavation, limited work area, and other hazard-increasing conditions.
21. Sloping, benching, shoring or shielding for excavations greater than 20 feet deep shall be designed by a registered professional engineer.
22. A “competent person” as used in this section shall mean one who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authorization to take prompt corrective measures to eliminate them.

*For additional information on excavation requirements, refer to OSHA standard 29 CFR 1926, Subpart P, Excavations.*

## WORK ZONE TRAFFIC CONTROL

Work zone safety is the adequate safeguarding or protecting of pedestrians, motorists, utility workers and equipment by the use of adequate barriers, warning signs, lights, flags, traffic cones, high level standards, barricade rope, flaggers, etc. on approaches to work areas, excavations, open manholes, parked equipment, etc.

Work zone traffic control is accomplished by the use of informative and protective devices, keeping in mind that a safe installation requires the use of these devices in relation to the location of the workers and equipment involved. The use of these devices must be coupled with proper planning, design, installation, inspection, maintenance and the use of good common sense. It is of utmost importance that the work area be properly identified and that warning devices clearly convey the message to the traveling public well in advance of arrival at the work area.

The public must be warned in advance, then regulated and guided through or around the work area. Proper work area protection shall be planned to ensure the safety and protection of the public, the worker, and the equipment.

1. If street construction or repair work is to be done, preparations will be made to ensure vehicle and pedestrian safety before work is allowed to begin.
2. If traffic is affected by the operation, proper signs must be used in advance of the work area, and the traffic control signs in and around the affected area are to be correctly placed and maintained for the duration of the period when work is being performed and traffic obstructions exist.
3. When barricades and signs are used overnight, supervisors will examine the work area for proper placement at the end of the workday.
4. All employees working in or near the roadway will wear reflective vests or suitable garments marked with or made of reflectorized or high visibility material while at the work site. Garments worn at night must be made of reflectorized material.
5. Lighted barricades will be used whenever possible for overnight protection.
6. Where traffic must be periodically stopped or obstructed by workers or equipment in a traveled portion of a roadway, a flagger wearing a reflective vest may be stationed. If lack of manpower exists, the roadway must be closed and the traffic detoured.
7. Flaggers will be used to slow or direct traffic where the approach to the work area does not provide adequate visibility to drivers. **The use of sign paddles (Stop/Slow) is preferred and should be used if available.**
8. All plates used to cover holes in the street on a temporary basis are to be spiked in place.
9. In any case where streets are significantly obstructed or closed for any period of time, the police, fire and other relevant departments will be notified of the situation and told approximately how long the closure will be in effect.
10. When pedestrian traffic is impeded, barricades, restrictive tape, rope or other restraint will be used to keep the public from the work site.
11. Holes in the sidewalk or parkway which must be left open will have perimeter protection. Protection of these areas will be in the form of physical barriers and warning signs.

*For additional information, please refer to the most current publication of the Texas Manual on Uniform Traffic Control Devices Part VI.*

## GENERAL FIRE PERSONNEL SAFETY

### Personnel Safety on Vehicles

1. All personnel riding on the apparatus must be seated with seat belts fastened, while the apparatus is moving.
2. Do not ride or allow passengers outside the cab or canopy of any department vehicle while in motion.
3. Do not open or attempt to exit through the doors of the apparatus while it is in motion. Use steps and hand rails/holds when entering or exiting apparatus and maintain “three points of contact” at all times.
4. Where backing-up is necessary, use a “spotter” to guide you. When a “spotter” is unavailable, dismount and walk around the vehicle to ensure that you have an unobstructed path, before backing. Back-up alarms should be in place and operational at all times. If the back-up alarm is not functioning, the operator must honk the horn while backing.
5. Ensure steps and hand rails/holds are used when entering or exiting apparatus/vehicles. Personnel should maintain “three points of contact” when entering or exiting apparatus/vehicles.

### Fire Station Safety

1. Mop or clean up any oil, hydraulic fluid, water, grease or other fluids from floors, bays or walkways in the apparatus storage area immediately upon detection.
2. Do not run extension cords or other electrical power cords across doorways or aisles, between desks, or under vehicles.
3. Clean up all spills immediately, especially wet spots around drink and coffee machines, in bathrooms, kitchen and hallways.
4. Do not point a charged compressed air hose at anyone or use it to clean your clothing or the work area.
5. Do not use oxygen as a substitute for compressed air.
6. Do not stand on a ladder that "wobbles", or that leans to the left or right of center. A ladder or a step stool should be used when retrieving items above your head. Chairs, buckets, boxes, etc. should not be used in place of ladders.
7. All wet or slick floors should be marked with a yellow “Wet Surface” or “Freshly Mopped” sign. Employees shall avoid such areas until the signs are removed.
8. Do not run on stairs or steps. Steps should be taken one at a time.
9. Handrails will be used when using stairs or ramps.
10. Do not block your own view by carrying large or bulky objects; use a dolly or a hand truck, or get assistance from a fellow firefighter.
11. Do not place a ladder at a blind corner or doorway without diverting foot traffic by blocking or roping off the area.
12. Do not jump from trucks, platforms, ladders, roofs or other elevated places.
13. Horseplay will not be tolerated from any employees.

**GENERAL FIRE PERSONNEL SAFETY (Continued)**

14. Inspect all tools prior to use. In addition, always use the proper tool for the job.
15. Only activities authorized by the department will be allowed for the purpose of physical fitness.
16. Proper housekeeping must be maintained throughout all facilities all the time.

**Search and Rescue**

1. Firefighters must operate in teams consisting of a minimum of two firefighters.
2. Firefighters must not enter a burning structure without prior approval from their supervisor or the incident commander.
3. Assume that all downwind or "confined" atmospheres encountered at a search and rescue scene are contaminated unless your supervisor or incident commander has told you otherwise.
4. Use SCBA or supplied air respirators during extraction unless your supervisor or incident commander has told you that the atmosphere is safe.

**Fire Ground Safety Rules**

1. When arriving at the fire scene, firefighters must not remove their seatbelts until the apparatus has come to a complete stop.
2. Do not get off the apparatus unless you have been specifically told to do so by the apparatus officer.
3. Use steps and hand rails/holds when entering or exiting apparatus and maintain "three points of contact" at all times.
4. Do not run when working at fire scenes.
5. Do not "freelance"; always work in teams of two, and do not separate for any reason.
6. Do not enter a structure fire by yourself for any reason.
7. Never enter a burning structure if you are not wearing your self-contained breathing apparatus.
8. Do not enter a structure that is displaying the signs of "breathing" (back draft).
9. Prior to entering a burning structure, you must let the incident commander know what your intentions are by contacting him over the radio, or by telling him face to face.
10. Prior to entering a burning structure, the hose line must be opened and operationally tested outside the structure in order to ensure it is fully functional (charged); pull back on the nozzle valve handle to the "open" position and allow air to escape to the point at which a solid stream of water is flowing from the nozzle. Do not enter a burning structure without the protection of a charged hose line.
11. Firefighters must use full protective clothing, including hood, gloves, SCBA, etc. for interior firefighting.
12. Firefighting teams within a burning structure must have constant radio communication with the incident commander.

**GENERAL FIRE PERSONNEL SAFETY (Continued)**

13. Interior crews must stay together, and must maintain constant communication between each other and the incident commander outside the structure.
14. If, for any reason, one member of a team must leave the interior of a structure, both firefighters must leave the structure.
15. Do not "straddle" charged hoses.
16. Open valves to charged hose lines slowly to prevent injuring the firefighters at the end of the hose.
17. Before "shutting down" any charged lines, or when a low water situation exists, the pump operator must notify the firefighters at the working end.
18. Firefighters operating in or near streets or roads must wear their helmets and reflective traffic vests, or full protective clothing, for visibility to oncoming traffic.
19. When utilizing pike poles to clean out hot spots or while conducting salvage and overhaul operations, do not pull the debris down toward your body; push it down and away from your body.
20. Self-contained breathing apparatus must be worn during all phases of firefighting, salvage and overhaul, unless the incident commander tells you otherwise.

**Vehicle Fires**

1. Never approach vehicle fires without using full protective equipment clothing, including hoods, gloves, SCBA, etc.
2. Prior to attacking a vehicle fire, "open" and operationally check the hose line from a safe distance to be sure it is fully functional; pull back on the nozzle valve handle to the "open" position and allow air to escape to the point at which a solid stream of water is flowing from the nozzle.
3. Use the wheel blocks to chock the wheels of the burning vehicle, when possible, to prevent it from rolling.
4. When possible, approach vehicle fires upwind, downhill, and in a low crouch, with the hose nozzle opened to the "full fog position".
5. Only "pop" hoods open when there is another firefighter present with a charged and tested hose line, standing by to attack the potential flare up of fire once the hood is opened.

**Emergency Vehicle Operation**

1. Warn other vehicular traffic by using sirens, horns, and warning lights when en-route to an emergency.
2. "Cover the brake" with your foot, as you are driving, when you feel there is possible danger.
3. Slow down and be prepared to stop when approaching any intersection.
4. Proceed past a stop signal or a stop sign, only after coming to a complete stop first.
5. Operate with due regard for the safety of others.
6. Do not "push" vehicles through intersections into traffic.

**GENERAL FIRE PERSONNEL SAFETY (Continued)**

7. Low beam headlights must be on during emergency response.
8. Slow down when you are followed by a tailgater.
9. Do not pass other emergency vehicles during an emergency response. When passing is necessary, the passing arrangement must be made through radio communications.
10. Follow your local policy on emergency driving and the traffic laws related to emergency vehicle operations.
11. Avoid backing of vehicles when possible. Where backing-up is necessary, use a “spotter” to guide you. When a “spotter” is unavailable, dismount and walk around the vehicle to ensure that you have an unobstructed path before backing.

**MATERIAL HANDLING SAFETY**

1. Before starting to lift or carry, check to ensure that the walkway is clear of all obstacles. Cautiously test the object to check its weight and center of gravity.
2. Before lifting, face the object and get as close as you can with feet slightly apart. Remember, bend at your knees not at your waist.
3. Use your legs to bring you to a standing position. Make the lift smooth and under control.
4. When carrying an object, grip it firmly and hold it as close to your body as possible.
5. Do not twist your body when lifting or setting an object down.
6. If necessary, obtain assistance in lifting heavy objects by utilizing additional personnel, power equipment or other types of assisted lifting devices.
7. When two or more persons carry a heavy object that is to be lowered or dropped, there shall be a pre-arranged signal for releasing the load.
8. When two or more persons are carrying an object, each employee, if possible, should face the direction in which the object is being carried. Crouch or squat with the feet close to the object to be lifted; secure good footing; take a firm grip; bend the knees; keep the back vertical; and lift by bending at the knees and using the leg and thigh muscles. Employees shall not attempt to lift beyond their capacity. Caution shall be taken when lifting or pulling in an awkward position.
9. Material shall not be thrown from place to place or person to person.
10. A safety line or tag line should be attached to help control loads as they are lifted to elevated work areas.

**FIRE EXTINGUISHER AWARENESS**

1. Employees shall be familiar with both the location and the operation of all fire protection equipment in the vicinity of their work area.
2. Fire extinguishers should be “wall-mounted” in an easily accessible location not more than five feet above floor level. If an extinguisher cannot be easily seen, a sign indicating the extinguisher’s location should also be posted. Except for actual use or inspection purposes, employees shall not move or remove such equipment without proper authority.
3. Fire extinguishers shall not be blocked or hidden behind material or machines.
4. Fire extinguishers shall be visually inspected at least once a month and service inspected annually.
5. Employees shall know the classes of fires and the proper extinguishing agent to be used. Employees shall be trained on the primary fire exposures in their immediate work area.
6. Class A-for fires in paper, wood, or cloth  
Class B-for flammable liquid fires  
Class C-for electrical fires  
Class D-for combustible metal fires

A multi-purpose “ABC” fire extinguisher will extinguish most types of fires.

7. Remember how to operate most extinguishers:

|                |   |                          |
|----------------|---|--------------------------|
| <b>PULL</b>    | - | the pin.                 |
| <b>AIM</b>     | - | at the base of the fire. |
| <b>SQUEEZE</b> | - | the handle.              |
| <b>SWEEP</b>   | - | from side to side.       |

## GENERAL TOOL SAFETY

1. All tools shall be of an approved type and maintained in good condition.
2. All tools shall be examined prior to use to ensure adequate working condition.
3. Defective tools shall be tagged to prevent their use and removed from the job site.
4. Employees shall always use the proper tools for the job.
5. Employees shall be trained on the correct use, hazards and limitations of tools used in the workplace.
6. Gloves should be worn when they provide protection to the employee without increasing the chances of the employee becoming entangled at the point of operation.
7. Tools shall not be left unsecured in elevated places. Tethering is recommended in areas where tools may fall to a lower level.
8. Impact tools, such as chisels, hammers and punches that become mushroomed or cracked shall be dressed or replaced.
9. Chisels and punches, etc. shall be held with a safe holding device, such as vice grips or pliers to avoid injury to employee's hand.
10. Wrenches with sprung or damaged jaws shall not be used.
11. Wooden handles that are loose, cracked or splintered shall be replaced, not taped or lashed.
12. Power tools shall be disconnected from any power source while repairs or adjustments are being made.
13. Carrying and storing tools:
  - Never carry sharp tools in your pockets unless the edges are protected.
  - Do not carry tools in your hands while climbing a ladder. Hoist them with a rope or use an approved utility belt.
  - Protect your tools from falling when working from a scaffold, ladder or other elevated work areas.
14. Do not leave tools lying around where they may cause a trip/fall hazard. Tools no longer needed for the job shall be returned to their proper location.

**GENERAL LADDER SAFETY**

1. Wooden ladders shall not be painted so as to obscure a defect in the wood; only a clear, nonconductive finish shall be used.
2. All ladders shall be inspected regularly. Ladders with weakened, broken, or missing steps, broken side rails, or other defects shall be tagged and removed from service.
3. Ladders and scaffolds shall be sufficiently strong for their intended use. All ladders shall be capable of supporting at least 2.5 times the maximum intended load without failure.
4. Ladders shall not be placed in front of doors opening toward the ladder unless the door is open, locked, or guarded.
5. When ascending or descending ladders, employees shall have both hands free and shall face the ladder.
6. Only one employee shall work from a ladder at one time (except for hook-type ladders). If two employees are required, a second ladder shall be used.
7. Only City of Bellaire supplied ladders shall be used by employees.
8. Ladders shall not be used as scaffold platforms unless specifically designed for that purpose.
9. Boxes, chairs, etc., shall not be used as ladders.
10. Portable metal ladders and other portable conductive ladders may not be used near exposed energized lines or equipment except in very specialized situations.
11. The use of stepladders above 20 feet is prohibited and the use of extension ladders above 24 feet is strongly discouraged.

***Note: All ladders used in fire service activities shall be NFPA approved.***

**STRAIGHT LADDERS**

1. Portable straight ladders shall be equipped with nonskid bases or shoes.
2. The ladder shall be placed so that the distance between the bottom of the ladder and the supporting point is approximately one-fourth of the ladder length between the foot of the ladder and the upper support.
3. Straight ladders shall not be climbed beyond the third step from the top.
4. When working from a portable ladder, the ladder must be securely placed, held, tied, or otherwise made secure to prevent slipping or falling.
5. When dismounting from a ladder at an elevated position (such as a roof) the employee shall ensure that the ladder side rails extend at least 3 feet above the dismount position, or that grab bars are present.
6. Employees shall belt off to a ladder whenever both hands must be used for the job or a possibility of the employee falling from an elevated position exists.
7. Ladders shall not be spliced together to form a longer ladder, unless specifically designed to be used as a section ladder.
8. A ladder shall not be placed against an unsafe support.

**GENERAL LADDER SAFETY (Continued)**

**STEP LADDERS**

1. The top step shall not be used, except for platform ladders.
2. Stepladder legs shall be fully spread and the spreading bars locked in place.
3. Stepladders shall not be used as straight ladders.
4. When an employee is working on a stepladder more than 10 feet high (except a platform ladder), another person shall hold the ladder or it should be tied to a support to prevent it from falling.

**MATERIAL STORAGE SAFETY****Bins and Shelves**

1. Material shall be stored in such a manner that it will be safe from damage. Special care must be taken to assure that stored material poses no hazard to anyone working around it. Only lightweight material should be stored on top shelves.
2. Bins or shelves shall never be used as ladders.
3. Materials shall not be stored on the floor, in front of shelving.

**Stacking Material**

1. When material is stacked, all possible precautions must be taken to assure that it will remain stable. The lower level must be blocked or tied to prevent slipping. The height of a stack of material should remain within reasonable limits.
2. When unloading and/or stacking poles or pipe, great care should be exercised to maintain a safe work environment. Do not stand on poles or pipe. Watch for pinch points, and stay out of the path of equipment during unloading. Avoid any contact with creosote while unloading poles.

**Flammable Material**

1. Under no circumstances shall flammable materials be stored in an area where heat or potential ignition sources may affect the stability of the material.
2. All flammable materials shall be stored in a location that will not endanger life or property. Containers will be clearly and appropriately marked, in accordance with fire safety standards. In addition, storage facilities shall have a sign identifying the materials as "flammable".
3. Storage of open containers of flammable materials is prohibited. Container covers must be promptly replaced. Smoking will not be permitted inside any warehouse facility, or outside near flammable or combustible materials in the equipment yard.
4. Flammable liquids shall be used only for their designed purposes. Gasoline shall not be used for cleaning purposes or for starting or kindling fires.
5. All solvents should be kept in approved, properly labeled containers. Gasoline and other solvents of this class shall be handled and dispensed only in Underwriters Laboratories (UL) approved, properly labeled (yellow letters) red safety cans.
6. When pouring or pumping gasoline or other flammable liquids from one container to another, metallic contact shall be maintained between the pouring and receiving containers. Transferring of flammable liquids from one container to another shall be accomplished only in properly ventilated spaces free from ignition sources.
7. Strict adherence shall be paid to "No Smoking" and "Stop your Motor" signs at fuel dispensing locations.

**MATERIAL STORAGE SAFETY (Continued)****Housekeeping**

1. Work locations including vehicles, buildings, shops, yards, offices, cabs, etc. shall be kept clean and orderly at all times.
2. Combustible materials, such as oil-soaked rags, waste and shavings shall be kept in approved metal containers with metal lids. Containers shall be emptied as soon as practical.
3. Both clean rags and used rags shall be kept in metal or metal lined bins having metal covers.
4. Permanent floors and platforms shall be kept free of dangerous projections or obstructions and shall be maintained reasonably free from oil, grease, or water. Where the type of operation produces slippery conditions, mats, grates, cleats or other methods shall be used to reduce the hazard from slipping.
5. Stairways, aisles, permanent roadways, walkways and material storage areas in yards shall be kept reasonably clear and free from obstructions, depressions and debris.
6. Materials and supplies shall be stored in an orderly manner so as to prevent their falling or spreading and to eliminate tripping and stumbling hazards.
7. Rubbish and unused clothing shall not be allowed to accumulate in lockers.
8. Paper and other combustible materials shall not be allowed to accumulate, and weeds or other range vegetation shall not be permitted to grow in or around storage areas, shops, substations, pole yards, buildings, fuel tanks or other structures.
9. Batteries shall be stored in a well-ventilated area protected from sparks or open flames.
10. All personnel will practice good housekeeping. Scrap material will be disposed of properly, the work area should be free of any loose material.

**Smoking**

Open flames shall not be permitted in areas where flammables or combustibles are present. Smoking will only be allowed in designated smoking areas and never in the vicinity of flammable materials. The absence of "No Smoking" signs shall not be considered authorization for smoking in hazardous locations.

**GENERAL SHOP SAFETY**

1. All rotating pulleys, gears, shafts and belts on compressors, motors, etc. shall be properly guarded. No equipment or machinery shall be operated while required guards are not in place.
2. Drain valves on air compressors should be opened frequently to prevent the accumulation of liquid.
3. Safety-relief valves will be installed on all compression tanks. These valves will be tested periodically to ensure their proper operation.
4. Never use compressed air to clean your hands or to blow dirt from clothing or your body.
5. When using compressed air for cleaning purposes, it must be kept at a level below 30 pounds per square inch (PSI).
6. If compressed gas cylinders are stored inside a building, the area will be kept dry and well ventilated. Oxygen and fuel gas cylinders must be stored separately.
7. Cylinder carts, other than those designed to hold cylinders in an upright position, are prohibited. Upright cylinder carts must be equipped with a chain, bar or some other device that will act to stabilize the cylinders. If gauges are not attached to the cylinders, valve caps must be in place.
8. Signage similar to the following must be posted in any cylinder storage areas. "DANGER - NO SMOKING, MATCHES, OR OPEN FLAMES".
9. Radial bench saws shall be equipped with a hood guard, forward travel stop and the head shall automatically return to starting position when released.
10. A face shield and safety glasses shall be worn while grinding. Any grinding equipment without proper safety features is not allowed in the work place. Abrasive wheels shall only be used on machines that have guards that cover the spindle end, nut and flange projections.
11. Grinder work rests must be designed to be adjustable to compensate for wheel wear. Work rests should be adjusted with a maximum clearance of 1/8" to help prevent work from jamming. Tongue guards must also be adjusted to within 1/8".
12. When replacing abrasive wheels, follow the manufacturer's directions for proper installation and inspection. All grinding wheels must be inspected prior to installation to insure that the RPM rating of the wheel is correct for the grinder's RPM.
13. Identify and label all electrical control devices, such as circuit breakers, fuses, disconnects, etc.
14. All electrical outlets, including wall receptacles, extension cords, etc. must have an independent, third-wire ground system.
15. All electrical tools and equipment shall be effectively grounded unless the tool is an approved double-insulated type.
16. All electrical junction boxes shall have protective covers. All such boxes must have sufficient access space.
17. Stored materials should be stacked in such a manner as not to create a hazard. Stack containers, boxes, parts, etc. in an orderly fashion to ensure stable stacking heights.

**GENERAL SHOP SAFETY (Continued)**

18. Heavy bulky materials should be stored on lower shelves to minimize chances of injury due to falling objects.
19. Elevated storage platforms over four (4) feet in height from floor level shall have standard handrails (includes a mid-rail and a top handrail) and toe boards. The handrails will be constructed of metal or wood sufficient to withstand 200 pounds of top rail pressure.
20. Proper signage, such as "NO SMOKING" signs, will be installed in all areas where flammable or easily combustible materials are stored.
21. Hooks used on hoisting equipment shall be equipped with a safety latch to help prevent dropping of any lifted load.
22. The hoisting capacity of any hoisting equipment shall be printed clearly on the frame in lettering that is large enough to be read from ground level. All cranes shall be inspected on at least a monthly basis to assure their proper operation and condition.
23. All shops shall have at least two accessible exits for emergency evacuations.
24. Any doors not designated as exits, but may be mistaken for exits should be clearly marked "NOT AN EXIT".
25. All exits shall be identified by a clearly visible, illuminated, "EXIT" sign.
26. Only approved containers are to be used for the storage of flammable and combustible materials. Approved containers can be identified by the presence of a label from a certifying organization such as Underwriters Laboratories.
27. Safety cans shall be painted red and clearly marked to identify the contents. Only approved pumps or self-closing faucets are to be used for dispensing flammable or combustible liquids.
28. No guard shall be removed from any machine or piece of equipment except to perform required maintenance. Guards removed to perform maintenance operations shall be replaced immediately after the completion of the work.

**GENERAL STORAGE YARD SAFETY**

1. All vehicles shall have the emergency brake set when parked on a slope or down grade. Consideration should also be given to the use of chocks in these situations.
2. All vehicles and equipment shall be parked in a position that does not require backing whenever possible. When backing a truck or machinery in the yard, use a spotter to assist you into position.
3. Proper personal protective equipment should be evaluated before performing any work in the yard. It is not possible to identify all personal protective equipment that may be required due to the various types of assignments in that area.
4. Miscellaneous tools, equipment and material should be stored on pallets instead of being placed on the ground. Pallets should be stacked in a way that ensures their stability. Stability may be influenced by many items such as the stability of the ground, the height of the stacked material, the configuration of the stacking, etc.
5. Always roll pipe from the ends or from behind to avoid placing your body in the pipe's path.
6. All pipe racks will be fitted with pipe stops to prevent pipe roll-off. Stripping should also be used at the ends of the pipe to act as spacers.
7. All aboveground fuel storage tanks should be protected on all four sides with heavy-duty guard posts and crash rails. Emergency cut-off switches shall also be installed near the pumping equipment and a fire extinguisher should be readily accessible.
8. A diking system capable of holding the volume of the above ground storage tank should be constructed to help control potential spills.

**COMPRESSED GAS CYLINDER SAFETY**

1. Never attempt to lift compressed gas cylinders with an electromagnet. Where cylinders must be handled by a crane or derrick, as on work sites, the cylinders shall be lifted in a cradle or suitable platform, not by the valve protector cap. Do not lift with slings or chokers. Extreme care must be exercised to prevent dropping or bumping of the cylinders.
2. Cylinders, whether full or empty, shall be stored in a rack, chained or otherwise secured to prevent them from falling.
3. Do not use cylinders as rollers, supports or for any other use other than its designed purpose.
4. Cylinders shall have their contents properly identified. Empty cylinders shall be plainly marked "EMPTY" or "MT", and the valves shall be closed.
5. Oxygen cylinders in storage shall not be stored near flammable or highly combustible materials, such as oil, grease, fuel, other fuel gas cylinders, etc. In addition, no cylinders shall be stored in areas where there is an exposure to direct sunlight.
6. Welding or cutting of any pipeline, tank, empty container or piece of equipment shall not be performed until it is assured that the object is free from flammable materials or an explosive mixture of gases. Before welding or cutting begins, the hazardous materials shall be removed or it shall be vented to the atmosphere to prevent a possible explosion from the expansion of trapped gases.
7. Cylinders shall not be placed where they might become part of an electric current or within five feet of an electrical outlet. Cylinders shall not be allowed to come in contact with energized conductors, ground wires from electrical equipment or welding machines.
8. Valves of compressed gas cylinders shall be opened slowly and with the proper wrench.
9. Before the regulator is removed from a cylinder, the valve shall be closed and all pressure released from the regulator. Use regulators and pressure gauges only with gases for which they are designed and intended. Do not attempt to repair or alter cylinders, valves or attachments. Any changes in the cylinders shall only be performed by the supplier or manufacturer.
10. Leaking cylinders shall not be used. Such cylinders shall be taken away from sources of ignition and the supervisor notified. Leaking compressed gas cylinders shall be taken out of service immediately and handled as follows:
  - a. Close the valves and take the cylinder outdoors well away from any source of ignition. Properly tag or mark the cylinder.
  - b. If the leak occurs at a fuse plug or other safety device, take the cylinder outdoors well away from any potential ignition source and open the cylinder valve slightly to allow the contents to escape slowly. Tag the cylinder to warn others. (The environmental and health effects of the contents must be evaluated prior to allowing the cylinder to bleed-down.)
  - c. Post warnings against approaching with lit cigarettes or other potential ignition sources.
  - d. Promptly notify the supplier and follow their instructions for handling/returning the cylinder.
11. Do not remove or change the marks and/or numbers stamped on compressed gas cylinders. In addition, any labels shall be left in place for identification purposes.
12. Cylinders that are heavy or difficult to carry by hand may be rolled on their bottom edge, but they should never be dragged.
13. Do not tamper with safety devices in valves or on cylinders.

**COMPRESSED GAS CYLINDER SAFETY (Continued)**

14. Consult the supplier of the gas or the appropriate Material Safety Data Sheet (MSDS) when there are doubts concerning the proper handling of a compressed gas cylinder or its contents.
15. When cylinders are transported:
  - a. Load to allow as little movement as possible.
  - b. Secure them to prevent violent contact or falling.
  - c. Remove regulators and put valve protection caps in place.

**GENERAL WELDING AND CUTTING SAFETY**

1. Welding and cutting shall only be performed by experienced and properly trained personnel.
2. The work area shall be inspected for potential fire hazards before any cutting or welding is performed.
3. When welding or cutting in elevated positions, precautions shall be taken to prevent sparks and hot metal from falling onto people or material below.
4. Suitable fire extinguishing equipment shall be immediately available at all locations where welding and cutting equipment is used.
5. Proper strikers shall be used in lighting torches. Matches and cigarette lighters shall not be used.
6. A fire watch shall be maintained whenever welding or cutting is performed in locations where combustible materials present a potential fire hazard. A fire check should be made of the entire area after completion of welding or cutting activities.
7. Machinery, tanks, equipment, shafts or pipes that could contain explosive or flammable materials shall be thoroughly cleared and decontaminated prior to the application of heat.
8. In dusty or gaseous spaces where there is a possibility of an explosion, welding or cutting equipment shall not be used until the space is adequately ventilated.
9. Adequate ventilation or approved respiratory equipment shall be used while welding in confined spaces or while cutting, brazing or welding zinc, brass, bronze, stainless steel, galvanized or lead coated materials.
10. Welders shall wear clothing made of fire resistant fabrics, gloves, appropriate footwear, sleeves and a buttoned collar. All protective clothes and equipment should be worn in a manner that provides the most efficient protection from slag or other hot material.
11. When using an arc welder, use No. 10 or No. 12 shade lenses. When using acetylene torches for welding or cutting, use No. 5 or No. 6 shade lenses.
12. Regular shaded safety glasses do not provide adequate protection for welding or cutting operations.
13. Proper eye protection in the form of safety glasses and a face shield should be worn during any portable grinding activities. Safety glasses should also be worn during any slag chipping activities.

**GAS WELDING**

1. Suitable eye protection, protective gloves and clothing shall be worn during welding or cutting operations or while cleaning scale from welds. Helpers or attendants shall wear proper eye protection. Other employees shall not observe welding operations unless they use approved eye protection.
2. Matches shall not be used to light a torch. A torch shall not be lit on hot work.
3. When gas-welding equipment is not in use, the cylinder valves shall be closed and the pressure in the hose released.
4. Gas hoses shall not be positioned so they create tripping/slipping hazards.
5. Always inspect oxygen or fuel gas hoses for leaks, burn spots, worn places, or other defects before pressurizing.

**ELECTRIC WELDING**

1. No electric welding machine, either A. C. or D.C., shall be operated until the frame or case of the machine is electrically grounded for protection from potential shock hazards.
2. All ground and electrode lead cables will be inspected before use for bad or damaged connectors. Only connectors designed for joining or connecting will be used for that purpose.
3. Welders shall wear an approved welding helmet, proper protective gloves and fire-resistant clothing during welding activities. Proper eye protection in the form of safety glasses and/or a faceshield should be worn by the welder and any helpers in the area when chipping slag, grinding, etc. Other employees shall not observe electric welding operations unless they use approved eye protection.
4. Welders shall wear proper eye protection to guard against flying particles when the helmet is raised.
5. Welding screens shall be used whenever practical to help control potential ultraviolet light exposures to other personnel in the area.
6. Welding machines will be placed at least 4 feet apart.
7. Fire fighting equipment should be placed in the immediate area and a fire watch used as necessary to control any fire potential.

**COLD AND HEAT RELATED ILLNESSES AWARENESS****Cold Related Illnesses**

Hypothermia is when the body's temperature drops below normal causing uncontrollable shivering, weakness, drowsiness, disorientation, unconsciousness, and even death. Persons working outdoors during the winter months should follow the guidelines listed below:

1. Dress in layers.
2. Keep dry.
3. Work with co-workers when possible.

**Heat Related Illnesses**

Heat stroke, heat exhaustion, heat cramps and heat rash are health related problems associated with working in hot environments. Heat related illnesses can be caused by prolonged exposure to hot temperatures, limited fluid intake, or failure of temperature regulation mechanisms in the brain.

The most serious health disorder associated with working in a hot environment is heat stroke. Symptoms of heat stroke include hot dry skin, no sweating, high body temperature, rapid heartbeat, mental confusion or a loss of consciousness. While medical help is being called, the victim should be moved to a cool area and his/her clothing soaked with cool water. Vigorous fanning of the body will increase cooling. Death can occur if prompt first aid and medical help is not given.

Heat exhaustion occurs as a result of excess fluid loss and failure to replace the minerals and fluid lost during sweating. Signs of heat exhaustion include extreme weakness or fatigue, giddiness, nausea or headaches. The skin is clammy and moist and the body temperature is relatively normal. The best treatment for heat exhaustion involves resting in a cool place and drinking plenty of fluids.

Heat cramps are painful muscle spasms, which are caused by excessive fluid and salt loss. Such cramps can be treated by consuming fluid replacement beverages.

Heat rash is likely to occur in hot and humid environments where sweat cannot be easily evaporated from the skin surface. It can be prevented by resting in a cool place and allowing the skin to dry.

By following a few basic precautions, health problems associated with working in hot environments can be prevented:

1. Those unaccustomed to working in the heat should be given time to adjust to work in a hot environment.
2. Wear light, loose fitting clothing and protect yourself by wearing a hat. Sunscreen should also be used when prolonged exposures to sunlight may be possible.
3. Drink plenty of fluids to help prevent dehydration. Eight to ten (8-10) ounces of fluid are recommended every ten to fifteen (10-15) minutes when working in extremely hot or humid conditions. Beverages containing alcohol or caffeine should be avoided.
4. Alternate work and rest periods. Heavy work should be scheduled for the cooler parts of the day if possible.
5. Educate employees on the symptoms, treatments and preventive measures for heat related problems.

**PESTICIDE/HERBICIDE SAFETY**

1. When applicable, all employees who apply pesticides or herbicides shall be licensed.
2. Before using any pesticide or herbicide, employees shall read the label carefully and follow the directions and precautions.
3. Pesticides shall be stored in a properly labeled, tightly sealed container and under lock and key at all times. The building, room, or structure shall be clearly marked with pesticide warnings.
4. Before handling any pesticide/herbicide, the user should review the material safety data sheet and label to identify any personal protective equipment that will be needed to prevent a possible exposure.
5. Mix the pesticides/herbicides in a well-ventilated, well-lit area. Mix only at recommended rates and apply only at specified dosages.
6. Check application equipment for leaking hoses or connections, plugged or worn nozzles, and examine the filter to ascertain that it is free of debris.
7. Employees shall avoid contact with skin or inhalation of mists or spray.
8. Material Safety Data Sheets (MSDS) shall be maintained and kept near material and storage locations.
9. Spray equipment shall be cleansed daily when using oil-based solutions.
10. Pesticides/herbicides shall not be stored or disposed of where they could contaminate people, property or waterways.
11. Empty containers shall be disposed of in a safe manner.
12. Pesticides/herbicides should only be applied under favorable time and weather conditions.
13. Do not eat, drink or use tobacco products while handling pesticides/herbicides.

**CHAIN SAW SAFETY**

1. Employees operating powered trimming equipment shall, as a minimum, wear safety glasses and/or faceshields and hearing protection. Other personal protective equipment such as chaps, gloves, fall protection, etc. should also be evaluated to gauge its need.
2. When starting a chain saw, it shall be placed on or against a solid support.
3. The operator shall grip the chain saw with both hands during the entire cutting operation.
4. The saw bumper shall be against the tree or limb before starting a cut.
5. Chain saw operators shall regularly clear the immediate area around their work to make certain that brush/limbs will not interfere with the chain saw or operator.
6. Chain saws shall not be modified in such a way to allow locking of controls in the “on” position.
7. The chain saw engine or motor shall be stopped when:
  - a. Working on any part of the chain or cutting bar.
  - b. Being moved from one location to another.
  - c. The unit is unattended.
8. Gasoline driven chain saw engines shall be stopped when being refueled. If gasoline is spilled on the chain saw during refueling, it shall be wiped off before the engine is started.
9. A gasoline driven chain saw shall not be used above shoulder level.  
Employees shall not approach the chain saw operator within the reach of the saw blade while it is in operation.
10. Ropes, pulleys, etc. should be used as necessary to lower larger limbs that may endanger persons and property if allowed to “free-fall”.
11. The proper use of fall protection and/or ladders should be reviewed with all employees prior to working from a position other than ground level.

**FORKLIFT SAFETY**

1. Forklifts shall only be operated by authorized persons who have been properly trained in their use. This training should be documented and consistently used with all authorized operators and trainees.
2. The operator is responsible for inspecting the equipment before it is used. The brakes and controls shall also be tested by the operator prior to use. (Needed repairs shall be reported immediately.)
3. Equipment shall be operated at a safe speed for existing conditions. Go slowly around corners. Avoid holes, loose material etc.
4. Seat belts shall be worn when operating a forklift with rollover protection.
5. Clearances shall be checked in all directions, particularly overhead clearances.
6. Forklifts shall not be fueled while the engine is running.
7. Forks shall be placed under the load as far as possible. Loads should not be raised or lowered while traveling. Loaded or empty, forks should be carried as low as possible, but high enough to clear uneven surfaces. (Usually about 6-12 inches on level surfaces.)
8. Operators shall always face the direction of travel and also keep their arms and legs inside operator's compartment.
9. Load limits as specified by the manufacturer shall not be exceeded.
10. Do not travel with the load raised as this causes the center of gravity to rise, which may affect the tipping potential.
11. Only the operator shall be allowed on the equipment during operation, unless a seat is provided for another occupant.
12. A secured platform specifically designed for that purpose must be used when lifting personnel.
13. Unattended forklifts (operator 25 feet away or forklift not in his view) shall have the load fully lowered, controls neutralized, power shut off and brakes set.
14. Equipment with internal combustion engines shall not be operated in enclosed areas for long periods of time so as not to exceed the allowable levels of carbon monoxide.

**BACKHOE / LOADER SAFETY**

1. Operators shall be adequately trained and qualified to operate the equipment. The operators shall become thoroughly familiar with the equipment before using it and they must understand the contents of the operator's manual.
2. The operator is responsible for inspecting the equipment before it is used. The brakes and controls shall also be tested by the operator prior to use. (Needed repairs shall be reported immediately.) Observe proper maintenance and repair of all pivot pins, hydraulic cylinders, hoses, snap rings and main attachment bolts daily.
3. Seat belts shall be worn on all equipment with rollover protection.
4. Operators should maintain "three points of contact" with the equipment when entering or exiting. This will allow the operator to regain their balance if a slip occurs.
5. Back-up alarms are a useful warning device and should be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle. Back-up alarms should be operable at all times.
6. Only the operator shall be allowed on the equipment during operation, unless a seat is provided for another occupant.
7. Employees shall never be allowed to ride in the bucket or use the bucket for an elevated platform.
8. Walk around the equipment to observe for children and others before starting up. Consider the use a spotter when backing the equipment.
9. Keep bystanders in the clear while operating the equipment. No one is allowed in a ditch while a backhoe is excavating.
10. Locate underground utility lines and overhead power lines before starting to dig. (Always contact utility companies to physically locate any underground lines.) Do not operate a backhoe within 10 feet of an overhead electrical line. Hand-dig in the vicinity of all known underground utility lines and pipelines.
11. Never attempt to lift loads in excess of the equipment's capacity.
12. Never allow anyone to get under the equipment or reach through the lift arms while the bucket is raised.
13. Relieve the pressure in any hydraulic lines before disconnecting them to make repairs. Any hydraulic implements that are not relieved, shall be physically blocked to protect against mashing injuries during maintenance or repair activities. Physical blocks may include safety stands, timbers, cinder blocks, etc. that can withstand the force.
14. Use care at all times to maintain proper stability. Drive at safe speeds over rough ground, on slopes, when crossing ditches and when turning corners.
15. To prevent upsets when operating on a slope, avoid using the full reach and swinging a loaded bucket to the downhill side.
16. Always center and raise the boom before moving to a new location.
17. Do not attempt to exit the equipment while it is still in motion. Apply the parking brake and shut down the engine before leaving equipment.

**BACKHOE/LOADER SAFETY (continued)**

18. Lubrication activities or mechanical adjustments shall not be attempted while the equipment is running if there is a possibility of contacting a pulley, belt, shaft, etc. that is in motion.
19. Park the equipment on level ground when possible. As a minimum, the bucket should be lowered, the brakes set, the transmission engaged and engine killed when parking.
20. Use care in attaching towing lines to the equipment. Pulling from the tractor rear axle or any point above the axle may cause an accident.
21. "Slow moving" placards and other warning devices should be used to help other motorists in spotting the slow-moving vehicle from a safe distance.

**DUMP TRUCK SAFETY**

1. Employees or other individuals shall not be carried in the bed for transportation purposes.
2. Employees shall not remain in the cab when the bed is being loaded unless the cab is protected against impact.
3. Check overhead clearances before raising the bed. Be aware of overhead electrical lines.
4. Be sure hoist is not engaged before moving the truck.
5. Loose material shall be covered to prevent blowing debris and spillage.
6. Close windows during loading/unloading to control dust accumulation inside the cab.
7. Operators of dump trucks must possess a valid Commercial Drivers License.
8. Operators are responsible for cleaning debris, mud, rocks, etc. from the bed, fenders and other body parts that may become dislodged during travel.
9. Back-up alarms are a useful warning device and should be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle. Back- up alarms should be operable at all times.
10. All mirrors should be maintained in clean, good working condition and adjusted to assist the operator in viewing obstructions or other vehicles.
11. Operators should maintain “three points of contact” with the equipment when entering or exiting the cab. This will allow the operator to regain their balance if a slip occurs.

**For additional safety information, also see “General Safety Rules for Motor Vehicle and Equipment Operation” section of this manual.**

**TRACTOR/SHREDDER SAFETY**

1. The operator shall wear a securely fastened seat belt if the tractor/shredder is equipped with rollover protection.
2. Guards around chains, shafts, pulleys, gears, etc. shall always remain in place while the equipment is in operation.
3. Use caution when operating near slopes, cuts, depressions, drop-offs, soft shoulders, ditches, etc. Operators shall constantly watch for hidden objects and uneven ground. Hazardous areas shall be pre-cleaned and special hazards removed prior to mowing.
4. Use care when entering traffic areas, crossing railroad tracks, etc.
5. Operators should maintain “three points of contact” with the equipment when entering or exiting. This will allow the operator to regain their balance if a slip occurs.
6. Back-up alarms are a useful warning device and should be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle. Back- up alarms should be operable at all times.
7. Only the operator shall be allowed on the equipment during operation, unless a seat is provided for another occupant.
8. Lubrication activities or mechanical adjustments shall not be attempted while the equipment is running if there is a possibility of contacting a pulley, belt, shaft, etc. that is in motion.
9. Take sharp turns at low speed.
10. Proper personal protective equipment shall be worn at all times. On a tractor with an uncovered cab, the operator should as a minimum wear safety glasses and hearing protection. Other personal protective equipment such as gloves, faceshields, sleeves, boots, etc. should be evaluated for individual jobs. Sunscreen should also be used in areas where the operator may be exposed to sunlight for long periods of time.
11. "Slow-moving" placards and other warning devices should be used to help other motorists in spotting the slow-moving vehicle from a safe distance.

## GROUNDS MAINTENANCE SAFETY

### Power Lawn Mowers and Edgers

1. All power lawn mowers shall be equipped with adequate guards, which shall remain in place while the mower is in use.
2. Prior to making adjustments, inspections, or repairs, the employees shall permit the mower to come to a complete stop. A spark plug wire shall be removed if necessary for energy control.
3. When operating a mower or edger, the employee shall:
  - a. Remove any rocks, pieces of wire or other foreign objects from the area.
  - b. Avoid directing the discharge opening toward themselves or other individuals in the vicinity.
  - c. When mowing on a slope or incline, mow across the face of the slope.
  - d. Wear proper personal protective equipment for the task being performed. Necessary personal protective equipment may include safety glasses, goggles, faceshields, hearing protection and work boots.

### Chippers

1. Chippers shall never be parked directly under the tree being trimmed.
2. If the chipper is parked on or near the roadway, advance warning signs, flaggers, cones, etc. shall be used to identify and protect the work area.
3. Spectators shall never be allowed to stand near the machine while feeding brush into the chipper.
4. Employees shall never place hands or other parts of the body into the brush chipper while the chipper is in operation.
5. The battery cables shall be disconnected prior to performing any task that may potentially put you in contact with the cutting blades.
6. Tools or other metallic objects shall not be used to push brush into the chipper.
7. The ignition key shall be removed when the chipper is left unattended.
8. Safety glasses and hearing protection will be worn by all employees near the chipper and other personal protective equipment may be necessary depending on the activity. In addition, workers must be aware of entanglement hazards involving loose fitting clothes, gloves, etc.
9. Employees shall be familiar with emergency “shut off” procedures and ensure that the emergency shut-off is operational prior to use.

**POISON IVY, OAK OR SUMAC AWARENESS**

1. Sensitivity to these plants can vary and some people who do not appear sensitive may develop a sensitivity on later exposures.
2. Exposures to poison ivy, poison oak or sumac are greatest in the spring and summer months when the oil (urushiol) is most abundant.
3. Duration of the rash is from a few hours to several days after exposure. The skin becomes red, blisters appear, usually accompanied by itching. As symptoms progress, swelling and fever may develop.
4. Common poison ivy can be recognized by its three green, glossy leaflets that turn yellow in the fall.
5. Western poison oak can be recognized by its vine form and three leaflets that are green or brown in color with yellow veins and brownish/yellow stems. In addition, the leaves are covered with hair on the underside and there are groups of hairy, yellowish berries.
6. Poison sumac is recognizable as a woody shrub or small tree, five to twenty five feet tall and containing seven to thirteen leaflets per stem. The leaves turn red in the fall. Poison sumac has cream-colored berries that hang in loose groups from the branches.
7. If you are going to be in areas where you know poison oak or ivy is likely to grow, wear long pants and long sleeves, and if practical, gloves and boots. Your best protection is to identify the plant and avoid contact. For highly sensitive persons, a barrier cream can provide even greater protection.
8. Be aware that the plant's oily resin sticks to almost all surfaces and can even be carried in the wind (on particles of dust) when there is a fire burning.

If you think you have contacted poison ivy, follow these simple procedures:

1. Wash all exposed areas with cold running water as soon as you can. If this is done within five minutes, the water should neutralize or deactivate the urushiol in the plant's oil before it can bond with your skin and create a rash. Soap is not necessary and may even spread the oil.
2. If possible, change clothes. Wash all clothing outside with a water hose before taking it into the work area or home to prevent the oil from being transferred to furniture or rugs. Resinous oils can last on tools and clothing for months unless properly cleaned or laundered.
3. Mild rashes can be treated with lotions and by soaking in an oatmeal bath or covering the rash with wet compresses. Contact a physician for treatment of severe cases or if the irritation is not cleared up in three or four days.

**GENERAL PAINTING SAFETY RULES**

1. Read and follow the manufacturer's directions carefully when applying any finishing materials, such as lacquer, enamel, paint, etc. If questions arise as to the hazards of the substance, refer to the applicable Material Safety Data Sheet (MSDS).
2. Personal protective equipment, as recommended by the manufacturer, shall be used when applying the products.
3. Any spray painting must be done with an adequate amount of clearance from any potential sources of ignition. When possible, painting should be performed in isolated areas where ignition sources do not exist or are very minimal.
4. Proper ventilation and/or adequate respiratory protection must be addressed before any application begins.
5. Any flammable substances, such as paints, thinners, etc., must be stored in proper storage areas or in a UL listed metal storage cabinet.
6. Any flammable substances removed from their original containers shall be stored in UL listed storage containers, if the original container will not meet the requirements.
7. Bond metal containers when transferring flammable liquids, especially those that are known Class I flammable liquids. Refer to Material Safety Data Sheets for flammability information.
8. Use the proper type of respirator at all times when applying toxic paints. If questions arise as to the toxicity of the paint, refer to the applicable Material Safety Data Sheet (MSDS).
9. All employees required to use respirators shall be included in the City of Bellaire's Respiratory Protection Program and trained on the proper use of the assigned respirator. The employees shall also be made aware of any limitations of the respiratory protection.
10. Never have more than one day's supply of flammable substances outside of an approved storage area.
11. Clean up all spills promptly and in accordance with the requirements on the Material Safety Data Sheet (MSDS).
12. Dispose of oily, paint or solvent-soaked rags in metal containers with tight fitting lids to prevent possible chemical reactions that may result in "spontaneous combustion".
13. Use properly designed and erected ladders, scaffolds, elevated mobile work platforms, etc., when painting above ground level. Do not work or place elevated equipment within 10 feet of power lines.
14. When using spray guns and compressed air:
  - Follow all rules concerning the safe handling of combustible and flammable materials.
  - Exercise caution in the handling of compressed air equipment.
  - Adjust and regulate the air pressure on the spray gun before starting work.
  - Clean the spray gun and other equipment thoroughly after each use.
15. If a spray booth is available, it should be used whenever possible. All employees should be trained on the use of the booth ventilation system and it should be in operation during every spraying operation.

**GENERAL OFFICE SAFETY**

1. Employees shall walk cautiously up and down stairs and use handrails whenever possible.
2. Caution shall be exercised when walking around blind corners.
3. Desk drawers and file cabinets shall be kept closed when not in use.
4. Only one drawer of a file cabinet shall be pulled out at a time.
5. Boxes, chairs, buckets, etc. shall not be used in place of ladders.
6. The floor shall be kept clear of tripping hazards such as telephone cords, electrical extension cords, paper cartons, etc.
7. Employees mopping or waxing floors shall place warning signs to alert co-workers of the potential for slippery floors. In addition, all liquid spills shall be cleaned up immediately and signs put in place until the hazard is alleviated.
8. Material shall be stored on shelves in a manner to prevent falling; heavy objects shall be placed on lower shelves.
9. Hallways and aisles shall be kept clear of obstructions.
10. All emergency exits, electrical panels, fire extinguishers, and emergency equipment shall be kept clear of all obstructions.
11. Solvents or other toxic substances shall be used only with adequate personal protection or in well-ventilated areas. Material Safety Data Sheets (MSDS) should be accessible to all employees who are using these substances.
12. Employees shall not attempt to clean, oil or adjust any machine that is running. If the machine is not equipped with a starting switch that can be locked in the "off" position, it shall be disconnected from the power source.
13. Unsafe electrical cords, faulty equipment, or any other hazardous condition shall be reported and taken out of service until the repairs are completed.
14. Broken glass and other sharp objects shall not be placed in wastepaper containers.

## **ERGONOMICS AWARENESS**

### **Work Stations**

1. Chairs should be easily adjustable and provide good lumbar support. If feet cannot rest firmly on the ground, a footrest may be provided. Chairs with a five-point base are recommended due to the stability that is provided.
2. Sufficient leg room must be allowed for seated operators.
3. Position the monitor directly in front of the operator. The operator's eyes should be level with the top of the screen. Viewing distance between the user's eyes and the screen should be approximately 16 to 22 inches.
4. The equipment or sources of light should be positioned so that glare or bright reflections on the display screen are minimized.
5. Adjust the height of the chair and/or keyboard so that the shoulder-elbow-arm angle is approximately 70-90 degrees.
6. Keyboard heights and placement should be adjustable. Use a cushioned palm rest if needed to keep user's hands and fingers in the same plane as the forearm and avoid resting wrists and forearms on sharp table edges.
7. Work surface heights should range from 23 to 28 inches for seated workstations. In addition, your work area should be well organized with routine operations within easy reach and easily accessible.
8. Document holders should be placed adjacent to and at the same height as the display screen.
9. Operators should adjust positions frequently and get up and move around to help avoid fatigue.

### **LIGHTING, NOISE and HEAT**

1. Adequate but not excessive heat should be provided.
2. Windows should be equipped with adjustable blinds.
3. Use task lighting where extra illumination is required.
4. Noise above 85 to 90 decibels (dBA) may be harmful to workers. When exposed to high noise levels, employees shall utilize hearing protection equipment to ensure proper working conditions.
5. Whenever possible, isolate noisy machines and equipment in a remote location.
6. Tailor work practices to prevent heat/cold-related disorders. Employees exposed to hot environments must know the appropriate medical steps to counteract potentially life threatening situations such as hypothermia, heat stroke, heat exhaustion, and heat cramps.

**AGGRESSIVE ANIMAL AWARENESS**

1. Any employees who are likely to encounter an aggressive animal during the performance of their normal duties, such as policemen, firemen, meter readers, utility workers, etc. should be provided basic instructions to protect themselves.
2. Call animal control immediately if you contact an aggressive animal.
3. Clear the area of other people while waiting for animal control. Crowds may scare the animal and cause it to attack.
4. Call for the animal's owner or handler.
5. Do not run away unless you are certain of quickly reaching a place of safety.
6. Back away slowly while continuing to speak in a firm, calm voice.
7. Back against any available object to prevent an attack from the rear if more than one animal is present.
8. If attacked, use a baton, billy club or stick to strike the animal rather than throwing anything at it. Sprays may also be useful as a deterrent if available, but should only be used if you are not downwind and have been made familiar with its use.
9. Do not back an animal into a corner, as this may cause it to attack.

**TIPS FOR PREVENTING WORKPLACE VIOLENCE**

1. Recognize signs that may precede violence in your co-workers or customers and report them to your supervisor. Be cautious when you deal with a person who:
  - a. Makes verbal threats on the job about getting “even” with co-workers or with your employer for disciplinary action or dismissal
  - b. Regularly threatens or intimidates others
  - c. Claims people are out to get him or her
  - d. Talks a lot about weapons-and may own them
  - e. Holds grudges
  - f. Blames others for problems or setbacks
  - g. Gets angry very easily and often
  - h. Is defensive when criticized
2. Report the following behavior to you supervisor:
  - a. A customer that becomes unusually angry with you because of perceived slow service, perceived poor product quality or lack of information
  - b. A customer who talks abusively when making a telephone complaint
  - c. A customer who threatens you or co-workers
3. Respond effectively to a threatening or violent situation:
  - a. Take all threats seriously.
  - b. Stay calm and be polite-look the person in the eye and do not argue or threaten.
  - c. Address each customer with a friendly greeting when you are on the phone or meeting the customer in person.
  - d. Be courteous at all times.
  - e. Notify the police if you are frightened-or use a warning signal to alert co-workers.
  - f. Ask your employer for training to help you deal with the public
4. Protect yourself and co-workers on the job:
  - a. Keep security and police department numbers near your phone.
  - b. Know how to use an alarm or alert staff to possible danger.
  - c. Develop a “danger signal” you can use to alert others to possible danger.
  - d. Meet visitors in the lobby and escort them to your work area.
  - e. Report any unusual packages to appropriate personnel, do not open them.
  - f. Lock purses and personal belongings in a desk or locker.
  - g. Report signs of a break-in and missing items immediately.
5. Follow security policies and procedures:
  - a. Keep locked doors locked, do not prop them open.
  - b. Wear nametags or badges when required.
  - c. Do not share access cards or entry codes.
  - d. Do not allow non-employees (including ex-employees) to avoid sign-in and other visitor entry procedures
  - e. Do not engage in fistfights or other aggressive behavior at work.
  - f. Do not bring a weapon to work or leave one in your car.
  - g. Do not drink or use drugs at work, or work under the influence.
  - h. Report all threats and security violations.

**TIPS FOR PREVENTING WORKPLACE VIOLENCE (Continued)**

6. Take special precautions when working late or alone:
  - a. Inform someone that you are working late.
  - b. Lock the door to your work area if you are alone.
  - c. Work near a phone.
  - d. Work with lights on.
  - e. Avoid using dark stairways or halls.
  - f. If working with others, try to leave and walk to transportation together.
  - g. Have your car keys ready as you leave the building.
  - h. Check under and inside your car before unlocking it.
  - i. Lock your car as soon as you are seated in it.
  - j. Walk confidently and quickly to show that you know where you are going and what you are doing.
  - k. Try to run away from an attacker if possible.
  - l. Yell if you are being attacked to alert others.
  - m. Give an attacker money or jewelry on demand.

**TREE REMOVAL POLICY AND PROCEDURES**

1. The only trees that are to be removed by the Public Works Department are as listed:

Trees that have fallen:

- a. Into the street
- b. Into the right-of-way
- c. On City property

Trees that the Director of Public Works ordered removed.

2. All workers shall set up traffic control upon arrival at the site.
3. The area shall be inspected to see if the tree has fallen into electrical wires or any other type of wires.
4. If the tree is on or near electrical wires of any other type of wires **DO NOT TOUCH OR CUT THE TREE. LEAVE THE TREE AS YOU FOUND IT, NO EXCEPTIONS.**
5. Never start a chain saw unless you have been trained to work with a chainsaw.
6. Before starting a chain saw have a group meeting.
  - a. The supervisor will designate the employee to operate the chain saw.
  - b. The supervisor will give the other employees their job assignments.
  - c. The chain saw operator will tell all other employees how he is going to cut up the tree.
  - d. Only the minimum number of chain saws actually needed will be used.
  - e. Only the minimum number of personnel needed to complete the job should be on site.
  - f. The employee operating the chain saw should not be in a hurry, and should observe additional procedures found in the "Chain Saw Safety" section of this manual.
  - g. While the chain saw is in operation other employees should not be doing anything, as other activity may distract the chain saw operator. Only when the chain saw has been turned off can anyone remove the cut trees.

**CELL PHONE SAFETY**

1. Do not use cell phones while driving.
2. Under no circumstances are employees allowed to place themselves or others at risk to fulfill City of Bellaire business needs.
3. Regardless of the circumstances, including slow or stopped traffic, if an employee needs to make a phone call while driving, he/she should find a proper parking space first. Stopping on the side of the road is not acceptable. The only exception is for genuine emergencies – an accident or a car breakdown.
4. If you receive an incoming call while you are driving, let your voice mail answer it for you.
5. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such action.
6. Use your cell phone to call for help to protect yourself and others. Dial 911 in case of fire, traffic accident, road hazard, or medical emergencies. It's a free call on your wireless phone.

**SKIN CANCER PREVENTION**

## Skin Cancer Facts:

1. Skin cancer is the most prevalent of all cancers. It is estimated that more than one million Americans develop skin cancer every year.
2. Over exposure to sunlight, including tanning, is the main cause of skin cancer especially when it results in sunburns and blistering.
3. Fair-skinned people who sunburn easily are at particularly high risk for skin cancer.
4. Since the sun's ultraviolet rays are the main culprit, sun avoidance is the best defense against skin cancer.

## Safety From the Sun

If sun avoidance is not possible because your job requires you to work out of doors, follow these safety procedures:

1. Apply a broad-spectrum sunscreen with a Sun Protection Factor (SPF) of at least 15. Sunscreens should be used every day, year round, if you are going to be in the sun for more than 20 minutes.
2. Reapply sunscreen every 2 hours when outdoors, even on cloudy days.
3. Wear light-colored, tightly woven, protective clothing, such as long sleeved shirt and pants when possible.
4. Wear a hat and sunglasses when possible.
5. Stay in the shade whenever possible between 10:00 A.M. and 4:00 P.M. when the ultraviolet rays are the most intense.
6. When possible, avoid reflective surfaces, which can reflect up to 85 percent of the sun's damaging rays.
7. Since sun exposure is responsible for vitamin D production in the skin, individuals who wear sunscreen and are concerned that they are not getting enough vitamin D should take a multivitamin or drink vitamin D fortified milk.

## Chapter 10

## SECTION 10.01

Medical Information Confidentiality Policy

The City of Bellaire strives to protect the privacy of its employees' medical information to the greatest extent possible. To that end, we provide the following guidelines regarding the confidentiality of medical information.

1. Storage of Medical Information

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 Director of Human Resources maintains these confidential medical files. Only authorized employees may ever have access to such files.

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:

- a note to justify an absence
- a note to request leave
- a note to verify the employee's ability to return to work
- medical records to support a claim for sick pay or disability benefits
- insurance records
- workers' compensation records
- medical history records

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 placed in the employee's confidential medical file maintained by Human Resources.

2. Discussion of Medical Information

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Director of Human Resources. 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..

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their 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. If an employee is concerned about a possible safety issue as it relates to a medical condition on the part of a coworker, the employee must not discuss such concern with anyone other than the Director of Human Resources.

3. Questions on the Privacy Rule

Questions about the Privacy Rule or how it will affect the City of Bellaire's services to you should be directed to the Director of Human Resources.

## SECTION 10.02

Contagious Diseases, Catastrophic or Life-Threatening Illnesses

All contagious diseases will be treated like any other catastrophic or life-threatening illness. The following guidelines have been established for handling issues that arise when an employee is affected by a contagious disease, catastrophic or life threatening illness.

1. The City recognizes that employees with a potentially life-threatening illness including but not limited to cancer, heart disease and AIDS may wish to maintain a normal lifestyle for as long as the condition allows. This may include continuing to work. The City's policy is to make good faith efforts to accommodate stricken employees who want to continue working while also protecting the safety of co-workers and others who may be affected. Accordingly, the City's policy is to allow stricken employees to continue working as long as the employees maintain acceptable performance standards, are otherwise qualified to perform the essential functions of their job and medical evidence indicates that their conditions are not a danger to themselves or others. However, the City of Bellaire is under no obligation to create or specifically design a position to accommodate any current employee or applicant.

The determination for continuing to work must be made on an individual basis. Among the facts to be considered are:

- a. how the disease/illness is transmitted,
- b. the duration of the risk,
- c. the potential harm to third parties,
- d. the probabilities that the disease/illness will be transmitted and will cause varying degrees of harm.

An evaluation will be made as to whether the City can reasonably accommodate the employee. If it is determined that a person poses a significant risk of communicating an infectious disease/illness to others in the workplace, and no reasonable accommodation can be made to eliminate that risk, then the person will not be eligible for that position. In the case of an existing situation, the employee will be removed from the position. (See Section 10.04 regarding guidelines concerning AIDS.)

2. An employee's medical condition is confidential, and reasonable precautions will be taken to ensure information regarding an employee's health is provided only to those persons with a need to know.
3. Contact the Human Resources Department if you believe you or other employees need information about an illness.
4. Contact the Human Resources Department if you have any concern about the possible contagious nature of an employee's illness.
5. Supervisors and department heads should contact the Human Resources Department to determine if a statement should be obtained from an employee's attending physician indicating that continued presence at work will pose no threat to the employee, co-workers or the public. The City reserves the right to require an examination by a medical doctor appointed by the City.
6. Information on diseases, provided by governmental agencies, may be requested through the Human Resources Department. All employees have the right to make inquiries to the Human Resources Department and, if desired, to initiate grievance procedures relating to a disease or condition in the work place.

7. If warranted, the City is committed to making reasonable accommodations for employees with illnesses, consistent with the business needs of the City. However, the City of Bellaire is under no obligation to create or design a position to accommodate any current employee or applicant.
8. Benefit consultation is available through the Human Resources Department to assist employees in effectively managing health, leave and other benefits.
9. The City reserves the right to change this policy, make revisions, additions, amendments or corrections at any time.

## SECTION 10.03

### Acquired Immune Deficiency Syndrome (AIDS)

According to the U.S. Public Health Service, the federal agency responsible for advising the public with respect to health hazards and the Surgeon General, casual office contact with employees who have AIDS, or who have been exposed to HIV, will not result in the transmission of AIDS. There is no evidence to suggest that HIV is transmitted through casual contact such as eating meals in common lunchroom facilities or with common eating utensils, breathing the same air, sharing bathroom and drinking fountain facilities, using the same telephone and other office equipment or supplies.

Until such time as the U.S. Public Health Service determines that there are risks of HIV transmission during normal work activity and changes its policy, co-workers should not refuse to work or withhold their services for fear of contracting the disease, or harass or otherwise discriminate against an AIDS-affected employees.

The City of Bellaire is an equal opportunity employer, which does not discriminate because of disability against any person, including those with a disease and those perceived by others to be disabled. Applicants for employment will be considered on their individual qualifications for the job. Their medical condition will be considered only to the extent it may affect their performance on the job. Employees who have any medical condition, including an infectious disease such as AIDS, will remain employed providing they are able to meet acceptable performance standards without hazard to themselves or others. However, the City of Bellaire is under no obligation to create or specifically design a position to accommodate any current employee or applicant. The City of Bellaire will not discriminate in employment against persons who have AIDS or have been infected with HIV.

In the event an employee can no longer perform his/her regular job because of a medical condition such as AIDS, consideration will be given, where feasible, to reassigning the employee to any position currently vacant which he/she might be able and otherwise qualified to perform, or to restructuring his/her job so that he/she can remain employed. As necessary, medical documentation will be requested to support requests for job restructuring or reassignment. Such efforts to accommodate employees with such a medical condition will be consistent with accommodation requirements of the Texas Commission on Human Rights Act and the Americans With Disabilities Act.

For information regarding the City's group medical plan coverage for treatment and care of AIDS or AIDS related conditions contact the Human Resources Department or your particular group medical plan.

In the course of employment, employees may learn personal information about others. Regardless of the source of this information, employees are cautioned and instructed that such information must be kept confidential and not disseminated. In the event that you, as an employee of the City of Bellaire are concerned about information that you have learned from others, you may contact the

Human Resources Department and request a confidential conference for the purpose of determining the best course of action for you to pursue.

In the event of an accident or injury in which bleeding occurs, all employees are cautioned to avoid direct skin or mucus membrane contact with blood and to wash their hands thoroughly as soon as possible. Gloves should be used if possible.

Employees in the Fire and Police Departments (and other departments where applicable) should be familiar with and follow the policies and procedures of their respective departments in regard to AIDS and other contagious diseases.

## SECTION 10.04

### Substance Abuse Policy

The City of Bellaire has a public trust to provide a variety of services to the community. An efficient and productive work force is vital to carry out that trust. The public has a reasonable right to expect persons employed by the City to perform their duties free from the effects of drugs, including alcohol. Furthermore, employees of the City have a reasonable right to work in a safe environment free from the effects of drug and alcohol use.

The City recognizes that an employee's physical condition affects job performance, and that drug abuse ranks as one of the major health problems in our society. It is the intent of this policy to express the City's viewpoint on drug usage exhibited by behavior/medical disorders, and to provide guidelines for consistent handling of situations arising from such disorders.

#### 1. Scope

This policy applies to all full-time, part-time, temporary, seasonal employees and prospective employees for these same positions, before they begin employment with the City. Parks and Recreation employees and any other seasonal employees returning from leave of absence will be considered "prospective employees" for the purpose of this policy.

Job positions which require a commercial driver's license are also subject to specific regulations mandated by the U.S. Department of Transportation. See "DOT Drug and Alcohol Testing Policy".

#### 2. Definitions

Refer to the following definitions for clarification of terms used throughout this policy:

##### a. Alcohol

Alcohol is a drug. It is a central nervous system depressant. Alcohol is a major intoxicating ingredient in wine, beer and distilled liquor. It is the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin and includes synthetic ethyl alcohol.

##### b. City Property

All City owned or leased real or personal property and facilities, their surrounding grounds and parking lots and City provided motor driven equipment/ vehicles.

##### c. Drug and Alcohol Testing

May include, but not be limited to, urinalysis, breath or hair analysis or blood sample testing.

##### d. Drug/Controlled Substance

Any illegal drug, illegal inhalant, intoxicating substance, or other substance listed in the Federal or Texas Controlled Substance Act or the Texas Controlled Substance Act and

includes, but is not limited to, amphetamines, cocaine, opiates, PCP, marijuana, barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene, and other substances which may be deemed controlled substances in the future. The term does not include those controlled substances used pursuant to and in accordance with a valid prescription issued by a licensed physician for the legitimate treatment of a specific employee's medical condition.

e. **Employee Assistance Program (EAP)**

A substance abuse counseling service or substance abuse agency currently under contract with or utilized by the City of Bellaire to provide counseling, assistance, referrals or related support to City employees suffering from problems related to alcohol or controlled substance abuse.

f. **Illegal Drugs**

Drugs or derivative thereof for which the possession, use, sale, transfer, attempted sale or transfer, manufacture, distribution, dispensation or storage of which is illegal, or regulated under any federal, state or local law, or regulation of any other drug, including, but not limited to, a prescription drug, over the counter drug or inhalant, used for any reason other than a legitimate medical reason. Marijuana or cannabis in all forms is included.

g. **Illegal Inhalants**

Volatile chemicals as defined in Chapter 484 of the Texas Health and Safety Code; and abusable glue or aerosol paint as defined in Chapter 485 of the Texas Health and Safety Code.

h. **Impaired**

An employee's diminished capacity to perform the duties of his/her job.

i. **Intoxicating Substance**

Any illegal inhalant or intoxicating substance which produces changes in ones physical, mental or emotional state or behavior; including but not limited to glue, paint thinner, etc.

j. **On the Job**

- (1) Presence at any place or location during working hours or while on duty, when such presence is at the direction of a supervisor or otherwise for the purpose of conducting City business or performing City functions; or
- (2) Presence in a City-owned or City-leased vehicle at anytime; or
- (3) Presence in a privately owned vehicle which is being used to conduct City business or perform City functions.

k. **Possession**

Having on one's person, in one's personal effects, in one's vehicle, or under one's control.

l. **Reasonable Suspicion**

Shall mean a suspicion based upon facts which would lead a reasonably prudent person to believe it likely that the employee in question was under the influence of drugs/controlled substances and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced, or has otherwise violated this policy.

m. **Reportable Incident**

Any personal injury or property damage involving a City employee that occurs on-the-job (as defined in this policy).

n. Under the Influence of Alcohol

Not having the normal use of mental or physical faculties, thus, impairing an employee's job performance by reason of the introduction of alcohol into the body; or having an alcohol concentration of 0.02 or more.

o. Under the Influence of Controlled Substance or Drug

Having present in the body or urine a quantity of a drug/controlled substance sufficient to register a positive result on the drug screen utilized by the City. The test threshold level for each drug group will be based on testing laboratory standards that comply with nationally recognized professional laboratory standards and that ensure a drug is genuinely present when a positive result occurs, and that rule out inadvertent exposure to a drug group where that is a possibility.

p. Under the Influence of Illegal Inhalants

Not having the normal use of mental or physical faculties by reason of the introduction of illegal inhalants into the body. Illegal inhalants shall include volatile chemicals as defined in Chapter 484 of the Texas Health and Safety Code, and abusable glue or aerosol paint as defined in Chapter 485 of the Texas Health and Safety Code.

3. Employee Responsibilities

Employees are responsible for:

- a. Reviewing and complying with the City of Bellaire Substance Abuse Policy;
- b. Signing the acknowledgement form for the City of Bellaire Substance Abuse Policy and returning it to the Human Resources Department.

4. Rules of Conduct

Noncompliance with this policy constitutes serious misconduct which may result in discipline up to and including termination of employment even for a first offense, and/or the requirement for successful completion of a drug/controlled substance and/or alcohol rehabilitation program:

- a. The non-prescriptive possession, use, sale, transfer, attempted sale or transfer, manufacture, distribution, dispensation or storage of controlled substances, alcohol, illegal inhalants or other intoxicating substances while on-the-job (as defined in this policy) is prohibited. Further prohibited is the possession, use, sale, transfer, attempted sale or transfer, manufacture, distribution, dispensation or storage of controlled substances, alcohol, illegal inhalants or other intoxicating substances on non-working time to the extent such activity impairs an employee's ability to perform his/her job or where such use, sale, transfer, attempted sale or transfer, manufacture, distribution, dispensation or storage affects the reputation of the City to the general public or threatens its integrity.
- b. Employees must submit immediately to a drug/controlled substance and/or alcohol screening when requested by an authorized City representative. However, no employee shall be forced to consent to or submit to a drug/controlled substance and/or alcohol screening. Any employee who refuses to sign the consent form or refuses or fails to provide the requested specimen or sample after reasonable opportunity, will be subject to disciplinary action up to and including termination of employment.

Employees must cooperate with screening procedures. Employees shall not harass or abuse the testing personnel during any drug/controlled substance and/or alcohol screening procedure. Any conduct that harasses or verbally or physically abuses testing personnel will be deemed as failing to cooperate fully with the testing procedure and shall be considered insubordination. Further, employees shall not tamper with, or attempt to

tamper with any drug/controlled substance and/or alcohol screening in an attempt to influence the screening results.

If the screening analysis reveals a positive screening for illegal drug/controlled substance and/or alcohol, the employee is required to cooperate with the City's Medical Review Officer and answer questions he/she may have concerning test results.

- c. Employees are required to notify their supervisor in writing before beginning work, when taking any prescribed or over-the-counter drugs or medications, which may adversely affect the employee's job performance and/or be detrimental to the public trust, or safety of that employee, other employees or the public, including a risk in the operation of vehicles or equipment.
- d. Employees must immediately report all motor vehicle accidents occurring while "on-the-job" (as defined in this policy).
- e. In accordance with the Federal Drug-Free Workplace Act, employees who are convicted of controlled substances-related violations or alcohol-related violations in the workplace under state or federal law or who plead guilty or nolo contendere to such charges must inform the Director of Human Resources or designated representative, and Department Director or designated representative within five (5) days of such conviction or plea.

#### **5. Management Responsibilities**

Department heads and supervisors are responsible for:

- a. Reading and becoming familiar with this policy.
- b. Enforcing the appropriate provisions outlined in this procedure, or taking any other action that shall be reasonable and necessary to accomplish the objectives of this policy.
- c. Determining if reasonable suspicion exists to warrant drug/controlled substance and/or alcohol screening and detailing in writing the specific facts, symptoms, or observations which form the basis for the reasonable suspicion, and submitting such documentation to the Director of Human Resource.
- d. Arranging for required drug/controlled substance and/or alcohol screening as soon as possible after becoming reasonably suspicious that an employee is under the influence of drugs/controlled substance and/or alcohol, or has otherwise violated this policy.
- e. Transporting an employee required to take a drug/controlled and/or alcohol screening to and from the testing facility and arranging for the employee's safe transport to their home.

#### **6. Social Functions and Conferences**

Employees attending training and conferences may participate in social functions associated with the conference. This may include the consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the City. In addition, this section shall not excuse the employee from abiding by the rules of conduct set forth in this policy and applicable ordinances and state laws. Employees who consume alcohol at these functions shall exercise caution in driving personal vehicles and shall not operate a City-owned vehicle.

#### **7. Condition of Employment**

Each current employee of the City of Bellaire shall receive a copy of the City's Substance Abuse Policy upon approval of the policy and will be required to sign a statement

acknowledging that acceptance of the requirements and terms thereof shall be a condition of continued employment with the City.

All prospective employees will receive a copy of the policy prior to submitting to their pre-employment controlled substance/abuse and/or alcohol screening and will be required to sign a statement acknowledging that acceptance of the requirements and terms will be a condition of employment with the City.

8. Voluntary Disclosure/EAP

The City of Bellaire is concerned with those situations where use of alcohol, intoxicating substances or other drugs is detrimental to the public trust or to the safety of employees or citizens. The City is committed to initiating the rehabilitation of employees who use/abuse drugs/controlled substances and/or alcohol by referral to the Employee Assistance Program.

Early recognition and treatment of chemical dependency problems is important for successful rehabilitation to improve job performance and/or reduce personal, family and social disruption. Employees who participate in a program for the purpose of treating alcoholism or drug addiction may do so without jeopardizing their employment. However, employees are still responsible for following City and departmental policies, procedures, rules, regulations and/or performance of job duties and responsibilities. Disciplinary action up to and including termination of employment may be imposed on employees who violate policies and procedures or fail to properly perform job duties and responsibilities.

Voluntary Disclosure and EAP Referral Requires an Employee to:

- a. Voluntarily disclose to their immediate supervisor, department head or Director of Human Resources that they are or may be, suffering from drug/controlled substance, illegal inhalant, or alcohol abuse or addiction. Voluntary disclosure means employees identify themselves as drug/controlled substance, illegal inhalant user, and/or alcohol abuser at a time when the employee had not been ordered, and did not have a reasonable expectation of being ordered, to take drug/controlled substance and/or alcohol screening, and must have voluntarily disclosed the drug/controlled substance, illegal inhalant use, and/or alcohol abuse before he or she has been involved in an accident or other incident that precipitated a drug/controlled substance and/or alcohol screening on the basis of reasonable suspicion;
- b. Agree and commit in writing to undergo or participate in a program of counseling, treatment or therapy prescribed or recommended by the EAP;
- c. Execute a release which will authorize any and all doctors, counselors, therapists or other care providers to provide the Director of Human Resources, upon written request, a statement as to whether the employee is fulfilling all requirements or obligations of his/her Program, whether the Program has been successfully completed, and whether the employee is released to continue work with the City; and agree in writing, upon successful completion of the Program, to submit to periodic unannounced, follow-up drug/controlled substance and/or alcohol screening for a period of up to five years following completion of the treatment program. This agreement is a condition of continued employment.
- d. Participation in such programs may not prevent disciplinary action for incidents that have already occurred.
- e. Employees will only be offered a one-time opportunity to voluntarily disclose drug/alcohol dependency and request rehabilitation in connection with possible continued employment.

f. Should a rehabilitation program be necessary, leaves of absence may be used in accordance with current policies as stated in the Employee Handbook, or an appropriate Memorandum of Agreement.

If necessary, the EAP will assist in coordinating treatment with the employee's insurance carrier. The employee will be responsible for treatment expenses outside insurance coverage and services of the EAP.

An employee's fitness to continue in his/her current position while enrolled in such rehabilitation program will be determined on a case-by-case basis.

An employee who wants to know more about the Employee Assistance Program and its services may contact Human Resources or may call the Employee Assistance Program directly.

## 9. Categories of Drug/Alcohol Testing

### a. Pre-Employment:

All prospective employees for the City of Bellaire will be required to submit to a drug/controlled substance and/or alcohol screening before beginning employment with the City. Parks and Recreation employees and any other seasonal employees returning from leave of absence will be considered "prospective employees" for the purpose of this policy. If the prospective employee is under 18 years of age, he/she and his/her parent or legal guardian must sign a "Consent to Job Placement Screening Parent/Guardian Authorization for Testing Minors" form.

Refusal by a prospective employee to consent to the drug/controlled substance and/or alcohol screening, failure to appear at the collection site, failure to provide breath or urine sample after reasonable opportunity, tampering with or attempting to tamper with the screening process in an attempt to influence the screening results, harassing or in any way failing to cooperate with the testing personnel, having a positive drug/controlled substance screening, or an alcohol screening with an alcohol concentration of 0.02 or greater shall result in the individual being removed from the selection process and not being considered for employment with the City for two years. Such individuals shall be eligible to reapply, and be considered for employment upon the expiration of such two (2) year period provided they are retested for drug/controlled substance and/or alcohol prior to employment.

Those individuals may only be reconsidered within the two-year period if they provide certified documentation of successful completion of a substance abuse rehabilitation program. Prospective employees who have completed a rehabilitation program will be subject to another drug/controlled substance and/or alcohol screening prior to employment.

### b. Reasonable Suspicion:

An employee may be required to undergo a drug/controlled substance and/or alcohol screening if there is reasonable suspicion that the employee is under the influence of drugs/controlled substances and/or alcohol while on-the-job (as defined in this policy), or has otherwise violated this policy. The decision to conduct reasonable suspicion drug/controlled substance and/or alcohol screening will be determined on a case by case basis. Reasonable suspicion means based upon facts which would lead a reasonably prudent person to believe it likely that the employee in question was under the influence of drugs/controlled substances and/or alcohol so that the employee's ability to perform the

function of the job is impaired or so that the employee's ability to perform his or her job safely is reduced. Reasonable suspicion does not mean the supervisor or department head requiring the test must be correct in his/her belief, only that there is some rational basis for believing the employee is impaired or under the influence of drugs/controlled substances and/or alcohol. Criteria which may be used by management and supervisory personnel to constitute a basis for determining "reasonable suspicion" include, but is not limited to, the following:

- (1) Observed alcohol or drug possession or use while on duty;
- (2) Information received from a reliable source that indicates the employee is or has been using alcohol or drugs on duty;
- (3) Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination or reflexes);
- (4) An incoherent or irrational mental state not explainable by other circumstances such as physical and/or verbal altercations, mood changes (including inappropriate gaiety or lethargic behavior) or other unusual behavior;
- (5) Marked changes in personal behavior, or attitude not attributable to other factors such as unpredictable responses to ordinary requests;
- (6) Deteriorating work performance, attendance or tardiness problems not attributable to other factors; or
- (7) Work-related accident; or
- (8) Any violation of the City of Bellaire "Substance Abuse Policy".

A supervisor who has a reasonable suspicion that an employee is under the influence of drugs/controlled substances and/or alcohol, or has otherwise violated this policy, should immediately remove the employee from performing job assignments and obtain approval from the department head or department head designee in advance of the drug/controlled substance and/or alcohol screening. When possible, consultation with the Director of Human Resources or the city attorney is recommended prior to testing.

Drug/controlled substance and/or alcohol screening for incidents occurring after normal business hours should be initiated at the time of the incident and reported to the department head or department head designee and Director of Human Resources the following business day. If screening is necessary after normal business hours, the supervisor should call Pinnacle Employee Testing at 281-405-8378, or Houston Medical Testing Services, Inc. at 713-665-4687.

The supervisor requiring the drug/controlled substance and/or alcohol screening shall meet confidentially with the employee to explain to the employee the reasons for requiring the test, and shall note any explanations offered by the employee. The supervisor shall ensure the employee is transported to the designated facility for testing. In the event of reasonable suspicion drug/controlled substance and/or alcohol screening, the employee shall not be permitted to operate a City motor vehicle, or any equipment that could present a danger to the health, safety, or welfare of the public, co-workers, or the employee. The employee will be advised not to drive their personal vehicle, and will be offered alternate transportation to their residence. The employee shall be placed on administrative leave with pay pending receipt by the City of written results of the drug/controlled substance and/or alcohol screening.

Supervisors and other witnesses who observe the employee are required to document in writing, prior to the end of the shift or workday, the specific facts, symptoms or observations which formed the basis for the determination that reasonable suspicion exists to warrant the testing of an employee. If the test is being required based upon reports or information obtained from other sources, a written record shall be made indicating the source and basis for request. All records shall be forwarded to the Director of Human Resources.

If an employee has reasonable suspicion that a supervisor is under the influence of drugs or alcohol, or has otherwise violated this policy, their observations should be reported, when possible, to the supervisor's immediate supervisor. If employees feel that reporting these observations in this manner would adversely affect their working conditions, the report may be made to the Director of Human Resources. Employees must identify themselves to the Director of Human Resources, who will keep their names confidential, except to those who have a need to know. However, employees' names may be released later if the supervisor is disciplined and a grievance or litigation results.

This policy incorporates any off-duty use or misuse of drugs/ controlled substances and/or alcohol that result in a positive screening at any time when an employee shall be deemed on-the-job (as defined in this policy).

c. Reportable Incident:

Any employee who is involved in a reportable incident that results in injury to persons or property damage shall be subject to an investigation. Employees involved in accidents may be required to submit to a drug and alcohol test immediately following the accident. Employees will be directed to submit to a drug/controlled substance and/or alcohol screening to aid in determining fitness for duty if there is reasonable suspicion that the employee was under the influence of drugs/controlled substance and/or alcohol at the time of the incident, or had otherwise violated this policy.

d. Move to a "Safety-Sensitive" Position as Defined by the Department of Transportation (DOT)

All employees possessing a Commercial Driver's License (CDL) shall be subject to drug/controlled substance and/or alcohol screening as a condition of transfer or promotion to a position that requires or could require the employee to operate a commercial motor vehicle in accordance with the Department of Transportation regulations. Employees seeking a transfer or promotion into such a position shall be tested only if they are qualified and selected for the position.

Successfully passing a drug/controlled substance and/or alcohol screening is a condition of the transfer or promotion

e. Return-to-Duty

In cases where employees have voluntarily disclosed they used/abused drugs/controlled substances and/or alcohol, or were determined to have violated a provision of this policy that resulted in disciplinary action and/or referral to and evaluation by a substance abuse professional who determined what assistance, if any, they needed in resolving problems associated with drug/controlled substance use and alcohol misuse, and have subsequently completed any prescribed rehabilitation program, such employees will be subject to a return-to-duty drug/controlled substance and/or alcohol screening before returning to work. "Return-to-duty" screenings will be at the employee's expense.

f. Follow-Up

Employees may be required to submit to periodic unannounced, follow-up drug/controlled substance and/or alcohol screening for a period of up to five years following completion of any prescribed chemical dependency treatment program or any disciplinary action for violation of this policy. Follow-up screenings will be at the employee's expense.

10. Consequences of a Positive Drug/Controlled Substance and/or Alcohol Screening

Employees who have a confirmed positive screening result for drugs/controlled substance or a breath alcohol concentration rate of .02 or greater will be subject to disciplinary action up to and including termination of employment.

In addition, employees who refuse to submit to a drug/controlled substance and/or alcohol screening will be subject to disciplinary action up to and including termination of employment.

If an employee is terminated because of a positive drug/controlled substance and/or alcohol screening the employee must wait two (2) years before applying for another position with the City, or upon documentation of successful completion of a drug/controlled and/or alcohol rehabilitation program.

11. Medical Review Officer

A Medical Review Officer (MRO) is a licensed physician responsible for receiving laboratory results generated by the City's drug and alcohol testing program. The MRO will review all confirmed positive test results prior to transmitting the information to the City. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an employee's confirmed positive test result for the purpose of determining the possible existence of an alternate medical explanation. In carrying out this function, the MRO may conduct a medical interview with the individual, review the individual's medical history or review any other relevant biomedical factors. The MRO shall review all medical records made available by the tested employee when a confirmed positive test could have resulted from a legally prescribed medication or any other reason.

If the screening analysis reveals a positive test for illegal drug/controlled substance and/or alcohol, the employee is required to cooperate with the MRO and answer questions he/she may have concerning test results.

If the MRO determines there is a legitimate medical explanation for the positive test result, the testing facility will report the test result to the City as negative.

12. Emergency Callback

Employees subject to continuous emergency call-back are required to declare to their supervisors the use of drugs/controlled substances, including prescribed medication, and/or alcohol that might affect their ability to perform under the emergency.

13. On-Call

Because employees with "on-call" status are potentially required to be actively working, an employee "on-call" is prohibited from consuming alcoholic beverages or using drugs which may impair his/her performance when called back to work to perform his/her duties.

14. Policy Exceptions

Exceptions to this policy shall be narrowly applied to situations such as fire department employees involved in pre-hospital care of an individual, or sworn police officers acting within the scope of their employment.

15. Prescriptions and Over-The-Counter Medications

Employees are responsible for learning of the possible effects of prescribed or over-the-counter drugs or medications they use while on-the-job (as defined in this policy). Employees must notify their supervisor or designated department representative in writing before beginning

work, when taking any prescribed or over-the-counter drugs or medications, which may adversely affect the employee's job performance and/or be detrimental to the public trust, or safety of that employee, other employees, or the public, including a risk in the operation of vehicles or equipment. Employees are not required, and should not reveal the name or type of medication they are taking or the reason for which it is being taken.

If the use of prescribed or over-the-counter drugs or medications could adversely affect the employee's job performance and/or be detrimental to the public trust, or safety of that employee, other employees, or the public, including a risk in the operation of vehicles or equipment, it is in the best interest of the employee and the City for the employee to be placed on leave of absence. Leaves of absence will be used in accordance with current policies as stated in the Employee Handbook, or an appropriate Memorandum of Agreement.

Prescribed or over-the-counter drugs or medications are prohibited except under the following conditions:

- a. The prescription drugs are prescribed by a licensed physician for the person in possession of the drugs; and
- b. The prescription must be available for verification by a physician or Medical Review Officer within 24 hours of screening results; and
- c. The prescription is filled by a registered/licensed pharmacist within the last (12) months for the person possessing the drug or medication; and
- d. The drugs or medications are ingested or administered only in the prescribed or recommended therapeutic dosages; and
- e. The drug or medication could not have an adverse affect on the employee's job performance and/or be detrimental to the public trust, or safety of that employee, other employees or the public, including a risk in the operation of vehicles or equipment; or
- f. When alternative, temporary duties are available which the employee can perform without concern of adverse affect on his/her job performance and/or being detrimental to the public trust, or safety of that employee, other employees, or the public, including a risk in the operation of vehicles or equipment. An employee may, for example, be taking medication which causes drowsiness and should not operate moving machinery or equipment. This would not necessarily preclude the employee from performing other job duties, however it is still the responsibility of the employee to notify his/her supervisor if he/she is taking medication which could impair his/her ability to perform their regular job duties.

Employees may be required to refrain from working while under the influence of any prescribed or over-the-counter drug or medication, and/or may be required to obtain written authorization from their physician regarding their ability to perform their job duties safely while taking the medication.

#### 16. Alternative Transportation

Under the scope of this policy, any employee who refuses alternative transportation to their home when recommended by a representative of the City, will be in violation of this policy and subject to disciplinary action up to and including termination of employment.

#### 17. Investigations

All illegal substances (as defined by criminal statutes) discovered during an investigation will be given to the appropriate law enforcement agency and may result in criminal prosecution. Drug/Controlled substance and/or alcohol screening results will be used for administrative

purposes only and will be kept confidential to the extent possible as described in the "Confidentiality" section of this policy, unless subpoenaed because of legal action or subject of criminal proceedings.

Based on the results of an investigation the employee may be subject to mandatory participation in a rehabilitation program through the EAP, and/or disciplinary action in accordance with departmental or City guidelines for various infractions.

Nothing contained in this policy shall be construed to limit, restrict, modify or condition the investigation by appropriate law enforcement officers of any alleged criminal activity.

18. Consent

Before a drug/controlled substance and/or alcohol test is administered, the employee or job applicant will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know as described in the "Confidentiality" section of this policy.

A job applicant who refuses to consent to a drug/controlled substance and/or alcohol test will be denied employment with the City.

Any employee refusing to sign the consent form and/or refusing to submit to a drug/controlled substance and/or alcohol test shall not be forced to do so, however such refusal can result in disciplinary action up to and including termination of employment.

19. Confidentiality

All information from an employee's or applicant's drug and alcohol screen shall be disclosed only to those with a need to know of the test results, including laboratory officials, medical review officer, substance abuse professional, City Manager, City Attorney, Director of Human Resources or designee, department head and/or supervisor. The City and its agents may communicate test results among themselves for official purposes both orally and in writing. Results cannot be released to others without the written consent of the employee or in accordance with any applicable law. An exception to releasing test results exists if the employee initiates a grievance, hearing, lawsuit, or other similar action as a result of a violation of this policy.

Test results maintained by the City will be kept in a confidential file under the employee's name.

20. City Functions

No City funds will be used for the purchase of alcoholic beverages, and no City function shall serve alcoholic beverages. Any alcoholic beverages purchased at off-site functions (example: banquets, etc.) must be purchased with personal funds and may not be hosted or supplied by the City, nor may the alcohol service be under the control of the City.

21. Appeal Process

Upon report of a confirmed positive drug/controlled substance screening (which has been tested twice) the employee or applicant will be notified of the test results. As part of that notification, he/she will be provided an opportunity to explain any positive results. If an applicant or employee requests a retest, arrangements can be made for retesting of his or her original urine or blood sample. The retesting will be conducted at the City's designated laboratory at the employee's or applicant's expense. If the second test is negative, the City will pay for the retest. Additionally, the applicant or employee may have a qualified analytical chemist of his/her choice, at his/her expense, observe the procedure. Following review of the appeal process, a final determination will be made by the City Manager. Employees who have

disciplinary action taken against them as a result of a positive drug test may file an appeal under the applicable appeal procedure as outlined in the EMPLOYEE HANDBOOK.

22. Americans With Disabilities Act and Other Laws

The City is committed to providing reasonable accommodations to those employees whose drug and/or alcohol problem classifies them as "disabled" in accordance with federal or state law.

The City intends to comply with applicable federal and state laws in administering this policy.

23. Employment At Will

Although adherence to this policy is considered a condition of employment, nothing in this policy alters an employee's at-will status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time, for any reason or for no reason, and the City retains the right to terminate any employee at any time, for any reason or for no reason, without or without notice.

SECTION 10.05

DOT Drug and Alcohol Testing Policy

(For Employees Performing Jobs That Require A Commercial Driver's License)

The City of Bellaire requires City employees with certain job descriptions to maintain a Commercial Driver's License (CDL). The Department of Transportation (DOT) regulations (49CFR Parts 40 and 382) require the City to have a special, mandatory controlled substance and alcohol testing policy for these employees. All applicable drug and alcohol testing procedures under this policy shall meet DOT regulations.

In the event DOT regulations are amended, this policy and the applicable term(s), condition(s), and/or requirement(s) of this policy shall be deemed to have been amended automatically at that time without the need for redrafting in order to reflect and be consistent with DOT regulations. In such case, the City of Bellaire reserves the right to apply the amended requirements immediately, and without notice to drivers and/or applicants, unless such notice is required by DOT or another applicable law. It is also the City of Bellaire's intention to comply with all applicable state requirements governing drug and/or alcohol testing, which are not preempted by DOT regulations. The City of Bellaire also intends to comply with the applicable requirements of the Americans With Disabilities Act.

Scope

As delegated by the DOT, this policy applies to all applicants who have been offered employment, all employees who occupy positions, and all employees being offered transfers or promotions into positions that require a commercial driver's license and the operation of a commercial motor vehicle (even on an occasional basis), and the performance of one or more safety sensitive functions as defined herein. These individuals are considered "covered employees".

A CDL is required for drivers operating a vehicle that meets the requirements of the Texas Department of Public Safety as a commercial motor vehicle (CMV).

A CMV is a motor vehicle or combination of motor vehicles used in commerce to transport passenger or property if the motor vehicle:

1. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

2. has a gross vehicle weight rating of 26,001 or more pounds; or
3. is designed to transport 16 or more passenger, including the driver; or
4. is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

A safety sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time waiting to be dispatched;
2. All time inspecting equipment, servicing, or conditioning any CMV at any time;
3. All time spent at the driving controls of a CMV;
4. All time other than driving time spent on or in a CMV;
5. Supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements associated with an accident;
7. All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

The Director of Human Resources will assist department heads in identifying covered positions. Police and Fire positions are exempt from these requirements.

#### Definitions

1. **Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Also included are over-the-counter products containing alcohol; e.g. Nyquill, mouthwash, etc.
2. **Alcohol Concentration** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an Evidential Breath Test conducted under the federal regulations. In law enforcement, this is referred to as blood alcohol concentration.
3. **Alcohol Use** – The consumption of any beverage, liquid mixture or preparation including any medication containing alcohol.
4. **Anti-Drug/Controlled Substance Program** – An anti-drug/controlled substance program required by the Omnibus Act under 49 CFR, Part 382.
5. **City Premises or Facilities** – All property of the City of Bellaire, including but not limited to offices, buildings and surrounding areas on City-owned or leased property, parking lots, and storage areas. The term also includes City-owned or leased vehicles and equipment wherever located.
6. **Collection Site** – A place where individuals present themselves for the purpose of providing breath samples or body fluid to be analyzed for alcohol or specified drugs/controlled substances. The City may use any available collection site as long as the collection process is in accordance with DOT procedures as outlined in 49 CFR Part 40.

7. Collection Site Person – A person who instructs and assists individuals at a collection site through the collection process, and who receives and makes initial examination of the urine specimen provided by those individuals.
8. Controlled Substance – For the purpose of these guidelines, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. The DOT is testing only for the following five controlled substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).
9. DOT Procedures – The "Procedures for Transportation Workplace Drug Testing Programs" published by the Office of the Secretary of Transportation in 49 CFR Part 40.
10. Driver – Any person who operates a CMV. This includes, but is not limited to: full-time regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City of Bellaire who operates a CMV at the direction of or with the consent of a representative of the City. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for employment and applicants desiring to transfer to or being considered for promotion or positions with the City which require driving a CMV.
11. Drug – See controlled substances.
12. Drug/Controlled Substance Test or Testing – The scientific analysis of urine, blood, saliva, hair, tissue or other specimens of the human body collected in accordance with the Omnibus Act under 49 CFR, Part 40 and analyzed in a laboratory approved by S.A.M.H.S.A. for the purpose of detecting a drug/controlled substance.
13. Employee or Covered Employee – Any person, agent, officer or representative of the City of Bellaire who performs in a safety sensitive position as a driver, maintenance person, or other persons who holds a CDL and who may or may not drive during any time of the year but are "on-call" to do so. As applied in the regulations, "employee" and "applicant for employment" have the same meaning for the purpose of these requirements. Employee, covered employee, "individual" or "individual to be tested" have the same meaning for the purposes of these regulations. Any contractor or subcontractor performing work on behalf of the City is also expected to comply with this policy.
14. Medical Review Officer (MRO) – A licensed physician with knowledge of substance abuse disorders and training to interpret and evaluate confirmed positive test results.
15. Positive Evidence – Means the presence of a drug/controlled substance or drug metabolite in a urine sample at or above the test levels listed in the DOT anti-drug/controlled substance rule.
16. Possession – To have on one's person, in one's personal effects, in one's vehicle or under one's control. It also includes the presence in the body system of any detectable amount of drugs/controlled substances, or in the case of alcohol, a test result of 0.02 or greater.
17. SAMHSA – Substance Abuse and Mental Health Services Administration, was formerly the National Institute on Drug Abuse. SAMHSA was established by the DHHS in 1986 to regulate laboratories performing analytical tests (drug tests) on human body fluids for employment purposes in the public sector.
18. Substance Abuse Professional - is a person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Conditions Requiring Testing1. Pre-Employment

All applicants who have been offered employment will, as a pre-qualification condition, be subject to drug/controlled substance testing. No employee shall be allowed to perform a safety- sensitive function unless he/she has received a drug/controlled substance test indicating negative results. This requirement applies to both new applicants for employment and current employees who transfer to or are promoted from a non-covered position to a safety-sensitive position.

If the applicant refuses to take the test, cannot produce adequate breath or urine specimen, attempts to substitute or contaminate his/her specimen, or the test results are not negative the employment process will be suspended.

All applicants and current employees transferring into a safety-sensitive position must sign a Consent and Release of Alcohol and Drug Use Testing Information form for each employer the person worked for in the past two years.

All pre-employment controlled substance tests will be conducted pursuant to DOT regulations and procedures.

2. Current Employees

An employee's consent to submit to drug/controlled substance and/or alcohol testing is required as a condition of employment and the employee's refusal to consent shall result in termination of employment, even for a first refusal or any subsequent refusal.

Employees will be paid for time in tests outside of regular hours as required by the Fair Labor Standards Act.

a. Random Testing

Covered employees are subject to random alcohol and drug testing throughout the year at unannounced times. An employee could be randomly selected for testing more than once each year. Conversely, certain covered individuals may not be tested within a year.

Covered employees who are randomly selected for testing will be notified by a supervisor and will be required to report to the specimen collection site immediately. The employee will not be notified of the test until after reporting for duty. All random testing, including the selection of covered employees for testing, will be conducted pursuant to DOT regulations and procedures.

In the event an employee who is selected for a random drug/controlled substance and/or alcohol test is on vacation, sick leave, away from the City on official business, extended leave of absence or other justifiable absences, another employee will be selected for testing or the original selection may be kept confidential until the employee returns. A representative of the City Manager's Office shall determine "justifiable absences".

All random controlled substance and alcohol tests will be conducted pursuant to DOT regulations and procedures.

b. Post Accident

After a vehicle accident, all injured parties, including the commercial driver, should receive the appropriate medical treatment as soon as possible. If a driver is physically capable of reporting an accident he/she should do so immediately.

Drivers involved in accidents may be required to submit to a drug and alcohol test immediately following an accident. In all cases, the driver shall receive post-accident drug and alcohol testing as soon as practicable following an accident which involved:

- (1) a fatality (loss of human life); and/or
- (2) the driver receives a citation under state or local law for moving traffic violation arising from the accident and
  - (a) any involved vehicle requires towing from the accident scene; or
  - (b) any involved person(s) requires medical treatment away from the accident scene.

When a drug/controlled substance and/or alcohol test has not been administered within a reasonable time frame following the accident, the following actions shall be taken:

- (1) If the employee has not submitted to an alcohol test within two (2) hours, his/her supervisor or department head shall prepare and maintain on file a record stating the reason a test was not promptly administered.
- (2) If the employee has not submitted to an alcohol test after eight (8) hours, attempts to administer an alcohol test shall cease, and documentation shall be prepared and maintained as described above.
- (3) If the employee has not submitted to a controlled substance test within thirty-two (32) hours, his/her supervisor or department head shall cease attempts to administer the test and shall prepare and maintain the record as described above.

The driver subject to post-accident testing must remain available for alcohol testing and must refrain from consuming alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

A covered employee subject to the post-accident testing requirement who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing and disciplinary action including termination may result. However a covered employee who leaves the scene of the accident may continue to be considered "readily available" for testing if:

- (1) the employee notifies his/her supervisor of his/her location, or
- (2) leaves the scene to obtain necessary medical care (for himself/herself, or others), or
- (3) leaves the scene to obtain assistance in responding to the accident.

Nothing in this policy (or the rule itself) should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

When a driver is notified that he/she is being tested as a result of an accident the driver will be driven to the collection site by a supervisor or department head. Under no circumstance, following a DOT reportable accident as defined earlier in this section, should a supervisor allow an employee to operate any kind of vehicle or machinery until negative

test results have been received. This will be considered negligence on behalf of the supervisor and can lead to disciplinary action up to and including termination.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of drug/controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirement of this section, provided such tests conform to applicable federal, state or local requirements, and the official has independent authority to conduct the test.

An employee who is seriously injured and cannot provide specimen at the time of the accident will provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs/controlled substances in his/her system.

All post-accident testing drug/controlled substance alcohol testing will be conducted pursuant to DOT regulations and procedures.

c. Reasonable Suspicion

Covered employees are subject to alcohol and/or drug testing if reasonable suspicion exists to believe that an employee has violated any part of this Policy. Reasonable suspicion can be determined only by supervisors who have been specifically trained to do so. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

When a covered employee is notified that he/she is being tested for reasonable suspicion the individual will be driven to the collection site by a supervisor or department head. At no time should a supervisor allow an employee being sent for "reasonable suspicion" drugs/controlled substance and/or alcohol testing operate any kind of vehicle or machinery until negative test results have been received. This will be considered negligence on behalf of the supervisor and can result in disciplinary action up to and including termination.

A written record shall be made of the observations leading to an alcohol and/or controlled substances test, and signed by the supervisor or City official who made the observations, within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

All reasonable suspicion controlled substance and alcohol tests will be conducted pursuant to DOT regulations and procedures.

Reasonable Suspicion Alcohol Testing

Reasonable suspicion alcohol testing may occur only if the required observations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this policy and the driver is performing safety-sensitive function, is about to perform safety-sensitive functions, or has just ceased performing such functions.

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, the supervisor shall cease attempts to administer the test, and shall prepare and maintain the record listed above.

No employee shall report to duty or remain on duty while under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employee be permitted to perform or continue to perform the functions of the position until:

- (1) an alcohol test is administered and the alcohol concentration of the employee is 0.02 or less; or
- (2) 24 hours has elapsed following the determination of reasonable suspicion.

The mere possession of alcohol does not constitute a need for reasonable suspicion testing, which must be based on observations concerning the driver's appearance, behavior, speech, or body odor. However possession of alcohol in the work place is a violation of this policy.

#### Reasonable Suspicion Drug/Controlled Substance Testing

No employee shall report to duty or remain on duty while under the influence of or impaired by drugs/controlled substances, as shown by the behavioral, speech, and performance indicators of drug/controlled substance use, nor shall an employee be permitted to perform or continue to perform the functions of the position until the suspicion is validated or invalidated. Drug/controlled substance testing may be performed at anytime while the individual is at work for the City. The individual may be performing clerical or other non-safety sensitive duties at the time of notification to be tested.

d. Return-to-Duty Testing

Any employee who has been off duty as a result of engaging in prohibited conduct regarding alcohol misuse or as a result of self-referral for drug/substance abuse and/or alcohol misuse must undergo a return-to-work alcohol test with a result indicating a breath alcohol concentration of less than 0.02 and/or a drug/controlled substance test with a negative result for drug/controlled substance use. Should this test indicate a breath alcohol concentration of between 0.02 and 0.039 the employee will be terminated. Should this test indicate a breath alcohol concentration of 0.04 or greater the employee will be terminated from employment.

In addition each employee identified as needing assistance in resolving problems associated with alcohol misuse or who has self-referred for drug/controlled substance and/or alcohol treatment shall be evaluated by a Substance Abuse Professional to determine if the employee has properly followed the rehabilitation program. Refusing or failing to cooperate with the Substance Abuse Professional as required under the provision of this policy, including submitting to evaluations and following any and all recommended treatment plans will result in termination.

All charges relating to return-to-duty testing are at the employee's expense.

Return-to-duty testing is a minimum precondition for returning to work, but not a guarantee of reinstatement.

All return-to-duty alcohol testing will be conducted pursuant to DOT regulations and procedures.

e. Follow-Up Testing

Following a determination that an employee is in need of assistance in resolving problems associated with an identified alcohol misuse or self-referred drug/controlled substance abuse and/or alcohol misuse problem, the City will ensure that the employee is subject to

unannounced follow-up drug/controlled substance and/or alcohol testing as directed by a Substance Abuse Professional, following the employee's return to duty. The number and frequency of the tests shall be directed by the Substance Abuse Professional and consist of at least six (6) tests in the first twelve (12) months following return to duty. Follow-up testing will be up to sixty (60) months and can be eliminated after one year if the Substance Abuse Professional determines that such testing is no longer necessary. All follow-up testing will be at the employee's expense.

The follow-up testing for alcohol misuse shall only be performed just prior, during, or just after performance of safety-sensitive functions. Follow-up testing for drugs/controlled substances may be performed at anytime while the individual is at work for the City. The individual may be performing clerical or other non-safety sensitive duties at the time of notification to be tested.

All follow-up testing drug/controlled substance and/or alcohol testing will be conducted pursuant to DOT regulations and procedures.

#### Drug/Controlled Substance Testing Procedures

Urine samples are tested at a SAMHSA certified laboratory for DOT drug testing to detect the prohibited drug levels established by the DOT. The laboratory conducting the test maintains written procedures in accordance with SAMSHA and DOT requirements to ensure privacy, prevention of tampering, and chain of custody methods, including correct identification, labeling, and storage of all test samples. A copy of these procedures is available at the laboratory to each job applicant and employee upon request. The laboratory certifies that methods of analysis are state of the art, including the use of immunoassay techniques for initial test results and gas chromatography/mass spectrometry for confirmatory test results, and are compliant with SAMSHA and DOT regulations.

A Medical Review Officer (MRO) receives, reviews, and interprets drug test results; confers directly with the applicant or employee to determine alternate medical explanations for positive test results; and notifies applicants, employees and the appropriate City representative of confirmed, positive drug test results.

In the event the applicant or employee cannot produce a sample within two (2) hours, the test will be considered a "refusal" on the part of the individual and he/she will be given a shy bladder form and will not be allowed to return to work. The MRO will instruct the individual to obtain a medical evaluation by a physician to determine if there is a medical reason why a sample cannot be obtained. The MRO shall report his/her conclusions to the City in writing. In the case of pre- employment testing, any applicant who cannot produce an adequate specimen will not be considered for employment.

If the employee refuses to cooperate with the collection process, the collection site person shall inform the designated City representative and shall document the non-cooperation on the drug testing custody and control forms.

If the test result of the primary specimen (bottle A) is positive, the employee or applicant may request that the MRO direct the split specimen (bottle B), which has remained sealed and stored at the laboratory, be tested in a different SAMHSA-certified laboratory for presence of the drugs/controlled substances for which a positive result was obtained in the test of the primary specimen (bottle A). The MRO shall honor such a request if it is made within 72 hours of the employee or applicant having been notified of a verified positive test result. The test from the split specimen (bottle B) will be conducted at the employee's or applicant's expense.

Alcohol Testing Procedures

In testing for alcohol, an Evidential Breath Testing Device will be used to determine a breath alcohol concentration. The testing device and procedures will conform to specifications established by DOT regulations. Tests will be administered by a certified Breath Alcohol Technician.

Positive Alcohol or Drug Test Results

If alcohol test results indicate an alcohol concentration of between 0.02 and 0.039, the regulations require that the driver not be permitted to perform any safety-sensitive function for at least 24 hours, even for a first offense. Further, the driver will not receive compensation for any of this 24-hour period. An employee who has a confirmed breath alcohol concentration of between 0.02 and 0.039 need not undergo the evaluation and treatment for alcohol dependency or a return to duty/follow-up testing. However, if the driver has had confirmed breath alcohol concentration of between 0.02 and 0.039 on a previous test, he/she will be terminated for the second offense. Employees who have a breath alcohol concentration of between 0.02 and 0.039 on a return-to-duty or follow-up test will also be terminated.

If the breath alcohol concentration level is 0.04 or higher, the employee will be deemed unqualified to perform duties, will be terminated from employment, even for a first offense, and will be referred to a Substance Abuse Professional. All costs associated with this assistance will be born by the employee, except as is covered by the medical benefits plan. This provision shall not be construed to preempt provisions of state criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, the City or the general public.

Employees who test positive for drugs/controlled substances will be terminated from employment, even for a first offense, and will be referred to a Substance Abuse Professional for assistance in resolving problems associated with drug/controlled substance abuse. All costs associated with this assistance will be born by the employee, except as is covered in the medical benefits plan.

Individuals must arrange alternate transportation home from a testing site when alcohol is detected in a concentration of 0.02 or greater and/or when drug/controlled substance results are positive. Law enforcement officials will be contacted if the individual refuses alternate transportation.

Employees who have disciplinary action taken against them as a result of a positive drug/controlled substance test or as a result of an alcohol breath concentration of 0.04 or greater may file a grievance pursuant to the City's grievance procedures.

Employee Assistance Program (EAP)

Any and all full-time regular employees are eligible to participate in the EAP for rehabilitation from a drug/controlled substance and/or alcohol dependency problem provided they request to participate in the program prior to being notified to report to a sample collection site for drug/controlled substance and/or alcohol testing. Request to participate in the program must also be unrelated to the identification of the employee as a violator of this policy. If the requirement to submit a sample for testing is the result of an accident, the request to participate in the chemical dependency rehabilitation program must have been made prior to the occurrence of the accident.

Employees requesting to participate in the EAP for rehabilitation of drug/controlled substance and/or alcohol dependency problem will be immediately removed from duties in safety sensitive positions. Participants must agree to participate in after-care and must agree to return-to-work and follow-up testing with a result indicating an alcohol concentration of 0.02 or less and/or a drug/controlled substance test with a negative result.

In addition each employee identified as needing assistance in resolving problems associated with alcohol misuse or who has self-referred for drug/controlled substance use and/or alcohol misuse

treatment shall be evaluated by a Substance Abuse Professional to determine if the employee has properly followed and successfully completed the rehabilitation program. Refusing or failing to cooperate with the Substance Abuse Professional as required under the provisions of this policy, including submitting to evaluations and following any and all recommended treatment plans will result in termination.

Participants who successfully complete a rehabilitation program will be reinstated with full benefits and length of service in a comparable position to the one left in terms of pay, status and duties (insofar as is reasonable and practical).

Individuals should contact the City's EAP, their personal physicians or community public health or mental health agencies for assistance.

The City will not pay for the employee's rehabilitation program. All costs associated with counseling, treatment, rehabilitation and/or assistance will be born by the employee except as is covered by the medical benefits plan. Employees will be allowed to use accrued vacation, sick leave for time off needed during rehabilitation.

#### Delay of Employee Reporting to Testing Facility

Any unreasonable delay without just cause on an employee's behalf to submit to a drug/controlled substance and/or alcohol test when directed to do so, will be considered a refusal to take the test. In the event of such an action, the employee will be disciplined up to and including termination.

#### Employee Refusal to Test

Compliance with this drug/controlled substance and alcohol testing policy is a condition of employment. If an employee refuses to submit to a drug/controlled substance and/or alcohol test, such response will be considered a positive result and the required actions of removing the person from the job and referring the employee to the EAP will be taken. The employee will also be terminated from employment with the City, even for a first refusal.

In cases of breath alcohol testing, an employee who refuses or fails to provide adequate breath sample for testing without a valid medical explanation in connection with a specific physiological disease from a physician after he/she has received notice of the requirement for breath testing in accordance with DOT regulations, or an employee who engages in conduct that clearly obstructs the collection or testing process, including refusing to sign the confirmation test certification, will be considered as refusing to test. Such action/refusal will be considered a positive result and the required actions of removing the person from the job and referring the employee to the EAP will be taken. The employee will also be terminated from employment with the City, even for the first incident. The employee has three (3) working days from the time of providing an inadequate breath sample in which to have a physician contact the City's Medical Review Officer.

In cases of urine drug/controlled substance testing, an employee who refuses or fails to provide adequate urine for testing without a valid medical explanation from a physician after he/she has received notice of the requirement for drug/controlled substance testing in accordance with DOT regulations, or an employee who engages in conduct that clearly obstructs the collection or testing purpose will be considered as refusing to test. Such action/refusal will be considered a positive result and the required actions of removing the person from the job and referring the employee to the EAP will be taken. The employee will also be terminated from employment with the City, even for the first incident.

The Department of Transportation rules do not preempt provisions of state criminal laws that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, regardless of whether the DOT rule, applies specifically to transportation employees, the City or the general public.

Prescriptions and Over-The-Counter Medications

Covered employees may take substances legally prescribed by a physician, when the physician has advised the employee that use of the substance will not affect performance of safety-sensitive functions. It is the employee's responsibility to inform the doctor of the nature of his/her work (i.e. performing DOT safety-sensitive functions). It is also the employee's responsibility to learn the possible effects of prescribed or over-the-counter drugs or medications they use while performing safety sensitive functions. Employees must also notify their supervisor or designated department representative in writing before beginning work, when taking any prescribed or over-the-counter drugs or medications, which may adversely affect the employee's ability to perform safety-sensitive functions. Employees are not required, and should not reveal the name of the medication they are taking or the reason for which it is being taken.

If the use of prescribed or over-the-counter drugs or medications could adversely affect the employee's ability to perform safety-sensitive functions, the employee must be placed on leave of absence if no other work is available. Leaves of absence will be used in accordance with current policies as stated in the Employee Handbook, or an appropriate Memorandum of Agreement.

Prescribed or over-the-counter drugs are prohibited except under the following conditions:

1. The prescription drugs are prescribed by a licensed physician for the person in possession of the drugs; and
2. The prescription must be available for verification by a physician or Medical Review Officer within twenty-four (24) hours of screening results; and
3. The prescription is filled by a registered/licensed pharmacist within the last twelve (12) months for the person possessing the drug or medication; and
4. The drugs or medications are ingested or administered only in the prescribed or recommended therapeutic dosages; and
5. The drug or medication could not have an adverse affect on the employee's ability to perform safety-sensitive functions; and
6. When alternative, temporary duties are available which the employee can perform without concern of adverse affect on his/her ability to perform safety-sensitive functions. An employee may, for example, be taking medication that causes drowsiness and should not perform safety-sensitive functions. This would not necessarily preclude the employee from performing other job duties, however it is still the responsibility of the employee to notify his/her supervisor if he/she is taking medication that could impair his/her ability to perform their regular job duties.

Employees may be required to refrain from performing safety-sensitive functions while under the influence of any prescribed or over-the-counter drug or medication, and/or may be required to obtain authorization from their physician regarding their ability to perform their job duties safely while taking the medication, or authorization that they are taking medication that prevents them from performing safety-sensitive functions.

Just because it's legal to purchase non-prescription medicine over-the-counter, doesn't mean it is legal or safe to use them while performing safety sensitive functions. DOT regulations do **NOT** permit drivers to take anything that can affect their abilities to perform safety-sensitive functions. For example, certain cold remedies contain antihistamines. Antihistamines may make the driver drowsy. If the warning on the box or label states, "Product may cause drowsiness: Do not operate heavy equipment or machines while taking", **it is a violation of DOT regulations to take it and perform safety sensitive functions.**

Over-the-counter stimulants such as "Be-Alert", "No-Doz", and "Stay Awake", are all considered legal and are used by drivers to stay awake. **However**, these products only keep the driver's eyes open. They cannot overcome the effects of fatigue on the body. Thought processes and reaction speed are still those of a person who is tired and fatigued. In an emergency, this driver will not be able to perform as well as if he/she were well rested.

If at anytime while driving you begin to feel that you are impaired or drowsy you are to return immediately to the Public Works Service Center and inform your supervisor. If you do not think you can safely drive to the Public Works Service Center, you are to stop where you are and call a supervisor to take you back to the Service Center.

Further, any supervisor who observes a covered employee exhibiting signs/symptoms of being impaired or drowsy should immediately remove the employee from any and all safety-sensitive functions. At no time should a supervisor allow an employee, suspected of being impaired, to perform any safety-sensitive functions. This will be considered negligence on behalf of the supervisor and can result in disciplinary action up to and including termination.

Extreme caution should be exercised in sending employees home when there are observable signs by the supervisor that the employee should not perform safety-sensitive functions. Supervisors may offer, or the employee must arrange alternate transportation home. Law enforcement officials will be contacted if the individual refuses alternate transportation.

#### Prohibited Conduct

Prohibited activities/behaviors include, but may not be limited to the following list:

1. Reporting for duty or remaining on duty to perform safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. Being in possession of alcohol while being on duty or operating a CMV. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
3. Using alcohol while performing safety-sensitive functions.
4. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
5. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, return to duty, or follow-up testing requirements.
6. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the employee uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
7. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the employee tests positive for controlled substances.

#### Consequences/Discipline to Employees

It will be the City's policy that disciplinary action consisting of discharge without benefit of rehabilitation will be applied to any employee who:

1. Uses sells, offers to sell, purchases, offers to purchase, transfers, distributes, traffics, conceals or possesses drugs/controlled substances, drug/controlled substance paraphernalia or alcohol in any form (including Nyquil, chocolates containing alcohol, etc.) on City premises or while on City business.

2. Is convicted of any drug/controlled substance related offense, regardless of whether the offense occurred on-the-job or off the job.
3. Substitutes, contaminates, tampers or attempts to substitute, contaminate or tamper with their specimen to be presented for testing.
4. Tests positive for a drug/controlled substance in a test conducted under the provisions of this policy, even for a first offense, regardless of whether the use occurred on or off City premises or on or off duty.
5. Tests positive for alcohol with a rating of 0.04 or greater when measured by the standard breath alcohol concentration tests, even for a first offense, regardless of whether the use occurred on or off City premises or on or off duty.
6. With a previous test showing a breath alcohol level of between 0.02 and 0.039, is tested a subsequent time and found to have a breath alcohol level of 0.02 or greater, regardless of whether the use occurred on or off City premises or on or off duty.
7. After having self-disclosed an alcohol problem and having been treated by a Substance Abuse Professional has a breath alcohol level of 0.02 or greater, on a return-to-duty, follow-up, post-accident, random or reasonable suspicion test, even for a first offense, regardless of whether the use occurred on or off City premises or on or off duty.
8. Refuses, or unjustifiably delays to submit to an alcohol and/or drug/controlled substance test when required to do so under the provisions of this policy, including post-accident, random, reasonable suspicion, return to duty and follow-up testing.
9. Refuses to cooperate in an investigation in accordance with this policy, including a search of the employee's property.
10. Refuses to cooperate with the Medical Review Officer or Substance Abuse Professional as required under the provisions of this policy.

Disciplinary action, based on City policy, up to and including discharge will be applied to any employee who:

1. Uses alcohol less than four hours prior to performing a safety-sensitive function. Some individuals may need to abstain from drinking alcohol for a longer period than four hours prior to duty in order to be below 0.02 breath alcohol content.
2. Uses alcohol less than eight hours following an accident requiring him/her to take a post- accident alcohol test.
3. Is found to be in possession of alcohol and/or drugs or drug paraphernalia.

Other Disciplinary Actions:

1. Any driver who tests positive for alcohol the first time with a breath alcohol level between 0.02 and 0.039 shall be suspended from duty for twenty-four (24) hours without pay, regardless of whether the use occurred on or off City premises or on or off duty.
2. Suspension without pay for the duration of an investigation may be applied to any employee who is the subject of a drug/controlled substance-related inquiry by the City or a law enforcement agency. Employees who are suspended pending an investigation and then are reinstated due to inconclusive evidence or other reasons will receive back pay for the period of suspension.

Employees who have disciplinary action taken against them as a result of a positive drug/controlled substance test or as a result of a breath alcohol concentration of 0.04 or greater, or a second alcohol test with a breath alcohol concentration of between 0.02 and 0.039, or an employee who has self-disclosed an alcohol problem and received treatment then has a breath alcohol level of 0.02 or greater on a return-to-duty, follow-up, post accident, random or reasonable suspicion test may file a grievance pursuant to the City's grievance procedures.

Disbarment from the City's work or workplace may be applied to any contractor or contract employee who violates this policy.

#### Responsibilities

Compliance with this drug/controlled substance and alcohol testing policy is a condition of employment. Employees in safety-sensitive positions have many responsibilities including, but not limited to, those listed below. Failure to carry out these responsibilities will result in disciplinary action, up to and including termination.

1. Each employee has the responsibility to be knowledgeable of the requirements of the City's DOT Drug and Alcohol Testing Policy and to fully comply with the provisions of the policy.
2. Employees must authorize the release of any and all information related to evaluation, treatment, rehabilitation, testing, counseling, and/or group participation for drug/controlled substance use and/or alcohol misuse by signing a consent form for such release.
3. Employees must contact their supervisor, department head or the Director of Human Resources immediately following any accident to make sure that required drug/controlled substance and alcohol testing procedures are followed. In the event the employee is not able to contact their supervisor, department head or the Director of Human Resources the employee must make sure that he/she received a DOT post-accident alcohol test as soon as possible, but absolutely within eight (8) hours of the accident by a drug testing facility or a law enforcement agency. In such an event the employee is also responsible for receiving a DOT post accident drug/controlled substance test within thirty-two (32) hours of the accident.
4. Supervisors shall as soon as practicable following an accident that requires drug/controlled substance abuse and alcohol testing, arrange for the collection and testing. Failure to meet this responsibility is an offense punishable by termination.

#### Declining to Perform Duties/Self-Disclosing a Drug/Controlled Substance and/or Alcohol Problem

Employees may, prior to or while performing any safety-sensitive functions, decline to perform or decline to continue to perform safety-sensitive functions without penalty when the individual believes he/she may be in violation of these rules or believes for any reason that performance of such duties may constitute a risk to the employee or others. In such cases of self-disclosure, the employee will be referred to the City's Employee Assistance Program or required to be seen by his/her personal physician (the City does not pay for such evaluation) to determine if further action is indicated and may not return to safety-sensitive duties until clearance has been obtained for such return from a Substance Abuse Professional. The City reserves the right to require the individual to submit to a clinical examination by a physician of the City's choosing, including such testing deemed appropriate by the examining physician, prior to return to safety-sensitive duties. Such self-disclosure cannot be used by an employee after the employee has been directed to submit to a drug/controlled substance and/or alcohol test as required by this policy or after other policy violations.

Nothing in this policy shall otherwise relieve an employee from performing the necessary job functions as required by their position with the City of Bellaire.

Confidentiality

All forms and documentation regarding DOT testing will be handled and maintained confidentially, in accordance with DOT regulations.

All information from an employee's or applicant's drug controlled substance and/or alcohol screen shall be disclosed only to those with a need to know or test results, including, the City Manager, City Attorney, Director of Human Resources, department head and/or supervisor. The City and its agents may communicate test results among themselves for official purposes both orally and in writing, and at a judicial or administrative proceeding.

Inquiries to Previous Employers

The regulations require the City, with the driver's written authorization, to inquire about the following information on a driver from the driver's previous employers for a period of two years preceding the driver's date of application:

1. Alcohol tests with results of 0.04 concentration or greater;
2. Verified positive controlled substances test results;
3. Refusals to be tested.

In order for an individual to be eligible for employment, the former employer(s) for the last two years would have to answer "No" to the three questions listed above. An exception to this eligibility issue would be a driver who had tested positive and subsequently returned to work after a required rehabilitation program. Such an employee is eligible under the federal law to be hired for a safety sensitive position.

When an employee/former employee in a safety sensitive position with the City of Bellaire applies for a CDL position with another employer he/she will be asked by the prospective employer to sign a form releasing the City of Bellaire of any liability from answering the same three questions listed above. When the signed release is presented, the City will likewise release the information.

Notifications

The City will notify each employee of this policy by providing to each employee a copy of this policy. Each employee will acknowledge in writing the receipt and understanding of this policy. New employees will be provided the same information and will be required to sign the receipt. The City will also publicize this policy in the Employee Handbook.

The City's Medical Review Officer will notify each employee of the results of random, reasonable suspicion and post-accident drug/controlled substance and/or alcohol tests when the test results are positive.

Time Sheets

Employees sent for drug/controlled substance and/or alcohol testing will be paid for the time required to travel to the testing facility, taking the test and returning to work. The supervisor will keep a record of the time involved. If the employee is taken home after the test, paid time will stop when he/she leaves the testing facility.

Employees who are suspended pending investigation and then reinstated due to inconclusive evidence or other reasons will receive back pay for the period of suspension.

Employees will be allowed to use accrued vacation, and/or sick leave for time off needed during rehabilitation.

**Policy Inquiries**

Questions regarding:

1. the City of Bellaire's policies and procedures relating to drug/controlled substance abuse or alcohol misuse;
2. the City's adherence to 49CFR Part 382, and 49 CFR Part 40, Controlled Substances and Alcohol Use Testing; or
3. any of the materials and information you have received regarding controlled substance abuse or alcohol misuse

should be directed to the Director of Human Resources, 7008 So. Rice Ave., Bellaire, TX, 713-662-8270.

**Policy Revisions**

This policy, as with any policy of the City of Bellaire is subject to future change. It may be expanded or limited based on the needs of the City and changes in legal requirements.

## **Sources of Educational Materials**

Information on the effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life: signs and symptoms of an alcohol problem; and available methods of intervening when an alcohol and/or controlled substance problem is suspected may be obtained from the following sources:

1. University of Texas Employee Assistance WorkLife Programs  
7000 Fannin St., Suite 1670  
Houston, TX 77030  
713-500-3327 or 1-800-346-3549  
[www.uteap.org](http://www.uteap.org)
2. National Clearinghouse for Alcohol and Drug Information (NCADI)  
P.O. Box 2345  
Rockville, MD 20852  
1-800-729-6686 or 301-468-2600
3. Texas Department of State Health Services  
866-378-8440  
[www.drugfreetexas.com](http://www.drugfreetexas.com) or [contact@tcada.state.tx.us](mailto:contact@tcada.state.tx.us) or  
[www.dshs.state.tx.us](http://www.dshs.state.tx.us)
4. Drug-Free Workplace Helpline, Center for Substance Abuse Prevention  
[www.drugfreeworkplace.gov](http://www.drugfreeworkplace.gov)
5. Partnership for a Drug Free America  
405 Lexington Avenue  
New York, NY 10174-0002  
212-922-1560

## Chapter 11

## SECTION 11.01

Authorized User

Authorized users are provided access to City-owned computers and software for City business only, with the exception of limited personal use, where that use does not interfere with business use and as authorized by the individual's department head and/or CTS representative.

Individual users' accounts are set up by the CTS representative or individual's department head in charge of the data to be accessed.

Department heads and/or the City Manager have ultimate authority to grant or revoke an individual's "Authorized User" status.

Each authorized individual must be familiar with and comply with all computer use policies as prescribed in the Communications Systems Technology Policy document(CTSP).

Violation of the CTSP may lead to privileges being revoked and/or disciplinary action including termination. Severe violations may be handled as criminal matters.

## SECTION 11.02

Training

Training necessary for an individual to perform his/her duties on City of Bellaire (COB) computer resources will be provided as necessary.

It is each individual's responsibility to request the necessary training to perform his/her duties.

An authorized individual must have a basic understanding of the computer system, and be able to use the City software before the user will be allowed to operate the system unsupervised.

Each individual is required to exercise care when accessing business-critical and/or confidential data. Failure to exercise due care may result in the loss of data or the unintended disclosure of confidential data. Each department head is responsible for ensuring their subordinates are fully aware of the proper handling of business-critical and/or confidential data.

## SECTION 11.03

Software Compliance

The CTS representative is responsible for implementing all aspects of the software policy and supervision of compliance.

Each department is responsible for maintaining license documentation and proof of purchase for all software used within their department, unless expressly maintained by the CTS representative with written proof.

Vendors' license agreements are strictly adhered to. Installing or copying software in a manner not consistent with the software vendor's license agreement is prohibited.

Unlicensed software or software not legally licensed to the COB is strictly prohibited from being installed or used on City-owned equipment.

Public Domain and Shareware software must have prior approval of the CTS representative before being installed.

All registration cards for software must be completed and returned or sent to CTS representative to be sent in.

Random audits checking on license compliance may be performed at any time by the CTS representative or by anyone the City Manager designates. All COB users, departments, and department heads are required to cooperate fully with these audits.

The department directors will be held responsible for any illegal software installed on computers located in his/her department.

No software shall be loaded or installed by a user on any COB server and/or computer without prior approval of the CTS representative or the user's department head.

All unauthorized installed software and data are subject to immediate deletion.

Party or parties responsible for the installation and/or use of the unauthorized software will be reported to the department head, City Manager, and Director of Human Resources for disciplinary action and in some cases to the appropriate law enforcement agency.

## SECTION 11.04

### Electronic Mail (E-Mail)

All information and messages (including e-mail and attachments) created, sent, received, accessed, or stored on COB equipment constitute City records. The City reserves the right to monitor, access, retrieve, read and/or disclose all e-mail messages and/or attachments without prior notice to the originators or recipients.

Authorized individuals should not send internal or external e-mail that is confidential or private unless encrypted, and key is on file with City Manager.

E-mail information and messages shall be governed by the COB Records Retention Policy. It will be the responsibility of each e-mail user to determine which e-mails must be retained under the Records Retention Policy. E-mail generally (but not always) falls into two common record series categories. These are:

*Local Schedule GR, 1000-26, Correspondence and Internal Memoranda:*

(b) Administrative – Correspondence and internal memoranda pertaining to or arising from routine administration or operation of the policies, programs, services, and projects of a local government. Retention: 2 years.

(c) Routine – Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notice and similar routine matters. Retention: AV (after purpose of record is not longer deemed administratively valuable.)

Records created using an e-mail system may be saved for their approved retention period by printing the message and filing it in an appropriate hard copy file, or by placing the message in folders and saving on the personal network drive or C:drive.

E-mail information and messages may not contain any prohibited messages (see glossary for prohibited messages).

“Mass Mailing” across City departments must be pre-approved by the department head of the sending department (s). Technology related information (i.e. programs, attachments, shortcuts, etc) must be cleared by the CTS representative before “mass mailing” to users.

No e-mail attachments shall be opened unless the recipient specifically requested it from the sender or it is a normal attachment received from the sender on a regular basis. The recipient of the attachment, to the best of his/her ability, is responsible for determining that the e-mail was meaningfully sent and is not harmful. Disregarding of this policy may lead to actions as described in Section 11.01 of this policy.

## SECTION 11.05

### Internet/World Wide Web

Primary use is restricted to COB business purposes. The COB will allow limited personal use of the Internet during break times and before or after work hours. Use of computers for personal reasons should be limited and never interfere with job assignments. The City reserves the right to monitor all computer, Internet, and e-mail activities.

When sending personal e-mails, especially if the content of the e-mail could be interpreted as an official government statement, the employee should use the following disclaimer at the end of the message:

"This e-mail contains the thoughts and opinions of (employee name) and does not represent official City of Bellaire policy."

The following confidentiality disclaimer should be used to protect privileged information:

"The information contained in this e-mail is privileged and confidential information intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, copying or taking action in reliance upon this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender and then delete this e-mail in its entirety."

Pirating software, stealing passwords, hacking other machines, creating viruses, participating in the viewing or exchange of pornography or obscene materials, on-line gambling, or engaging in any other illegal or tortious activities are strictly forbidden any time.

Use of City electronic resources for personal stock trading, "chat" sessions, listening to radio/tv stations, or downloading of music files is strictly forbidden, unless pre-approved by the City Manager.

The City reserves the right to monitor, record, review, and/or report on all users' Internet activity and sites visited. This includes activity during business time and/or personal time while using COB computers.

Authorized users who are expressly authorized by the City Manager may indicate their affiliation with the COB in bulletin board discussions, Internet connections, and/or e-mail. This may be done by explicitly adding certain words, or it may be implied, for instance via an e-mail address. In either case, the user must also clearly indicate that "the opinions expressed are my own, and not necessarily those of the City of Bellaire". Flaming or similar written attacks are strictly prohibited.

Confidential COB information is prohibited from being disclosed or passed via the Internet unless authorized by the City Manager or City Attorney.

Users are responsible for their activity and actions on the Internet.

## SECTION 11.06

Recreational Software

Games and/or recreational software installation and use on City equipment are left to the discretion of the user's department head.

Prohibited games or recreational software (refer to Glossary) are strictly forbidden to be loaded, installed, or run on City equipment at any time.

Any and all game or recreational software may be removed from a computer at any time by the City Manager, CTS representative, or the user's department head.

The user's department head will be accountable for the proper use of the City equipment and software being run on it.

The City Manager will have final authority on whether the software is appropriate for City equipment.

If non-City software and/or game software causes any loss of City data, or causes software and/or hardware problems, then the individuals installing and/or using the software may be held responsible and subject to disciplinary action.

## SECTION 11.07

Hardware and Software Acquisition

All proposals for the acquisition of hardware and/or software shall be submitted to the CTS representative for review before a requisition is submitted to purchasing.

Purchasing of computer hardware and/or software without prior approval of the CTS representative or the City Manager is prohibited. Responsibility for any unauthorized hardware and/or software use will fall on the department head.

Funding for all costs associated with the purchase will be the responsibility of the department making the purchase.

Computers must not be installed or moved (to another desk, location, etc.) without first notifying the CTS representative. Laptop and notebook computers are exempt from the movement condition, but the CTS representative should be contacted before installing them the first time. Laptop and notebook docking stations are not exempt.

## SECTION 11.08

Information and Systems Integrity

City information and/or software shall not be uploaded, downloaded, or otherwise transmitted between COB information systems and non-City systems unless expressly authorized by the user's department director and/or the CTS representative.

Any intentional disabling of the City's anti-virus software on a computer or server, without the prior approval of the CTS representative, will be grounds for disciplinary action including personal financial liability for damages if a virus infects the City computer system.

Authorized users are prohibited from being involved in the storing, posting, display, transmission, knowing receipt or other exchange of pirated or unlicensed software, purloined passwords, stolen credit card numbers or any of the items included in the "prohibited messages" area.

Users may not establish individual Internet connections, other external network services, or any remote connections to City or non-City computer systems without prior approval of the CTS representative.

COB software, documentation, and all other types of internal information must not be sold or otherwise transferred to any non-City party for any purposes other than business purposes expressly authorized by the City Manager or City Attorney.

Personally acquired hardware and/or software may not be used for City business unless specifically authorized by the CTS representative or the City Manager.

All City-related databases created or maintained on City information systems need to be pre- approved by the CTS representative.

Computer configuration files, login scripts, and network/peripheral drivers shall only be loaded, deleted, or modified by the CTS representative or by an individual authorized by the individual's department head.

It is the user's responsibility to report any lost software or sensitive City information that is disclosed to unauthorized parties, to the CTS representative or user's department head immediately.

Authorized users using computer telephone numbers must be pre-approved by the CTS representative and data telephone numbers are confidential. All connections may be monitored to insure proper City use.

The IP number for a computer must not be changed, switched, or created by anyone except the CTS representative or someone with the CTS representative's prior approval.

Any person using a remote connection to the City network must comply with the CTS Policy.

## SECTION 11.09

### Security

Passwords are considered confidential and unless expressly authorized by the CTS representative or the individual's department head, shall not be shared with other individuals including other City employees.

Employees shall not do anything that may circumvent sign-on security. Passwords may not be written down and left unattended, nor should passwords ever be saved to a file.

Passwords will be required to be changed at least once every 6 months and/or at the request of the CTS representative. Employees shall provide any work-related electronic passwords to their supervisor.

Dial-in access must never be setup on an unauthorized user's computer.

COB security, security loopholes, and/or security problems may not be discussed with anyone outside of the City unless authorized by the CTS representative or the City Manager.

All security problems discovered must be reported to the CTS representative immediately and may not be discussed with other employees.

## SECTION 11.10

Other Electronic Information Systems

This policy is also applicable to all forms of electronic communication systems, including telephones, voice mail, cellular telephones, radio systems, and alphanumeric paging systems. Primary use of these systems is restricted to COB business purposes.

All information and messages created, sent, received, accessed, or stored on this equipment represents COB records/property. Individuals using this equipment have no personal privacy right nor should they have any expectation of privacy. The City reserves the right to monitor, access, retrieve, read, and/or disclose information relative to these systems without prior notice to the originators or recipients. Information retrieved from these communications systems may be inspected by the COB and other third parties, and may be used in litigation and disciplinary proceedings.

Disclosure of information/messages from these electronic communication systems is prohibited except to individuals involved in official COB business.

Although these systems are not considered private, individuals should refrain from intercepting, eavesdropping, recording, or altering the electronic communications.

Users are responsible for their activity and actions on these systems. Therefore, individuals should use discretion when communicating through these systems and should not include confidential and/or personal information, obscene content, or use vulgarity.

Employees in possession of City equipment such as cellular phones, radios and pagers are expected to protect the equipment from loss, damage or theft. Upon separation of employment, or at any time upon request, the employee may be asked to produce the item for return or inspection. Employees unable to present the item in good working condition within the time period requested (i.e. 24 hours) may be expected to bear the cost of a replacement.

## SECTION 11.11

Personal Phone Calls

The use of City telephones for personal calls is a privilege, which is granted to all employees. However, employees are expected to limit personal phone calls to a minimum.

Employees are not allowed to charge personal long distance telephone or fax calls to the City. Employees may access long distance exchanges with a 1-800 prefix or with a personal long distance telephone calling card.

In an emergency you may charge a personal call with the approval of your department head. Reimbursement for the call along with documentation should be sent to the Finance Department as soon as the charges are known.

## SECTION 11.12

Cellular Phone Policy

Employees whose job responsibilities include the use of a cell phone will be required to purchase their own cell phone and service plan. The City will pay the employee an established amount to be applied to the monthly service charge. This established amount will be included in the employee's regular paycheck. All standard paycheck deductions based on wages will be deducted on this

amount, including federal income tax, social security (if applicable), Medicare and Texas Municipal Retirement System. This amount will not be included in overtime calculations.

**A. Safety Procedures for Cellular Phone Use**

Employees whose job responsibilities include regular or occasional driving and who use a cell phone for business purposes are prohibited from using their phone while driving. Safety must always come before all other concerns.

Employees whose job responsibilities do not specifically include driving as an essential function, but who use a cell phone for business purposes, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves or others at risk to fulfill City of Bellaire business needs.

Regardless of the circumstances, including slow or stopped traffic, if an employee needs to make a phone call while driving he/she should find a proper parking space first. Stopping on the side of the road is not acceptable. The only exception is for genuine emergencies – an accident or a car breakdown.

If you receive an incoming call while you are driving, let your voice mail answer it for you.

Call for help to protect yourself and others – dial 911 in case of fire, traffic accident, road hazard, or medical emergencies. It's a free call on your wireless phone.

**B. Traffic Violations**

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

**C. Personal Cell Phone Use**

The City recognizes many employees have cell phones for personal use. Personal cell phone use must not interfere with an employee's duties or job performance. Employees who deal directly with customers must not use their cell phone in front of, or while on the phone with a customer.

An employee whose personal cell phone use does become disruptive or interferes with the employee's or co-worker's ability to do the job will not be allowed to continue to bring the cell phone into the workplace or will be required to keep the phone turned off. Further, the City will not be liable for the loss of personal cellular phones brought into the workplace.

**D. Responsibilities for Managerial Staff**

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

**SECTION 11.13**

**Policy Exceptions**

This policy shall not apply to valid law enforcement or fire investigation use as dictated by applicable departmental policies.

This policy shall also not apply to public use of the HALAN (Houston Area Library Automated Network) located through the Bellaire Library.

## Glossary of Terms

Authorized user - an individual or group that has been authorized and granted access to the City of Bellaire's electronic information system.

City Information System – all the data files, programs, computers, servers, and other software/hardware making up the COB infrastructure (network).

COB - City of Bellaire

CTS – Communications Technology Systems

IP number - TCP/IP (Transmission Control Protocol/Internet Protocol) address number given to a computer, server, or other network devices to make the connection to the network unique and identifiable. (think of it as a PO Box or Street address of your home)

Limited Use - each user's department head and/or the City Manager shall determine what constitutes "limited use". This is the amount of time spent using the City computer resources for personal use.

Mass mailing - the sending of an e-mail message to a large number of users at the same time.

Password - the private access code given to each individual to sign on to the network or computer.

Prohibited games - a game or recreational software that contains content that a reasonable person would consider to be defamatory, offensive, harassing, disruptive, or derogatory, including but not limited to sexual content, racial or ethnic slurs, or other comments or images that would offend someone on the basis of sex, race, sexual orientation, age, physical or mental disability, national origin, religion, or veteran's status. Gaming, gambling, illegal, or destructive software is also prohibited.

Prohibited messages (e-mail or other) - message that is considered by a reasonable person to be defamatory, offensive, harassing, disruptive, or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs or other comments or images that would offend someone on the basis of sex, race, sexual orientation, age, physical or mental disability, national origin, religion, or veteran's status. Also prohibited messages include: chain letters, gambling activity (football pools, etc), pleas of support for non- City charitable or non-profit groups, union-related activities, religious activities, political causes or activities, or any other use in a manner that is not part of the direct business of the City or that which might reflect badly upon the City.

Public Domain software - software which may be legally downloaded from the Internet or from another media that does not require a license or fee payment.

Shareware software - software which may be legally downloaded from the Internet or from another media that may be used by one user or for a limited time without paying a fee. After an initial period, usually a small fee is requested to obtain a license and for support.

User profile - the name used by the individual to sign on to the network or computer.

## Chapter 12

## SECTION 12.01

Media Policy

In order that the City may be responsive to the media and so that you can feel confident in dealing with the media, the following guidelines regarding dealing with the media should be followed:

1. Soft News/News Releases

All news releases will be drafted by the department requesting media coverage according to the accepted format. Respective departments will be responsible for forwarding their releases to the desired media.

2. Hard News

If a reporter contacts you for information regarding an incident, City policy or if he/she is requesting information on a subject that might be viewed as controversial, most likely the reporter is gathering information for a hard news story.

- a. First, get the reporter's name, media outlet, phone number, the nature of the story, deadline and what information the reporter is requesting. Remember, the story will be developed with or without your input, so be cooperative.
- b. Tell the reporter that a City spokesperson will call him/her back within a specific time frame.
- c. Contact the City Manager's office and a spokesperson will be assigned. Gather all information you may have concerning the story subject and be prepared to brief the spokesperson.
- d. The spokesperson will be responsible for coordinating all media contacts on the story.
- e. If appropriate, the spokesperson may request that the department respond back to the media.
- f. In the case of an emergency, the department should attempt to contact the City's spokesperson immediately in order that media coverage may be coordinated. The City's spokesperson is responsible for any and all contacts with the media in emergency situations.

## SECTION 12.02

Smoking/Tobacco Policy

The City of Bellaire maintains a smoke-and-tobacco-free workplace. No smoking or other use of tobacco products (including, but not limited to, pipes, cigars, snuff, or chewing tobacco) is permitted in any building or in vehicles owned, leased, or rented by the City.

Employees may smoke outside during breaks. When smoking or otherwise using tobacco products outside, do not leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else. No additional breaks beyond those allowed under the City's break policy may be taken for the purpose of using tobacco products. Being permitted to use tobacco products during breaks is a privilege. If that privilege is abused, it may be withdrawn altogether.

## SECTION 12.03

Identity Theft Policy

The City of Bellaire would like to remind all employees that anyone can become the victim of identity theft. Identity theft occurs when one individual takes another's personal data and uses it for their own illegal financial gain. That person may apply for credit cards, loans or phone service, buy merchandise, and apply for mortgage or lease apartments or cars. There have even been cases where identity thieves used another's identity to gain employment or obtain security clearance.

1. Sensitive Personal Information

Social Security numbers, home addresses, driver's license numbers, mother's maiden name, date of birth, credit card numbers, and bank account and employee identification numbers are all considered to be sensitive personal information.

There are some common-sense actions that you can take to lower your risk and the City of Bellaire's possible exposure to this crime:

- a. Store all purses, wallets and checkbooks in locked cabinets while in the workplace.
- b. Cross-shred all sensitive documents before throwing them away, especially those containing account or Social Security numbers. NEVER RECYCLE OR THROW SUCH DOCUMENTS IN THE TRASH.
- c. If you are providing sensitive information over the telephone, make sure that your conversations cannot be overheard.
- d. Avoid giving sensitive personal information by e-mail or over the phone.
- e. Do not place your personal mail containing Social Security numbers, checks or account information in the unlocked outgoing mailbox located on any receptionist's desk.
- f. Be sure to password protect your office computer. If you leave it unattended for even a moment, close the program you were working on.
- g. Call 1-800-5OPTOUT and request credit card companies stop sending pre-approved credit card applications to your home or business. These are ticking identity theft time bombs.
- h. Ask your credit card company to stop delivering so-called "convenience checks" to your home and business. These, too, are time bombs.
- i. Because it's impossible to tell what's real and what's fake online, delete all e-mails that ask for personal information.
- j. Hang up on telemarketers, especially those who seem to be digging for personal information.
- k. Limit the number of credit cards you hold. Review your financial statements monthly. The sooner you discover an incident of identity theft, the better.

2. If You Become a Victim of Identity Theft or Believe You Might Be:
  - a. Immediately call the three major credit-reporting agencies to report the theft. Put a fraud alert on your Social Security number and ask them to send you copies of your credit

reports. Examine those reports carefully to see if there are any inaccuracies or fraudulent activity.

- b. Call your local police department so that they can take a report and provide you with a copy. Mail a copy of this report to your creditors.
- c. Call and write all creditors that have opened fraudulent accounts using your stolen personal information. Be sure to send all correspondence by certified, return receipt requested mail. Let these creditors know that this is a case of identity theft, and ask for copies of all applications and transaction information relating to the accounts.

The City of Bellaire is concerned about the physical and financial well being of all employees. If you believe that you have been a victim of identity theft or if your purse, wallet, briefcase, etc has been stolen, either in the workplace or elsewhere, we would like to know about it promptly.

The City of Bellaire understands that you might need some flexibility in your work schedule to repair the damage caused by the identity theft. Identity theft – in the workplace or elsewhere – is a serious problem, but can be controlled with immediate action. Your quick notification to the City of Bellaire will help us evaluate who is putting others at risk, and all reports will be handled confidentially to the extent possible.

#### Important Resources and Internet Links for Victims of Identity Theft

Through the University of Texas Employee Assistance Program the City offers employees comprehensive and cost effective identity theft clean-up and prevention assistance. Take advantage of the full array of Identity Theft Prevention and Resolution Online Resources at [www.uteap.org](http://www.uteap.org).

Obtain one free copy of your credit report each year at [www.annualcreditreport.com](http://www.annualcreditreport.com) or 1-877-322-8228

Federal Trade Commission: [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft) or 1-877-IDTHEFT

Privacy Rights Clearinghouse:

Identity Theft Resource Center (Non-profit organization specializing in identity theft victim assistance): [www.idtheftcenter.org](http://www.idtheftcenter.org) or 1-858-693-7935, [voices123@att.net](mailto:voices123@att.net).

Credit Reporting Agency Contact Information:

Equifax: [www.equifax.com](http://www.equifax.com) or 1-800-685-1111 (fraud division: 1-800-525-6285)

Experian: [www.experian.com](http://www.experian.com) or 1-888-EXPERIAN (fraud division: 1-888-397-3742)

TransUnion: [www.tuc.com](http://www.tuc.com) or 1-800-888-4213 (fraud division: 1-800-680-7289)