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# PERSONNEL POLICIES

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# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### *Table of Contents*

---

#### **Chapter 1 Introduction and General Provisions**

1.00 Purpose and Objectives .....	6
1.01 Amendments, Updates, Revocation and Management Authority .....	7
1.02 Scope and Notice .....	9
1.03 Policy Dissemination and Administration .....	10

#### **Chapter 2 Employment**

2.00 Employment, Qualifications, Disqualifications .....	11
2.01 Equal Opportunity Employer .....	13
2.02 Recruitment and Selection .....	14
2.03 Background Checks .....	15
2.04 Nepotism .....	18
2.05 Anti-fraternization .....	20
2.06 Valid Driver's License and Certifications .....	21
2.07 Medical Examinations/Fitness for Duty .....	22
2.08 Separation of Employment .....	23
2.09 Employment Categories .....	25
2.10 Re-employment .....	26
2.11 Promotions/Demotions/Transfers .....	27
2.12 Dual/Outside Employment .....	30
2.13 Reference Policy .....	31
2.14 Performance Evaluation .....	32

#### **Chapter 3 Personnel Records**

3.00 Official Personnel File .....	33
3.01 Employee Privacy .....	34
3.02 Confidentiality of Records .....	36

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### *Table of Contents*

---

#### **Chapter 4 Employee Benefits**

<i>4.00 Medical, Disability, Life Insurance, Continuation of Coverage.....</i>	<i>37</i>
<i>4.01 Retirement/Social Security and Medicare/Deferred Compensation .....</i>	<i>39</i>
<i>4.02 Worker’s Compensation.....</i>	<i>40</i>
<i>4.03 Requests for Accommodation (ADA/ADAAA) .....</i>	<i>41</i>
<i>4.04 Education/Tuition Assistance.....</i>	<i>43</i>

#### **Chapter 5 Leaves**

<i>5.00 Sick Leave.....</i>	<i>46</i>
<i>5.01 Vacation Leave .....</i>	<i>51</i>
<i>5.02 Holidays .....</i>	<i>55</i>
<i>5.03 Bereavement Leave.....</i>	<i>57</i>
<i>5.04 Inclement Weather .....</i>	<i>59</i>
<i>5.05 Administrative Leave .....</i>	<i>60</i>
<i>5.06 Jury Duty/Court Leave.....</i>	<i>61</i>
<i>5.07 Family and Medical Leave (FML) .....</i>	<i>62</i>
<i>5.08 Break Time for Nursing Mothers.....</i>	<i>68</i>
<i>5.09 Military Leave .....</i>	<i>69</i>

#### **Chapter 6 Compensation**

<i>6.00 Payroll.....</i>	<i>72</i>
<i>6.01 Overtime .....</i>	<i>74</i>
<i>6.02 Classification Process.....</i>	<i>76</i>
<i>6.03 Longevity.....</i>	<i>77</i>
<i>6.04 Certification Pay .....</i>	<i>78</i>
<i>6.05 On-Call/Call-Out Pay .....</i>	<i>79</i>
<i>6.06 Travel Time .....</i>	<i>81</i>

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### *Table of Contents*

---

#### **Chapter 6 Compensation continued**

<i>6.07 Interim Pay</i> .....	82
<i>6.08 Termination Pay</i> .....	83
<i>6.09 Worker’s Compensation</i> .....	84

#### **Chapter 7 Employee Conduct**

<i>7.00 Standards of Conduct</i> .....	85
<i>7.01 Attendance and Work Hours</i> .....	94
<i>7.02 Harassment</i> .....	97
<i>7.03 Political Activity</i> .....	101
<i>7.04 Drug and Alcohol Testing</i> .....	102
<i>7.05 Weapons</i> .....	113
<i>7.06 Workplace Violence</i> .....	114
<i>7.07 Outside Employment</i> .....	116
<i>7.08 Tobacco and E-Cigarette Products</i> .....	117
<i>7.09 Solicitation and Acceptance of Gifts</i> .....	118
<i>7.10 Dress and Appearance</i> .....	119
<i>7.11 Vehicle Use</i> .....	122
<i>7.12 Vehicle-Equipment Standards</i> .....	125
<i>7.13 Property and Equipment Use</i> .....	130
<i>7.14 Employee Identification</i> .....	131
<i>7.15 Technology and Social Media</i> .....	132
<i>7.16 Travel and Meetings</i> .....	140
<i>7.17 Employee Arrest</i> .....	145
<i>7.18 Fraud Policy</i> .....	146

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### *Table of Contents*

---

#### **Chapter 8 Risk Management**

<i>8.00 General Safety and Risk Management Policies .....</i>	<i>153</i>
<i>8.01 District Vehicle Operator Standards.....</i>	<i>157</i>
<i>8.02 On the Job Injury/Worker’s Compensation .....</i>	<i>159</i>
<i>8.03 Loss and Property Management.....</i>	<i>162</i>
<i>8.04 Driver Records Check .....</i>	<i>163</i>
<i>8.05 Safety Meetings and Training .....</i>	<i>165</i>
<i>8.06 Fall Prevention .....</i>	<i>167</i>
<i>8.07 General Rules for Motor Vehicle and Equipment Operation.....</i>	<i>170</i>
<i>8.08 Back Injury Prevention and Material Handling .....</i>	<i>172</i>
<i>8.09 Fire Prevention and Life Safety .....</i>	<i>173</i>
<i>8.10 Office Safety &amp; Ergonomic Awareness.....</i>	<i>178</i>

#### **POLICY REVISIONS**

- SEPTEMBER 2021** REVISION, UPDATE AND CORRECTION TO SECTION 5.01 VACATION HOURS AND HOLIDAYS
- DECEMBER 2021** REVISION AND UPDATE REMOVING HUMAN RESOURCE MANAGER FROM POLICY

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 1 – Introduction and General Provisions

---

#### 1.00 Purpose and Objectives

##### I. Purpose

The purpose of Trophy Club Municipal Utility District No. 1 (the "District") Personnel Policies Manual (Manual) is to provide managers, supervisors, and employees with a written source of information about the policies, procedures, and administrative directives of the District.

##### II. Objectives

The objectives of the Manual are:

- A. To promote good and uniform practices and administration in the management of the District's employees.
- B. To reduce questions about policies and procedures by having them readily available for reference.
- C. To promote high morale by the consistent administration of policies and procedures through consideration of the rights and interests of all employees.
- D. To ensure that policies and procedures are kept current by periodic updates of this Manual.

##### III. Relationship to the Board of Directors

Every effort will be made to ensure that policies and procedures are consistent with all applicable laws, resolutions, directives, and policies established by Board of Directors of the District. If, however, there is any discrepancy, the applicable laws, resolutions, directives, or policies established by Board of Directors shall apply. Any person finding discrepancies should notify their direct supervisor or General Manager immediately.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 1 – Introduction and General Provisions

---

#### 1.01 Amendments, Updates, Revocation and Management

##### Authority

###### I. Amendments, Updates and Revocations

The District may modify, revoke, suspend, interpret, terminate, or change any or all policies and procedures, in whole or in part, at any time. Any new policies issued supersede these policies and are fully binding on all employees. If an employee continues to work for the District after the effective date of any such amendment, change or termination, then the employee will be deemed to have accepted such amendment, change or termination. The issuance of this Manual does not constitute a contract between the District and its employees for any duration of employment. There is no specified length of employment, and either the District or the employee can terminate the employment relationship at any time, for any reason.

###### II. Management Authority

Policy administration rests with the General Manager and reserves sole authority to administer District operations. Apart from matters reserved to the Board of Directors by statute or resolution, the general and final authority for conduct of employees is vested to the General Manager. The Board of Directors appoints the General Manager to administer the day-to-day operations of the District, including the power to approve and administer personnel policies and to delegate the administration of these policies. Any conflicts, questions, or ambiguities in District or departmental policies and procedures will be decided by the General Manager. Final authority, in the form of review and approval, resides with the General Manager with regards to all matters and subjects covered by these regulations, unless specifically delegated otherwise.

A. The General Manager or designee may interpret the policies if a question is raised regarding the intent, application or meaning of the policy. Further, the General Manager or designee may utilize administrative practices and procedures required to enforce the policies.

B. All staff are accountable to the General Manager through whom all communication to the Board of Directors is channeled. Conversely, all communication and direction from the Board of Directors to staff shall be channeled through the General Manager. Any staff member receiving direction from the Board of Directors or an individual Board member should inform the General Manager immediately.

###### III. Departmental Policies

Individual District departments may develop policies and procedures that are

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 1 – Introduction and General Provisions

---

consistent with District policies and procedures. Department policies and procedures that are operational and that do not relate to those in this manual, or other approved operations manuals or handbooks, are required to be reviewed and approved by the General Manager. All employment related departmental policies must be reviewed by the General Manager. No internal policies can ban employees from coming to the General Manager for any reason. District policies and procedures supersede all department level policies.

#### **IV. Severability**

Any statement in a policy or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of such policy or procedure. Policies and procedures apply to all employees of the District, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by state and/or federal law. All employees must become familiar with and abide by these policies and procedures.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 1 – Introduction and General Provisions

---

#### 1.02 Scope and Notice

##### I. Scope

- A. The policies apply to and govern all employees of the District, except where State and/or Federal law preempts the application of these policies or where there are provisions to the contrary in State or Federal law. Policies and procedures apply to all employee of the District, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/Federal law.
- B. These policies supersede all existing personnel and departmental policies and are effective and binding on all employees regardless of hire date. Continued employment with the District following adoption of these policies constitutes conclusive acceptance of the terms of the policies. This handbook is not an employment contract and nothing in this is intended to change or modify the at-will status of a District employee or to create or confer any property rights or expectation of continued employment to any employee.
- C. The failure of the District to follow or comply with any provision of these policies shall not constitute grounds for nor form the basis of any action or cause of action, either civil or criminal, arising from employment with the District. The District reserves the rights to change the provisions of these personnel policies and procedures at any time.

##### II. Notice

A copy of the Personnel Policy Handbook and all amendments or changes shall be filed in the office of the District Secretary and shall be available for inspection by all District employees and the public. Such filing shall constitute notice to all employees of the personnel policies and procedures and of all amendments and changes.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 1 – Introduction and General Provisions

---

#### 1.03 Policy Dissemination and Administration

All District employees shall be informed and provided a copy of policy provisions listed herein. As a condition of employment, employees are expected to abide by all policies and procedures outlined in this manual.

##### I. Policy Administration

- A. The general and final authority for human resource management rests with the General Manager, who may delegate it as necessary and proper, except for matters reserved to the Board of Directors.
- B. The administration of personnel matters is charged to Department Managers appointed by the General Manager and shall advise the General Manager in all areas of employee relations including such items as training, career development, employee health, safety, and morale. Certain District policies are based upon state or federal laws and regulations, and if those laws and regulations are amended or otherwise modified, the District may amend or modify its policies to comply with such laws and regulations.
- C. The personnel policies of the District are based upon the belief that the success of the District government and its usefulness to the customers of the District is primarily dependent on its personnel, and that the full development of each employee's potential is beneficial to both the employee and the customers of the District.
- D. These policies are to provide for a consistent and equitable system of personnel management for the District. While these rules constitute a statement of policies and procedures, they are not intended to be all-inclusive and cover every conceivable personnel situation that might arise. Circumstances of any case or matter may warrant a deviation or exception in the application of these policies; where such circumstances justify an exception, the General Manager or his designee, may do so.
- E. The District is an "at-will" employer. These policies are not an employment contract and nothing in this manual is intended to change or modify the "at-will" status of District employees or to create or confer any property right or exception of continued employment to any employee.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

## 2.00 Employment, Qualifications, Disqualifications

### I. Working Age

- A. Age limits may be indicated in some specifications for various classes of positions based on a bona fide occupational qualification or statutory requirement.
- B. No person under 18 years of age shall be employed in any position within the District.

### II. Basic Employment Qualification

- A. In addition to the qualifications applicable to each position, an applicant for employment with the District must:
  - 1. Provide authorization for pre-employment background and criminal history checks relevant to the position being sought.
  - 2. Consent to conditional pre-employment physical evaluation and drug/alcohol testing, if applicable.
  - 3. Be at least 18 years of age.
  - 4. Possess a High School diploma or GED.
  - 5. Be of good moral character; and
  - 6. Be a citizen of the United States or possess authorization to work legally in the United States.

### III. Disqualification for Employment Consideration

- A. The General Manager or designee will review all applications for completeness and required qualifications. Only those applicants who meet the required criteria will be considered in the selection process. Depending upon the position vacancy and qualifications required, internal and external candidates may be considered concurrently. Although rejection may be based upon causes other than those enumerated below, the following are declared to be causes for rejection of an application or disqualification of an applicant:
  - 1. The application is incomplete.
  - 2. The applicant has not met the posted deadline for filling the application.
  - 3. The applicant does not meet the qualifications necessary for the performance of the duties of the position for which the candidate is applying.
  - 4. The applicant has made a false statement of material fact on the application or has practiced or attempted to practice fraud in connection with an application, supplements to an application, or

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

commits fraud at any time during the interview process. Applicants guilty of the aforementioned are prohibited from applying for a position with the District for a minimum of one (1) year.

5. The applicant is unable to perform the essential functions of the position, even with reasonable accommodation.
  6. The applicant is a former employee who is NOT eligible for rehire.
  7. The applicant failed to pass pre-employment alcohol/drug screens under the District's Drug and Alcohol policy and/or any other assessment deemed necessary for the position.
  8. Placement of the applicant would violate the District's age requirement policy.
  9. The applicant is not in compliance with the Immigration Reform Act of 1986.
  10. Placement of the applicant would violate the District's Nepotism policy.
- B. An applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements. An applicant may be disqualified depending on the offense and the position for the person is applying.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.01 Equal Opportunity Employer

The District realizes that equal employment opportunities benefit the District and its employees through the full utilization of all human resources. It is the policy of the District to provide equal opportunity to all individuals without regard to race, creed, color, sex, age, national origin, religion, disability, or veteran's status or any other characteristic as determined by State and Federal law.

- I. Discrimination based on age, sex or disability or any other characteristic is prohibited except where specific requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.
- II. It is the intent and desire of the District that equal employment opportunities be provided in employment, promotions, wages, benefits and all other privileges, terms and conditions of employment. Further the District will make reasonable accommodations for applicants and employees with known disabilities who can perform the essential job functions with or without such accommodations.
- III. The District requires ALL employees to bring to the District's attention any information regarding any incident of possible discrimination or harassment so that the matter can be investigated, and appropriate action taken. Any employee who violates the District's policy will be subject to corrective action and/or termination of employment.
- IV. The General Manager is designated to ensure compliance with the nondiscrimination requirements of this policy.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.02 Recruitment and Selection

- I. Hiring supervisors shall insure any vacant positions are budgeted approved by the General Manager.
- II. The District will post and/or advertise the employment needs of the District/position with a view toward non-discrimination and toward obtaining the best qualified candidates for each vacancy to be filled by recruitment from within or outside the District service.
- III. Candidates will complete an application and will complete any additional tests, examination, or the like, to indicate their ability to successfully perform the duties of the position they seek. The hiring supervisors will review candidates that meet the minimum qualifications for the position and who successfully complete the process.
- IV. Interviews with qualified candidates will be conducted by the Department Supervisor, Department Manager and/or General Manager or designee.
- V. Once the hiring supervisor makes a selection, the General Manager or designee will extend a conditional offer of employment contingent upon successful completion of necessary pre-employment testing.
- VI. Upon successful completion of all post conditional offer testing, the District will solidify the offer of employment and discuss start dates with the candidate.
- VII. **Re-Employment**
  - A. Full-time employees who separate from service with the District for any reason will not be considered for rehire in a full-time position for a minimum of twelve (12) months unless approved by the General Manager.
  - B. Persons whose employment has been terminated or who has not resigned in good standing (did not give proper notice, under discipline, etc.) will not be considered for re-employment without approval of the General Manager.
  - C. Employees who are rehired become eligible for benefits under the same terms as any other new hire, no “bridging” of time will occur.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.03 Background Checks

##### I. Credit History

- A. The District will obtain credit history information on a candidate for employment only when the credit history is related to the position for which the person is being considered.
- B. The District shall comply with the Fair Credit Reporting Act (FCRA) before obtaining a job-related credit history. The District may not procure a consumer report for employment purposes unless:
  - 1. The District has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
  - 2. The applicant or employee has authorized in writing the procurement of the consumer report.
  - 3. The General Manager or designee has provided authorization.
- C. Before taking any adverse action based on the consumer report, the District shall provide the applicant or employee a copy of the consumer report and a written description of the person's rights under the FCRA, as prescribed by the Federal Trade Commission.

##### II. Criminal History

- A. The District will conduct a criminal history record review for a final candidate for employment and will determine through the individualized assessment procedures described below whether the individual should be excluded from employment.
- B. Only District employee(s) authorized to view criminal history records will be involved in conducting and individualized criminal history record review. Consistent with business necessity, the District shall disqualify from employment a person whose criminal history is inconsistent with the job duties of the position for which the person is being considered.
- C. The District shall perform an assessment of criminal history record information when determining a person's eligibility for employment in a specific position and shall take into account a variety of factors, including the nature of the offenses.
  - 1. The age of the person when the crime was committed.
  - 2. The date of the offense and how much time has elapsed.
  - 3. The adjudication of the offenses (e.g., whether the person was found

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

- guilty by a trier of fact, pled guilty, entered a no contest plea, or received deferred adjudication).
4. The nature and responsibilities of the job sought.
  5. The accuracy of the person's disclosure of their criminal history during the selection process.
  6. The effect of the conduct on the overall environment; and
  7. Any further information provided by the person concerning their criminal history record.
  8. Upon review of background checks, the District does take arrests into consideration but may not disqualify a candidate solely based on this information depending on the situation once the candidate is identified for the role.
- D. In conducting the assessment, the District will consider both the factors set out above and any additional information provided by the individual. The District may obtain court records, if needed, to validate the information provided. Using the available information, the District will determine whether exclusion from employment is consistent with business necessity.
- E. Failure to disclose criminal history on an employment application will exclude a candidate from employment with the District, regardless of whether the candidate's criminal history alone would have disqualified them for employment.
- F. The fact of an arrest alone does not establish that criminal conduct has occurred, and the District shall not disqualify a person based solely on an arrest, but the District does take this into consideration. The District may make an employment decision based on the conduct underlying the arrest if the conduct makes the person unfit for the position in question.
- G. A candidate for employment who has a criminal history record will be notified in writing that they may be excluded from employment due to criminal history. The candidate will be given an opportunity to provide additional information concerning their criminal history record to be considered as part of the assessment process. Information may include:
1. Documentation showing inaccuracies in the criminal record.
  2. Any evidence related to the factors for assessment listed above.
  3. Evidence that they have performed the same type of work, since the incident(s) noted on the criminal history record, with no known incidents of criminal conduct.
  4. Rehabilitation efforts, including education and training.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

5. Employment or character references; and
  6. Whether or not they are bonded (if a bond is required for the job position with the District).
- H. If the person does not provide additional information in a timely manner, the District will proceed with a determination with the information available to the District.
- III. The District will conduct a motor vehicle record review on a candidate for employment when driving is an essential job function of the position for which the person is being considered. The District will conduct annual motor vehicle record reviews for existing employees. The District will determine through the evaluation criteria for applicants, as set forth in the Motor Vehicle Standards, whether the person should be excluded from employment.

This policy applies to all employees, including all full-time and part-time employees, paid and unpaid interns, and temporary employees.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.04 Nepotism

The District prohibits nepotism in hiring personnel or awarding contracts. This policy is enacted in order to avoid the perception of favoritism and cronyism in government through interpersonal relationships and to prevent conflicts of interest arising as a result of defined relationships between employees. Employment may be restricted when an applicant or current employee is related by blood (consanguinity) or marriage (affinity) to another District or Town employee or official; or is a member of the same household of another District or Town employee or official.

##### I. Definitions

- A. Nepotism – the practice of favoring, providing benefits to, or giving any workplace preference to, relatives over other employees.
- B. Relatives – Includes, but are not limited to, the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the state of Texas will also be included for purposes of this policy.
- C. Cohabitants – persons who live together in a relationship but are not married, nor are declared to be married.
- D. Roommates – supervisor and subordinate who share the same living quarters.

##### II. General Provisions

- A. Supervision: No District employee shall be regularly supervised directly by a relative, cohabitant or roommate. A District employee will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, cohabitant or roommate.
- B. Applicants: All external applicants for employment must, at the time of application and hire, disclose the name(s) of any relative(s) cohabitant(s) or roommate(s) serving as elected District officials or currently working for the District in any capacity. Nondisclosure of this information by an applicant shall be deemed as falsification of his/her application and shall result in non-consideration for a position or termination if the person has already been placed on the payroll. In the case of collusion, the current employee who is a relative, cohabitant or roommate may be subject to disciplinary action, up to and including, termination.
- C. Employees: When a relationship is created which is not allowed by this policy, the employees are in violation of this policy. The affected employees must inform their department Manager of the relationship that violates this policy within five (5) business days of the creation of the prohibited relationship.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

Failure to disclose this policy violation to the affected Department Manager(s) shall result in disciplinary action, up to and including, termination.

- D. Promotion/Transfers: all employees who are being considered for promotion or transfer to another position (whether in the same department or to a position in another department) must, at the time of the application for promotion or transfer, disclose the name(s) of any relative(s), cohabitant(s) or roommate(s) serving as elected District officials or currently working for the District in any capacity. Non-disclosure may result in disciplinary action, up to and including, termination.
- E. Recommendation for Hiring: A current District employee may not be involved in the hiring or selection of a relative, cohabitant or roommate.

### III. Disciplinary Action

- A. Disciplinary Actions: Supervisors may not participate in disciplinary decisions or appeals involving their relative, cohabitant(s) or roommate(s). Employees who become relatives, cohabitants, or roommates: When a relationship is created which is not allowed by this policy or a departmental rule, one of the employees must resign their position. The decision as to which employee shall vacate their position shall, initially, be left up to the affected employees. In all such situations, the following procedure shall apply:
  - 1. The affected employees shall disclose their potential violation to their Manager, who will in turn, notify the General Manager.
  - 2. If determined to be a violation, the employees shall have 15 calendar days from the date of the policy violation to make a decision as to which affected employee shall vacate their position.
  - 3. The affected employees will have an additional 15 calendars days to vacate the position. If they fail to do this, the Manager shall notify the employee with the least seniority, based on the most recent hire date, that they must vacate their position.
- B. Grandfather Clause: Employees hired before the effective date of this policy, who are found to be in violation of this policy, shall be allowed to continue working in their current positions. No person shall be hired, transferred, or promoted after the effective date of this policy whose continued employment with the District would create a new violation of this policy.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### **2.05 Anti-Fraternization**

An individual shall not be appointed to a position if the appointment would create a close working relationship with another employee within the department or functional area that could affect the health, safety or welfare of the employees, the efficient departmental operations or the best interests of the organization. A supervisor-subordinate relationship is prohibited between two employees who married or cohabitating or involved in a romantic relationship.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.06 Valid Driver License and Certificates

- I. The District requires that every employee who operates a District-owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the District. It is the employee's responsibility to notify their supervisor immediately if their driver's license is not valid.
- II. Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employee are required to provide the District with any authorization necessary for the District to perform such a check. Moving traffic violations will be considered and may result in failure to hire in the case of prospective employees, and may result in disciplinary action, up to and including termination, of an active employee. Each report will be reviewed and considered on a case-by-case basis.
- III. Additionally, as required by position, employee's may be required to hold separate licenses and certifications as necessary to complete their role with the District.
  - A. As a condition of employment and a continued condition of employment, it is the employee's responsibility to complete, obtain and maintain any certifications, licenses, and other requirements. Certifications and licenses are required to be obtained as designated by the Department Manager.
  - B. Employment is contingent upon obtaining these licenses and certifications within a certain amount of allotted time, also designated by the Department Manager.
  - C. If an employee fails to obtain and/or maintain these licenses and certifications, the employee can and will be subject to disciplinary action, up to and including termination.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.07 Medical Examinations/Fitness for Duty

- I. The District endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of their position, either with or without reasonable accommodation. It is the policy of the District to require certain applicants and employees to be examined by a physician under certain circumstances described below. Medical examinations may also be used to ensure that employees remain in good physical condition in order to perform the demands of the job.
- II. The General Manager or Department Manager with notice to the General Manager may require a person selected for initial appointment or reinstatement to undergo a medical (mental and/or physical) examination by one or more physicians designated by the District and at the District's expense. If a medical examination is required, the employment will be contingent upon successful completion of the medical examination and determination by the District that the person can perform the essential functions of the job with or without reasonable accommodation.
- III. The District recognizes that employees with potentially life-threatening and/or infectious illness or physical and/or mental disability may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without reasonable accommodation, without creating an undue hardship, and medical evidence indicates their condition is not a direct threat to themselves or others, the District will treat them consistently with other employees.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.08 Separation of Employment

- I. It is the policy of the District to request advance written notice of an impending voluntary separation from all positions of employment within the District organization. Minimum notice is necessary in order to expedite employee out-processing and ensure a smooth transition without adversely affecting department efficiency.

#### II. Notice Requirements

- A. Department Managers are requested to give twenty (20) working days advanced written notice of separation.
- B. All other employees are requested to give ten (10) working days advance written notice of separation.
- C. Failure of an employee to provide the minimum notice requested could prohibit eligibility for rehire, negatively affect their receipt of terminal pay and cause the employee to be terminated immediately.

#### III. Types of Separation

- A. Resignation: Regular employees may leave District service by submitting a written resignation to their supervisor at least ten (10) working days in advance of their last day of employment. Generally, the District does not deem it in the best interest of the organization to accept an employee's withdrawal of a resignation. Once a resignation is tendered by the employee and accepted by the District, it may not be withdrawn unless the Department Manager agrees. An employee may also give verbal resignation, but it is not considered proper notice.
- B. Job Abandonment: An employee is considered to have voluntarily resigned District employment if the employee fails to return from an approved leave of absence on the date agreed upon by the District and employee; or in situation where the employee fails to report to work without notice to the District for three (3) consecutive days or without sufficient cause. Employees who abandon their jobs will not be eligible for rehire and it may affect their terminal pay.
- C. Retirement: Full-time employees are afforded retirement under the Texas County & District Retirement System (TCDRS). Eligible employees may retire from District service in accordance with applicable programs. Service retirement through TCDRS requires as much notice as necessary to properly process retirement paperwork but a minimum of thirty (30) working days.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

- D. Involuntary (Disciplinary) Termination: Employees may be separated from the District for violation of District and/or departmental policies. Employees separated through involuntary termination are generally not eligible for rehire.
- E. Failure to Maintain Minimum Job Requirements: Employees may be separated for failure to maintain or secure license(s) or certification(s) required as a condition for performing the job.
- F. Resignation in Lieu of Pending Disciplinary Action/Discharge: A resignation because of pending or possible disciplinary action is considered separation for misconduct. Employees who resign in lieu of pending disciplinary action or discharge will not be eligible for rehire.
- G. Incapacity: Should an employee's abilities to perform the essential functions of their position, the Manager should consult with the General Manager or designee. If reasonable accommodations cannot be made and an employee is unable to perform the essential functions of their position with or without reasonable accommodation, the employee may be given a non-disciplinary termination due to business necessity with no appeal, subject to consideration of an Americans with Disabilities Act Amendments Act (ADAAA) accommodation of continued leave and/or provisions of the worker's compensation policy.
- H. Death: When a District employee passes away, their estate receives all pay due and any earned and payable benefits as of the date of death.
- I. Reduction in Force: A reduction in force is a non-disciplinary decrease in the number of authorized positions. Whenever possible, the employee reduction from one department may be absorbed by transfers to suitable positions elsewhere. Such positions may not be at the same pay rate or grade. Layoffs will be a result of business necessity, such as discontinuation in demand for service, technological changes, and privatization

#### **IV. Exit Procedures**

- A. Upon receiving a resignation, the supervisor should contact the General Manager or designee and provide the resignation letter. The supervisor is responsible for completing any necessary paperwork.
- B. Cobra In accordance with Federal Laws, the District offers eligible employees and their qualified dependents the opportunity for a temporary extension of healthcare coverage at the time of separation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The District utilizes a third-party COBRA administration provider who will notify the employee after their termination about their rights to elect coverage. The terminated employee is responsible for paying the costs associated with any such continuation of coverage.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.09 Employment Categories

The District will maintain standard definitions of employment and will categorize employees in accordance with the following definitions.

- I. **Regular Full-Time Employees (FTE):** Employees who have successfully completed introductory period and are scheduled to work at least 40 hours per week or work period on a regular basis in a full-time budgeted position. RFT employees are eligible for all District group benefits.
- II. **Regular Part-Time Employees (RPT):** Employees who have successfully completed introductory period and are scheduled to work less than 40 hours per week or work period on a regular basis in a part-time budgeted position. RPT employees who work an average of a least 30 hours per week may qualify to participate in the District's health and dental plans.
- III. **Temporary Employees:** Employees who are hired for a specific number of hours per week for no longer than six (6) months. Temporary employees are not eligible for any District group benefits.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.10 Re-employment

- I. Rehired employees are subject to the conditions of employment and benefits of a newly hired employee, except where specifically stated otherwise. Individuals involuntarily terminated for disciplinary reasons are generally not eligible for rehire. Individuals terminated for non-disciplinary reasons, such as incapacity and other reasons outside of their control, may be eligible for re-employment stated in Chapter 2.03 – Recruitment and Selection
- II. A former employee may be rehired into the same classification at the same rate of pay provided it has been less than one (1) year since they left employment. However, if a former employee is rehired into a lower position than the one vacated within one (1) year period, they shall be paid according to that job grade and not at the same rate of pay as prior to leaving the District.
- III. An employee, who resigned from District employment and submitted a written notice of resignation stating the date of departure and the reason for resignation, is eligible for rehire. The notice of resignation must have been submitted a minimum of ten (10) business days prior to the effective date. Employees who are not eligible for rehire will not be re-employed with the District unless the General Manager grants approval.
- IV. An employee may return to District employment only two (2) additional times. Exceptions may be made with the General Manager approval.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### 2.11 Promotions/Demotions/Transfers

- I. **Promotions** Assignment of an employee from a position of one classification to a position in another classification having a higher position pay.
  - A. When a position vacancy occurs, an opportunity to promote may be explored consistent to the goal of filling a position with the most capable person available. An employee is encouraged to develop their qualifications and apply for vacant advancement opportunities for which they qualify. A hiring supervisor may promote from within and may first consider current qualified employees to fill a vacancy, unless outside recruitment is in the District's best interest.
  - B. An employee must meet minimum qualifications in order to be promoted. The candidate with the best combination of skill, past performance and suitability for the position will be selected. An employee selected for a promotion must provide the releasing department with at least two (2) weeks' notice before assuming the new position. If both departments are in agreement, the notice period may be increased or decreased. Promoted employees will be placed at the minimum of the new pay grade or receive a 5% increase, whichever is greater. Additional pay requested must be approved by the General Manager; however, the employee's pay may not exceed the pay range for the position.
  - C. An employee may not be promoted if they are under administrative investigation; has been subject to discipline of a written reprimand or greater within the preceding six (6) months of the date of promotion; or if their most recent evaluation is below "meet expectations."
  - D. Managers must consult with the General Manager to discuss requests to place an employee above the minimum of the new pay grade to ensure consideration of internal equity issues. An employee promotion is conditional upon a successful introductory period.
- II. **Demotions** Assignment, either voluntary or involuntary, of an employee from a position in one classification to a position in another classification having a lower pay grade.
  - A. Non-disciplinary demotion is the assignment of an employee from a position in one classification to a position in another classification having lower pay grade. An employee qualified to perform lower-level position duties may be approved for administrative demotion at his/her own request. An administrative demotion may be an alternative to a layoff or for another reason in the best interest of the District. Such a demotion shall not be considered a disciplinary action or disqualify the employee involved from being considered for later advancement. All demotions will result in a

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

decrease in pay unless an exception has been approved by the General Manager.

- B. Involuntary demotion is the result of less than satisfactory work performance or misconduct. Nothing in this section shall require the District to offer a demotion to employees in lieu of other disciplinary action, lay off or reorganization.

**III. Transfer** is the assignment of an employee from one position to another position in the same classification grade.

- A. Transfers may be made administratively, upon request of the employee or in conjunction with an announced selection process. The General Manager shall review transfer requests.
- B. Managers may authorize a transfer between their divisions without opening the position internally or externally. The General Manager or designee will coordinate said transfers.
- C. An employee shall be employed with the District for six (6) months or longer to apply for a transfer. An exception may be granted by the General Manager when such transfer is in the best interest of the District.
- D. A transfer is not allowed if an employee has been employed for less than six (6) months; the employee does NOT meet minimum qualifications for the position transferring to; is under administrative investigation; or if their last evaluation is below "meets expectations."

**IV. Reassignment/Reorganization**

- A. It is the policy of the District for the reassignment of job duties at-will and without cause. Such reassignment of duties may result in an employee's lateral transfer, reclassification, or non-disciplinary demotion.
- B. A reassignment of duties may include the assignment of additional duties or the removal of certain duties from a position. Reassignment of duties that does not affect an employee's classification may be made at the discretion of the employee's supervisor.
- C. A reassignment of duties which results in an employee's transfer to another department, reclassification or demotion shall be approved by the Department Manager and the General Manager prior to any such reassignment.
- D. Any major department reorganization or changes affecting jobs within the department should be addressed during the preparation of the department's annual budget. A significant reorganization of a department shall be approved by the General Manager prior to its implementation.
- E. Nothing herein shall be construed to prevent the assignment of higher-level duties or additional duties to an employee without additional compensations.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

- V. Interim/Acting Assignment** – If a position is vacant or its regular incumbent is absent for an extended period of a least four (4) weeks, the Department Manager with approval of the General Manager may authorize a temporary promotion to ensure the proper performance of District functions.
- A. Department Managers may temporarily assign employees to higher-level positions in order to ensure continuance of work project, supervision, etc. Employees do not acquire any rights to the position they temporarily fill and may be returned to their former status and position at any time. Persons who have been temporarily assigned to a higher-paying position will be placed in an interim pay category effective after the 10<sup>th</sup> full workday of the change.
  - B. Employees receiving interim pay must perform most all the duties and responsibilities of the position being temporarily filled. Performing only some of the duties does not qualify an employee to receive interim promotional pay. Employees in acting positions will be placed at the minimum of the new position pay grade or receive a five (5) percent increase, whichever is greater, with the approval of the General Manager. Upon filling a position for which an employee was functioning an acting basis, the employee shall return to their position and pay for action promotion shall cease. Acting positions will NOT be used to circumvent normal promotional procedures. The employee involved will not acquire any status or rights to the position to which temporarily placed, except as provided herein.
  - C. General Manager approval is required for interim pay assignments.

## 2.12 Dual/Outside Employment

### I. Outside Employment

District employees must recognize that the District is their primary employer. Employees may occupy only one (1) position within the District at any given time unless otherwise approved by the General Manager. For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) that constitutes a form of employment or business outside the responsibilities of employment with the District.

- II. Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the District or conflicts in any way with the best interests of the District. District employees cannot contract with the District for services.
- III. An employee will not be covered by the District worker's compensation insurance while working for another employer or while self-employed. In addition, an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, may not engage in outside or self-employment, as defined in this policy, unless expressly authorized by the General Manager.
- IV. Failure to notify the General Manager of dual/outside employment and dual/outside employment that is deemed as a conflict of interest to the District, must cease immediately, and can result in progressive discipline, up to and including, termination.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 2 – Employment

---

#### **2.13 Reference Policy**

- A. All relevant information of District employees will be given as a result of an official open records request or at the written request of the employee/former employee.
- B. Regarding references, typically the information given will be the job title; the department/division in which the employee worked; their dates of employment; as well as eligibility for re-employment.
- C. Information may be given to other persons if required by law. All requests for references will be referred to General Manager or designee and information should only be disseminated at the direction of General Manager.

## 2.14 Performance Evaluation

The intent of District's performance evaluation process is to provide opportunities for employees to receive fair, accurate and helpful performance feedback. The feedback received should assist employees in maintaining and/or improving job performance and ultimately contribute to providing the best service possible to District customers. The performance evaluation process serves as a management tool for making decisions regarding career development, succession planning, training, retention, and compensation.

The performance evaluation process is the ongoing action of setting performance expectations, coaching employees to reach those expectations, providing feedback to employees and then reviewing and recognizing those performance results.

Feedback discussions should occur throughout the year, in addition to the following formal evaluations for regular full-time and part-time employees.

### I. Types of Performance Evaluations

- A. New Hire: New employees will receive new hire coaching throughout after five (5) months of service and again on their one (1) year anniversary date.
- B. Promotion: Promoted employees will be on three (3) months and as needed.
- C. Annual Review: Regular full-time employees will have a performance appraisal meeting annually.

A performance evaluation is not subject to appeal or grievance. However, if an employee disagrees with any portion of the evaluation, he/she may provide a written statement to be attached to the evaluation.

An employee on a Leave of Absence at the time formal performance evaluations are done will receive a performance evaluation within two weeks upon his/her return to work.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 3 – Personnel Records

---

#### 3.00 Official Personnel File

- I. Personnel records of present and former employees are kept in the designated office. The personnel file is a complete record of an employee's application, physical reports, and changes in official status.
- II. In order for the personnel folder file to remain current, the Department Manager and supervisor shall submit, to the General Manager or designee, a notice or copy of all actions relating to an employee's status such as, commendations, reprimands, performance evaluations, etc. Department Manager's shall inform the General Manager or designee if any other records are kept by the Department on its employees. Departments are not permitted to keep any hidden or redacted files on any employee personnel matters.

**NOTE: All personnel records, no matter where they are maintained, are subject to the Texas Public Information Act, subpoenas, and other court orders.**

- III. The General Manager or designee will maintain personnel records of each active employee. Records will also be maintained on inactive employees for not less than the period required by law. An employee's records are available for inspection in the Human Resources Manager's Office by the employee, any individual authorized by the employee, his/her immediate supervisor, or Department Manager. The Human Resource will not release personnel records to individuals or agencies outside the District unless it is required by law.
- IV. An employee who wishes to review the contents of his or her personnel file may do so in the General Manager or designee's Office. Under no circumstances will the file, or any contents from the file, be removed from the General Manager or designee's office by the employee.
- V. Employees are responsible for notifying the General Manager or designee whenever there is a change in name, address, telephone number, marital status, number of dependents, military status, person to notify in case of an accident, or beneficiary assignment of any employee benefit plan so as to keep personnel files up-to-date.

PERSONNEL POLICIES

Chapter 3 – Personnel Records

---

**3.01 Employee Privacy**

**I. Employee Privacy**

- A. The General Manager or designee shall establish procedures necessary to preserve the privacy of employee information as required by applicable state and federal legislation. Access to privileged or confidential employee records shall be based on the need to know as determined by the General Manager or designee.
- B. The Texas Public Information Act permits an employee to determine whether the public shall have access to his/her information such as home address and social security number by submitting the Public Access Authorization form. The following information is a matter of public record under the Texas Public Information Act and, upon official request, will be released for public inspection from an employee's official personnel file:
  - 1. Name
  - 2. Date of original employment or appointment to the District service, or if applicable, last day worked
  - 3. Current position title
  - 4. Current salary
  - 5. Department to which the employee is currently assigned
- C. Employees may have access to their own personnel file for the purpose of inspection, review, and duplication during normal business hours. Supervisors may review their employees' or prospective employees' personnel files during normal business hours.

**II. Personnel File Review**

Upon proper request, the General Manager or designee will, during normal office hours, allow third party access to information contained in personnel files. All files will be reviewed in the presence of the General Manager or designee. No document may be removed, entered, or copied without prior permission of the General Manager or designee. Requests for other information by third parties must be requested in writing with a signed release by the employee.

Examples of information that may be provided to the District by an employee's health care provider, and maintained in the confidential medical file, include:

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 3 – Personnel Records

---

1. A note to justify a medically related absence.
  2. A note to request leave for medical purposes.
  3. A note to verify the employee's ability to return to work.
  4. A note to verify the employee's completion of a wellness program related activity.
  5. Medical records to support a claim for sick pay or disability benefits insurance records; and
  6. Workers' compensation records.
- C. It is important that employees understand that the records are confidential, but that the confidentiality may be limited when certain medical disclosures are necessary, i.e., FMLA, ADA/ADAAA and worker's compensation. When an employee provides medical information to their supervisor, the supervisor shall disseminate the information to the General Manager or designee and only on "as needed" basis to other members of management. The General Manager or designee is the point of contact to receive medical information, to ensure confidentiality is maintained.
- D. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information as well as their co-worker's family medical information. Employees are required 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. Employees should not speculate about medical conditions of other employees or their family members and may not publicly discuss another person's medical information.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 3 – Personnel Records

---

#### 3.02 Confidentiality of Records

- I. Except in cases where information contained in personnel files is required to be disclosed under the Texas Public Information Act, or unless otherwise provided by law or this manual, personnel records and employee's files will be considered confidential. All documents and information submitted during the employment process and during employment are the property of the District.
  
- II. Medical records and drug test results will be maintained in separate confidential files from an employee's regular personnel file. Access to these records is limited to those persons who have a need to know the information relative to the employee's job. HIPAA Privacy Rules will apply as applicable.

PERSONNEL POLICIES

Chapter 4 – Employee Benefits

---

**4.00 Medical, Disability, Life Insurance, Continuation of Coverage**

I. The District provides comprehensive medical, dental and life insurance plans for its full-time employees and eligible dependents. Because of frequent changes in the law and because of the size and complexity of the Medical, Dental and Life plans, employees are to refer to an employee benefits summary, which is maintained and distributed by the General Manager or designee. The summary provided is only to inform employee of the general benefits and procedures in a more concise manner. The terms of coverage are subject to periodic revision and questions employees may have are referred to the General Manager or designee

**II. Plans, Enrollment and Plan Year**

A. Enrollment and Plan Year - Employees may enroll in the group health plans and other benefit programs upon hiring with the District after a designated waiting period. Plan years for group health plans are administered by the General Manager or designee and are on a calendar-year basis beginning January 1st and ending December 31st. Open enrollment for an upcoming year is determined by the General Manager or designee and employees will receive notice of the open enrollment period each year. Once elections have been made to participate, not participate or to change elections and have been submitted to General Manager or designee, no change or revocation may be made in the election except in the case of a qualifying event as defined by the United States Internal Revenue Code.

**B. Group Health Plans**

1. Group Health Plan

The District Offers coverage in a choice of group medical plans to full-time employees and eligible dependents. The District may subsidize a portion of the monthly premium. The percentage of subsidy varies between the plans and is subject to change.

2. Group Dental Plan

The District offers coverage in a choice of group dental plans to full-time employees and eligible dependents.

3. Group Life Insurance and Accidental Death and Dismemberment (AD&D) Coverages

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

---

- a. Group Life and AD&D – Full-time employees are enrolled in the District Group Term Life Insurance and AD&D Plan at no cost to the employee.
- b. Optional Life and AD&D – Employees may opt to elect additional term life insurance. The cost of additional term life insurance is deducted from the employee's paycheck

#### **III. Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)**

- A. COBRA became effective April 7, 1986. Through COBRA, District employees and their dependents, who are currently enrolled in qualified group benefits, are afforded an opportunity to extend those benefits at a percentage of the premium, which is subject to change, in situations by which the benefits coverage would otherwise end. The length of COBRA varies depending on the nature of the qualifying event but could range between eighteen (18) and thirty-six (36) months.
- B. COBRA continuation coverage can become available to the employees and their families when group health coverage would otherwise end. COBRA is continuation of plan coverage when it would otherwise end because of a life event, also called a "qualifying event." After such an event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." Under COBRA, qualified beneficiaries who elect COBRA continuation coverage must pay for said coverage. COBRA continuation coverage is temporary coverage that generally lasts eighteen (18) months due to qualifying events. Certain qualifying events may allow the benefit to extend up to thirty-six (36) months.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

---

#### 4.01 Retirement/Social Security and Medicare/Deferred Compensation

I. The District participates in the Texas County & District Retirement System (TCDRS), which provides retirement benefits to eligible employees. At the time of employment, all eligible employees are enrolled in TCERS. Contribution rates and other policies of the District's TCERS plan are subject to change. Currently, the employee contributes seven (7) percent of his/her earnings each pay period. The contributions are tax deferred and made through payroll deduction. The District matches employee contributions at a rate of two (2) to one (1).

#### II. Benefits at Retirement

A. Generally, employees may retire after twenty (20) years of TCERS service credit, regardless of age. Previous government and not-for-profit employment may contribute service credit toward earlier retirement.

B. TCERS benefits will be based on years of service, salary, the employee and District contributions to the account, and the retirement option selected.

C. Employees should contact the General Manager or designee at least thirty (30) days before the planned retirement date to allow for completion of necessary paperwork.

III. All full-time District employees are automatically enrolled in the TCERS, which is administered in accordance with the TCERS Act, Government Code of Texas, as amended. For information regarding their terms and conditions, employees are referred to the TCERS website at <https://www.tcds.org>.

#### IV. Social Security

The District participates in the Social Security system and federal law establishes benefits through the Medicare system. Social Security and Medicare costs are automatically deducted from the employees' checks.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

---

#### **4.02 Worker’s Compensation**

The District provides workers compensation coverage to all employees for job-related injuries or occupational illnesses suffered by employees while acting in the course and scope of their position. For more information regarding workers' compensation procedures, contact the General Manager or designee.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

---

#### 4.03 Request for Accommodation (ADA/ADAAA)

To ensure compliance with the Americans with Disabilities Act of 1990, as amended (ADAAA), The District offers equal employment opportunities to qualified individuals and strictly prohibits discrimination against qualified individuals based on disability.

- I. The District will employ and will not discriminate against persons with a disability or regarded as having such impairment as defined by the ADAAA. The following definitions shall be applicable to this policy:
  - A. Disability shall mean with respect to an individual:
    1. With a physical or mental impairment that substantially limits one (1) or more major life activities of such individual.
    2. With a record of such an impairment; or
    3. Being regarded as having such an impairment.
  - B. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effectiveness of mitigating measures such as:
    1. Medication, medical supplies, equipment.
    2. Use of assistive technology.
    3. Reasonable accommodations or auxiliary aides or services; or
    4. Learned behavioral or adaptive neurological modifications.
- II. The District prohibits discrimination against a qualified individual on the basis of disability. The District will not deny employment opportunities on the basis of the need to provide reasonable accommodation for the individual's physical or mental impairments unless it would cause an undue hardship to the District or constitute a threat to the safety of the disabled person or other persons. Individuals with disabilities requiring accommodations should notify the General Manager or designee. The District requests sufficient notice, when possible, to give time to arrange the accommodation.
  - A. The District will make every reasonable effort to ensure that facilities and hiring procedures are accessible to all persons who wish to make application to the District for employment. The District desires that all accommodation requests by applicants be made in writing outlining
    1. The position being applied for.
    2. The accommodation being requested; and
    3. The suggested accommodation alternative and tools necessary to complete the application process.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

---

- B. All accommodation requests made by applicants who are otherwise qualified individuals, will be referred to the General Manager or designee for consideration. Reasonable accommodations will be provided as long as they do not place an undue hardship on the District.
  
- III. If the District receives any medical information about an employee, it shall be forwarded confidentially to the General Manager or designee, which will maintain a confidential medical records file for each employee. Medical records include any document where details are supplied. Such medical records files shall be secured, both physically and electronically, and kept separate from the employee's personnel file. Access to the confidential medical records files shall be limited except on a "need to know" basis.
  
- IV. Employees/Applicants who have a disability and need accommodation should report such need to the General Manager or designee. The General Manager or designee will work with the employee/applicant in an interactive process of questions and responses in order to determine if accommodation is possible.
  
- V. Employees, who have a complaint regarding potential violations of ADAAA including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint to the General Manager or designee. Such employees shall not be subject to retaliation for requesting accommodation or because of complaints about the denial of reasonable accommodation.

#### 4.04 Tuition Assistance

##### I. Statement of Purpose

- A. The Tuition Assistance Program is to provide an opportunity and an incentive for employees to increase their individual level of education and expertise in their related job duties, thereby enhancing their job skills and degree of professionalism and subsequently improving the ability for staff to provide continued quality service to the community. The District makes this investment in the employee with the expectation that it will improve the employee's productivity and that the employee is committed to continued employment with the District.
- B. Participation in the Tuition Assistance Program is subject to availability of funds in the District's annual operating budget and prior written approval of the Department Manager and General Manager. Participation in the Tuition Reimbursement Program is a privilege of employment, not a right. Therefore, participation in the program is subject to approval and is not guaranteed for any employee. Only full-time employees are eligible for tuition reimbursement after successful completion of their new hire introductory period. Employees who have been placed on a Performance Improvement Plan are not eligible for tuition reimbursement until successful completion of the Performance Improvement Plan.
- C. The Tuition Assistance Program is for college courses for Associates, Bachelors or Master's degree plans. The program is NOT for certifications.

##### II. Course Eligibility

- A. The District may provide assistance when the courses or employee's degree programs meet one or more of the following criteria:
  - 1. Relates to current job duties.
  - 2. Provides new knowledge and skills to enhance job performance and/or support the District's mission.
  - 3. Are required for a job-related degree program.
  - 4. Enhances the District's ability to respond to current and future needs; or
  - 5. Supports the documented Performance Improvement Plan.
- B. Individual courses outside of the degree plan, which are directly related to the employee's present or potential position with the District, may be considered for tuition reimbursement under this plan on a case-by-case basis, with the final determination on written approval made by the General Manager.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

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#### III. Guidelines

- A. The District will reimburse the employee 100% of state tuition, laboratory, and registration fees. Tuition Assistance will only be granted for courses taken at or through an accredited university and which is part of an approved degree plan. For courses taken at a private school, the employee pays the difference in the tuition rates between the average rates for state schools within the region, as determined by the General Manager or designee, and the private school.
- B. Other fees and education expenses to which this tuition assistance does not apply includes, but are not limited to:
  - 1. Books.
  - 2. Courses in which no credit is assigned.
  - 3. Courses repeated for purposes of raising a grade level.
  - 4. Testing fees.
  - 5. Extended Payment fees.
  - 6. Parking Fees; or
  - 7. Returned Check fees.
- C. If a course is subsidized by another source (i.e. veteran's educational payments, scholarships, and grants), tuition reimbursement is limited to those costs not covered by the other source(s).
- D. Those employees who cease employment with the District prior to completion of the course are ineligible for the tuition assistance benefit.
- E. If the employee does not maintain employment with the District for two (2) years after reimbursement for the course(s), the employee will be required to repay, at the time of termination of employment, the tuition and fees that were reimbursed by the District. The General Manager or designee will be responsible for tracking of any tuition reimbursement money due upon termination of employment. Reimbursement amounts may be deducted from an employee's final paycheck with the District. The time expended by the employee involved in a course approved under this plan shall not be considered as "on-duty" time. Expenses related to travel, meals, or lodging are the cost of the employee and are not considered for reimbursement under this plan.
- F. Course work usually is completed outside of normal work hours, during hours of leave without pay or on the employee's own time.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 4 – Employee Benefits

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G. This plan is not related to courses, seminars, conferences, and similar training sessions that are required, offered, or paid by the District.

#### I. Procedures

##### A. Request for Budget Approval:

Employees must submit a written estimate of their tuition reimbursement expenses to the General Manager or designee, through their Manager, prior to the fiscal year in which they will attend the course(s). If an employee submits for tuition reimbursement for courses that were not submitted within the deadline, reimbursement may or may not be granted depending upon the availability of funds in the District's annual operating budget and approval by the Department Manager and General Manager or designee.

##### B. Request for Course Approval

1. Tuition Reimbursement Approval Form must be completed and approved prior to registration for courses and implementation of work schedule changes.
2. The Department Manager will recommend approval or disapproval for the tuition grant. If the Department Manager approves course(s) for possible reimbursement, he/she must indicate the reason the course is directly related to the duties of the employee's position. Furthermore, if the Manager recommends disapproval for the tuition reimbursement, the reason for such disapproval should also be indicated. The Department Manager will then forward the form with his/her decision to the General Manager for final review.
3. The employee will pay the initial tuition and related costs in advance and will be granted reimbursement only after the grade has been received. A grade level of "C" or better for an undergraduate course is required for reimbursement. A grade point average of "B" or better for a graduate course is required for reimbursement. Courses graded by "pass/fail" will be reimbursed only if the course uses the "pass/fail" as a mandatory grading requirement and a "pass" grade is received. Such reimbursement is based on the employee's official school grade report or transcript.

C. After completion of the course, the Tuition Assistance Request Form, itemized tuition, fee receipt, and grade report must be submitted within forty-five (45) calendar days of completion of the course for approval by the General Manager or designee. Failure to submit the appropriate documents within the time limit indicated may result in denial or delay of the tuition reimbursement for the course.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### 5.00 Sick Leave

##### I. Purpose

- A. The purpose of this policy is to establish uniform guidelines for the accrual, use and payout of sick leave. Sick leave is paid time away from work to provide income protection for an employee who is unable to perform his/her job due to an illness or injury.
- B. Must miss work to care for an immediate family member who is ill or injured; or,
- C. Needs time away from work for visits to a professional healthcare provider, for him/herself or for a family member, which cannot be reasonably scheduled outside of normal work hours.

##### II. Eligibility

- A. Only regular full-time employees are immediately eligible to accrue sick leave.
- B. Part-time, seasonal, and temporary employees are ineligible to accrue or use sick leave.

##### III. Accrual

Timing. Sick leave accrues at the rate of 10 days per year for full-time employees. Accrual of sick leave is unlimited until the employee is terminated or is transferred to a position which is ineligible for paid sick leave, at which point the accrual ceases.

##### IV. Usage

- A. An eligible employee may use accrued sick leave upon employment unless a part of an accommodation under the ADAAA. If sick leave is exhausted, accrued vacation or personal holiday may be used for additional time off.
- B. Departmental procedures. To be authorized for leave under this policy, an employee must notify the appropriate supervisor according to the procedures adopted by their department.
- C. Unplanned absence. In the event that an employee must miss work due to an unexpected illness/injury, s/he should notify the designated supervisor prior to the start of the shift (or as soon as is reasonably possible) and according to the notification procedures adopted by the department but no less than one (1) hour to the start of their shift. Failure to report in will cause an employee's absence to be charged to leave and regarded as a no call/no show.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

- D. Foreseeable absence. If an absence is foreseeable, such as a doctor's appointment, the employee shall schedule it to not unduly disrupt departmental operations and to give supervisors as much advance notice and flexibility in scheduling as possible.
- E. Failure to comply. An employee who fails to comply with departmental procedures for the notification and scheduling of sick leave may be denied paid sick leave and subject to disciplinary action, up to and including, termination of employment. An employee on sick leave found to be engaged in activities in direct conflict with the purpose of this policy, including outside employment or self-employment, may be denied compensation for the leave and subject to disciplinary action up to and including termination of employment.
- F. Time keeping. Use of sick leave will be recorded on the same basis as time worked and subject to a daily limit corresponding to the number of hours the employee is regularly scheduled to work.
- G. Multiple days absent. In the event that an employee will be or has been absent for more than three (3) consecutive workdays for reasons covered under this policy, they will contact the General Manager or designee as soon as possible to determine whether the absence should be designated as a leave under the Family and Medical Leave Act (FMLA).
  - 1. Supervisors are also responsible for notifying the General Manager or designee of any leave of absence exceeding three (3) consecutive workdays or that might otherwise qualify for FMLA leave.
  - 2. An employee who will be absent for more than three (3) consecutive workdays shall notify the designated supervisor of his/her expected return date as soon as is reasonably possible and prior to the date of return.
- H. Illness on vacation. An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be ended and the illness or injury time be converted to sick leave, if available.
- I. Absenteeism or misuse. While sick leave is intended to be a form of income protection, it does not provide job protection, except when used in conjunction with FMLA leave.
  - 1. An employee who is habitually absent from work for any reason, other than for an authorized leave of absence under the FMLA, ADAAA or workers' compensation, may be subject to disciplinary action and/or loss of employment.
  - 2. The Department Manager shall determine what constitutes excessive absenteeism on a case-by-case basis, considering the reasons for the absences and the degree to which they disrupt departmental operations.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

3. What constitutes excessive absenteeism for an employee in one job classification may be different than for an employee in another job classification.
4. Excessive use, misuse or abuse may be evidenced as follows, but is not limited to these examples:
  - a. Misrepresenting the need for use of sick leave.
  - b. Falsifying or altering healthcare provider notices, reports releases or other such physician documentation.
  - c. Evidence of a pattern of sick leave usage, such as frequently using sick leave before/following holidays, weekends, etc.
  - d. Using leave on days that evidence a pattern taking excessive leave (such as an entire day for an appointment.)
  - e. Using sick leave as it is accrued, thereby having no accumulation.
  - f. Performing secondary work while on sick leave.
- J. Last day of employment. Terminating employees shall not use sick leave in the last two weeks of employment unless providing a doctor's certification of the need for leave and/or unless the employee is using sick leave for approved FMLA leave or as a provision of ADA.
- K. Family member. Under this policy, an immediate family member is the employee's father, mother, sibling, spouse, child/stepchild, or in-law. In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the department Manager may allow the employee limited use sick leave as they deem reasonable under the circumstances.

#### **V. Leave Substitution**

- A. FMLA. Time away on sick leave due to an event that qualifies for leave under the Family and Medical Leave Act (FMLA) will be deducted from both the employee's sick leave balance and their balance of available FMLA leave. The employee may also be required to use other paid leave if s/he does not have enough sick leave to cover the FMLA absence.
- B. Non-FMLA. An employee lacking enough accrued sick leave to cover an absence under this policy, which is not subject to the FMLA, may request to



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

- substitute other paid leave or to be placed on a leave-without-pay status. The substitution of other paid leave is not automatic.
1. Any leave substitution must be approved by the department Manager, who will consider whether to.
    - a. Approve the use of other paid leave.
    - b. Authorize a leave without pay; or
    - c. Take other administrative action to mitigate the negative impact of the employee's absence(s).
  2. Approved paid leave substitutions shall be subject to the following order:
    - a. Vacation leave
    - b. Holiday leave
- C. FLSA. The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 and pursuant to the District's general policy of public accountability. All employees shall account for any absences subject to the application of this policy according to the manner described herein.
1. Exempt employees should substitute paid leave or leave without pay for any absence which causes hours worked to be less than eighty (80) in a pay period.
  2. Nonexempt employees must substitute paid leave or leave without pay for any absence which causes hours worked to be less than normally scheduled for any designated work period, which is generally 40 hours in a seven-day work period.

#### **VI. Documentation**

- A. Return-to-work release. An employee returning from a sick leave absence for their own illness/injury in excess of two (2) consecutive workdays will be required to submit a return-to-work release from the employee's doctor indicating that the employee has recovered enough from their recent illness/injury to perform the essential functions of their position with or without accommodation. The employee may also be required to take a physical ability test if such a test is normally required for placement in the job. Both the return-to-work release and a passing score on the physical ability test (if

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

- required) must be submitted to the General Manager or designee before the employee may resume regular work duties.
- B. Proof of Illness/Injury. A department Manager may, at their discretion, require satisfactory proof of illness/injury if they suspect fraud or misuse of leave for absences not authorized under the FMLA, ADAAA or workers' compensation leave. Departmental requests for medical documentation to support the use of sick leave shall be processed by the Human Resources Department. Employees are encouraged to request and retain evidence of health care office visits/treatment related to sick leave absences if absenteeism or apparent misuse of sick leave becomes a matter for investigation and/or disciplinary action.
  - C. For FMLA, ADAAA or Workers' Compensation. For absences authorized under FMLA, ADAAA or workers' compensation, the General Manager or designee will request documentation to support the need for absence and/or the return to work. All such requests will be made in accordance with applicable laws and regulations.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### 5.01 Vacation Leave

##### I. Purpose

- A. The purpose of this policy is to establish uniform rules and procedures to govern the accrual, use and payout of vacation leave. Vacation leave is paid time away from work to pursue activities that promote the well-being of the individual.
- B. An employee desiring to use vacation leave must notify the appropriate supervisor in accordance with the procedures adopted by his/her department.

##### II. Eligibility

All regular full-time employees are immediately eligible to accrue vacation leave at the time of hire as outlined herein; part-time employees and seasonal and temporary employees are not eligible to accrue or use vacation leave.

##### III. Accrual

- A. Vacation accrual for regular full-time employees is based on an eight (8) hour day and twenty-six (26) pay periods per year. Regular full-time employees shall accrue vacation leave at the following rate and shall be allowed to carry a maximum accrual of double their annual vacation hours:

Months of Service	Hours of Accrual per year	Maximum Accrual Allowed
1 - 60	80 hrs	160 hours
61 - 120	120 hrs	240 hours
121+	160 hrs	320 hours

- B. Accrual of vacation leave continues up to the maximum accrual limit or until the employee terminates employment with the District or transfers to a job classification that is ineligible for vacation leave accrual.
- C. At the end of each calendar year, employees with vacation balances above the maximum allowed by policy will have their vacation leave balances administratively reduced to the maximum allowed. Hours accrued over the maximum and unused shall be forfeited.
- D. An employee transferring from a regular part-time position to a regular full-time position or vice versa shall retain the balance of vacation leave already accrued if the new position is also eligible for vacation leave accrual.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### **IV. Use**

- D. An employee may begin use of accrued vacation leave upon successful completion of the six (6) month introductory employment period.
  - 1. All use of vacation leave is subject to the approval of the employee's department manager or designee, who may approve or disapprove vacation leave requests according to the provisions of this policy and subject to the needs of his/her department.
  - 2. Employees should be afforded the opportunity to take at least five (5) continuous days of vacation leave annually.
- E. Vacation leave may be used to compensate an employee for time away from work due to reasons for which accrued sick leave would normally be used but has been exhausted.
  - 1. Vacation leave may not be substituted for sick leave until all other accrued leave and/or compensatory time has been exhausted; however, there is no requirement that compensatory time be exhausted prior to using vacation leave for an event that qualifies for leave under the Family Medical Leave Act (FMLA) or District Leave of Absence.
  - 2. Such use is subject to the approval of the department Manager or designee based on past utilization and sick leave balances as they relate to tenure with the District.
- F. Terminating employees are not allowed to use vacation as their final day of employment unless the employee is using vacation for approved FMLA leave or as a reasonable accommodation under the ADAAA or it is approved by their department Manager.

#### **V. Accounting:**

- D. An employee shall be compensated for vacation leave subject to a daily limit corresponding to the number of hours for which he/she would have been scheduled to work.
- E. In the event that an employee has exhausted all other available leave, time away from work for an event that qualifies for leave under the Family and Medical Leave Act (FMLA) or ADAAA will automatically be paid from the employee's vacation leave balance, as well as be deducted from the employee's available balance of FMLA leave or ADAAA.
- F. Employees on sick, FMLA or leave under the ADAAA leave will be required to use, at a minimum, a portion of their accrued leave to pay for required

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

benefits and payroll deductions.

- G. The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 effective August 23, 2004, and pursuant to the District's general policy of public accountability; all employees shall account for any absences subject to the application of this policy according to the manner described herein.

#### **VI. Scheduling and Notification**

Each department shall establish and communicate to its employees' specific procedures for the use of vacation leave which reflect the following:

- A. For scheduled use, a process for requesting the leave in writing, at least three (3) working days in advance of the requested leave, and documenting and communicating the approval/disapproval of the requested leave, including both the employee's and supervisor's approval.
- B. For unscheduled use, a process for documenting the request and the reason for the approval/disapproval of the requested leave, including both the employee's and supervisor's approval.
- C. That emergency requests should be reserved for truly unforeseeable events requiring the employee to be absent to handle personal business of an urgent nature; and
- D. That the maximum continuous vacation that can be authorized is two (2) calendar weeks, unless otherwise approved by the department Manager based on past utilization and sick leave balances as they relate to tenure with the District.

An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be ended, and the illness or injury time be converted to sick leave or other accrued leave type.

An employee who fails to comply with departmental procedures for the notification and scheduling of vacation leave may be denied paid leave and be subject to disciplinary action, including termination of employment. Further, an employee who takes a leave day following denial, as outlined herein, may be subject to disciplinary action, including termination of employment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### **VII. Payout**

Employees who have completed their introductory period with the District are entitled to a payout of accrued vacation leave upon termination of employment or upon transfer to a job classification ineligible for vacation leave accrual.

Payout shall be made:

1. In the employee's final paycheck or in the last paycheck for which the employee is eligible to accrue vacation leave; and
2. Based on the employee's hourly rate of base pay immediately preceding the termination shall include any leave accrued for that pay period.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### 5.02 Holidays

##### I. Purpose

The purpose of this policy is to identify the rules and procedures regarding employee compensation for official holidays of the District. All regular full-time employees are immediately eligible for paid time off for an official District holiday. Time off for holidays will be paid at the eligible employee's regular hourly rate of pay and will not be considered time worked for purposes of calculating overtime pay.

##### II. Official Holidays

The following holidays are official District holidays for all eligible employees. The General Manager or designee will post a list of dates for recognized holidays before the beginning of each calendar year.

New Year's Day	Labor Day
Martin Luther King Jr. Day	Thanksgiving Day
President's Day	Day After Thanksgiving
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	*Personal Day

**\*Personal Day off.** While it is not a holiday, employees may take a personal day of their choice off from work. This time must be taken for a full day of eight (8) hours; will not carry over to any other time; and must be utilized prior to the end of each calendar year.

Generally, holidays occurring on Saturday will be observed on the preceding Friday, and holidays occurring on Sunday will be observed on the following Monday. Exceptions to the dates that holidays are observed is at the discretion of the General Manager and will be so noted on the list of holiday dates provided annually by the General Manager or designee.

##### III. Working on a Holiday

- A. Full-time non-exempt employees who must work on an official holiday, will be paid for the holiday, in addition to hours worked, at the regular rate of pay.
- B. Exempt employees who work on an official holiday will also be allowed to utilize holiday hours for use on an alternate day, with the approval of their supervisor.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### **IV. Use/Payout**

- A. Termination of Employment: Terminating employees are not allowed to use a holiday as their final day of employment.
- B. Absence Before or After a Designated Holiday: To receive holiday pay, an otherwise eligible non-exempt employee must be at work or on an authorized leave of absence on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both days because of an illness or injury, the District reserves the right to verify the reason for the absence before approving holiday pay.
- C. Leave of Absence. An employee on an approved leave status, including workers' compensation leave, will be paid holiday pay in lieu of any leave status pay they would ordinarily receive at the time of the holiday. Receipt of holiday pay while on a paid leave of absence qualified under the Family and Medical Leave Act (FMLA) does not extend an employee's FMLA leave entitlement.
- D. Religious or Other National Holidays. Employees may request to take other religious and national holidays, but any such request is subject to the approval of the supervisor. If approved, the employee must use appropriate leave balances (i.e. holiday accruals, vacation leave, etc.) Sick leave is not authorized for use for religious or other national holidays.
- E. The District reserves the right to change, modify, amend, revoke, or rescind all or part of this policy in the future.



PERSONNEL POLICIES

Chapter 5 – Leaves

---

**5.03 Bereavement Leave**

**I. Statement of Purpose**

The purpose of this policy is to identify the rules and procedures with regard to the use of bereavement leave. Bereavement leave is intended for the purpose of allowing an employee time to attend to the immediate needs of the situation.

**II. Eligibility**

All full and part time employees are eligible for paid bereavement leave from the first day of employment. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisor's approval, use any available vacation time for additional time off as necessary.

**III. Maximum Bereavement Leave**

While there is no accrual of bereavement leave, each regular employee will be eligible for up to three (3) working days of leave per occurrence. In such cases the employee may, upon request, be granted up to five (5) days leave with pay without loss of benefits.

Employees will receive pay for each hour of bereavement leave used within the maximums set above. Paid leave does not include any special forms of compensation, such as incentives, commissions, bonuses, overtime, or shift differentials.

**IV. Appropriate Use of Bereavement Leave**

Bereavement leave may be used by an employee in the case of the death of:

Consanguinity (Blood Relationships) and Adoptive Relationships

<b>First Degree</b>	<b>Second Degree</b>
Mother and/or Father	Grandparent
Daughter and/or Son	Grandchild
Brother and/or Sister	Uncle and/or Aunt
Legal Guardian	1 <sup>st</sup> Cousin
Legal Ward	Niece and/or Nephew

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### Affinity (Marriage Relationship)

<b>First Degree</b>	<b>Second Degree</b>
Spouse	Brother and/or Sister – in - Law
Son and/or Daughter – in Law	Spouse's Grandparent
Mother and/or Father –in – Law	Step-Grandparent
Step-Parent	Stepsister and/or Stepbrother
Stepson and/or Stepdaughter	

#### **V. Procedures**

- A. Notification - Employees who wish to take time off should notify their supervisor immediately.
- B. Documentation - A Department Manager may require the employee provide documentation for a bereavement leave request.

#### **VI. Leave Substitution**

If additional days of leave are requested to take care of family needs in conjunction with a death in the family, then appropriate leave pursuant to Vacation Leave or Sick Leave policies is to be used prior to the authorization of unpaid leave.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### **5.04 Inclement Weather**

Regardless of weather or other conditions and due to the essential and direct impact on public safety and health, District services must continue regardless of the weather, man-made, technological emergencies, or disasters. Employees may be required to report to work as scheduled or as needed regardless of official-delayed opening, early closing, or closure of District facilities as designated by the General Manager

## 5.05 Administrative Leave

### I. Administrative Leave with Pay

Employees may receive paid administrative leave for official business or other work-related matters as designated by the department Manager or designee. Other authorized purposes may include, but not be limited to, voting in official elections, investigative proceedings, jury duty, professional conferences, conventions, training activities, legislative proceedings, civic functions or any other purpose deemed to be in the District's best interests.

### II. Administrative Leave Without Pay

Administrative leave without pay will be utilized when employees have exhausted all accrued paid leave been placed on such leave by the department Manager.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### 5.06 Jury/Court Duty

Jury/Court Duty Employees required by summons to report for jury duty (including grand jury duty), or who are impaneled as a juror or alternate juror, shall receive their regular pay during the time period directly related to jury duty (not to exceed 40 hours of jury duty pay per week).

##### **I. Regular Pay**

Employees requesting regular pay for work time spent on jury duty must present proof of attendance from the presiding court before pay can be issued. Upon release from jury duty, employees must contact their supervisor to determine if they should return to their assigned work location. Employees failing to return to work during their normal work hours are subject to disciplinary action.

##### **II. Official District Business**

Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official District business or on behalf of the county, state or federal government for services related to District duties, shall be compensated in accordance with the procedures specified under the jury duty section of this chapter.

Employees subpoenaed to appear as a witness on behalf of the District, county, state or federal government for service related to District duties will be compensated for time spent in court in accordance with the procedure specified under the jury duty section of this chapter.

Employees requesting regular pay shall provide a copy of the subpoena and, if available, proof of attendance by the court or respective administrative body.

##### **III. Personal/Private Business**

Employees will not be paid for time off to conduct personal or private legal business. Vacation or compensatory time may be used if approved by the supervisor.

PERSONNEL POLICIES

Chapter 5 – Leaves

---

**5.07 Family and Medical Leave (FML)**

**I. Statement of Purpose**

The purpose of this policy is to outline and establish general procedures and guidelines for compliance with the Family and Medical Leave Act (FMLA).

In accordance with the FMLA, the District will abide by the provisions and the regulations published by the U.S. Department of Labor to implement the Act. Employees should contact the General Manager or designee for specific information and questions regarding this policy.

**II. Procedures**

A. Under the FMLA, eligible employees may take up to twelve (12) work weeks of unpaid job-protected leave each year for specified family and medical reasons or twenty-six (26) weeks of leave to care for an injured or ill service member.

B. FMLA leave runs concurrently with other types of leave. FMLA leave is typically unpaid unless the absence also qualifies for paid leave under another District policy, at which point FMLA leave and paid leave will run concurrently.

1. Sick Leave: If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave.
2. Vacation, Comp Time, Personal Leave & Holiday: If all of the sick time has been used, the following leave time will be applied and will run concurrently with any remaining FMLA leave accrued vacation, compensatory time, personal leave and then holiday leave.
3. Disability & Workers' Comp. Leave: If the employee is approved for workers' comp. or short-term or long-term disability, the employee's absence from work is automatically approved for FMLA, provided he/she has met the FMLA's eligibility requirements. This means that workers' comp. and short- and long-term disability absences will run concurrently with FMLA leave. Employees being paid either workers' comp. wage benefits or short- or long-term disability benefits while on leave are not required to use accrued sick, personal, holiday, comp time or vacation leave while collecting workers' comp. or disability benefits.
4. In determining the amount of family medical leave available to an employee, the District will use a 'rolling calendar' by considering any family medical leave taken in the twelve (12) months prior to the date the requested leave is to begin and continuous with each additional day leave is taken.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### III. Eligibility

- A. Employees must have been employed by District for at least twelve (12) months (need not be consecutive) prior to the leave date and must have worked at least 1,250 hours during the twelve (12) months prior to the date the requested leave is to begin. The District will grant FMLA leave for any of the following circumstances:
1. Birth of a child of the employee, in order to care for such child (eligibility for leave expires twelve (12) months after the date of birth of the child).
  2. Placement of a child with the employee for adoption or foster care (eligibility for leave expires twelve (12) months after the date of placement of the child).
  3. To care for the spouse, child, or parent of the employee with a serious health condition as defined by FMLA.
  4. If the employee has a serious health condition which makes the employee unable to perform all the essential functions of his/her position.
  5. Due to a non-medical activity ("qualifying exigency") that is directly related to a covered family member's (limited to a spouse, son/daughter, "next of kin", or parent of the employee) active duty or call to active duty in the Regular Armed Forces, National Guard or Reserves;
  6. For an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered service member) to care for a covered service member who is a current member of the Regular Armed Forces, National Guard, or Reserves who has incurred an injury or illness in the line of duty while on active duty, provided that such injury or illness renders the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. This leave may be up to 26 work weeks of unpaid leave during a single twelve (12) month period. *This is the only instance in which a leave of up to twenty-six (26) work weeks may be taken.*
  7. For an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered veteran) to care for a covered veteran who was honorably discharged within the five (5) year period prior to the family member's need for leave to provide care during the recuperation, treatment for a condition that was caused or aggravated during the line of duty, or recovering from a serious illness or injury. This leave may be up to twenty-six (26) work weeks of unpaid leave during a single twelve (12) month period. *This is the only instance in which a leave of up to twenty-six (26) work weeks may be taken.*

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

NOTE: During the single twelve (12) month period, an eligible employee shall be entitled to a combined total of twenty-six (26) work weeks of unpaid leave, regardless of the various reasons for FMLA leave.

When both a husband and wife are employed by the District and are eligible for leave due to the birth or placement of a child for adoption or foster care, or to care for a parent, or due to an urgent need or requirement (qualifying exigency) arising out of a covered family member's active duty or call to active duty, they are entitled to a total of twelve (12) work weeks together (NOT twelve (12) work weeks each) of family and medical leave in a calendar year. However, if the leave is for self-care or care of a sick spouse or child, each employee is entitled to twelve (12) work weeks of unpaid leave per calendar year under FMLA.

#### **IV. Employee Responsibility**

- A. Employees must provide the District sufficient information so that it can make a determination as to whether the employee's absence is FMLA-qualifying. If an employee fails to explain the reasons, leave may be denied. Employees must also indicate on their time sheet when an absence or tardy is or may be covered by FMLA. The District may retroactively designate leave as FMLA-qualifying, upon notice to the employee. Any absence or illness that results in more than three (3) days' absence must be reported to the General Manager or designee.
- B. At Least thirty (30) Days' Notice Required for Foreseeable Leave: Employees must provide their Department Manager or the General Manager or designee with at least thirty (30) days' advance notice when the need for FMLA leave is foreseeable.
- C. Notice as Soon as Practicable for Unforeseeable or Emergency Leave: If the need for FMLA leave is not foreseeable, employees must provide their Department Manager or the General Manager or designee with as much advance notice as practicable, in accordance with their Department's normal call-in procedures. The employee must also provide an explanation as to why they were unable to provide at least thirty (30) days' advance notice of the need for leave.
- D. Content of Notice: Employees must provide the District with at least verbal notice and explain the reasons for the needed leave sufficient to allow the District to determine if the absence is FMLA-qualifying, and the anticipated timing and duration of the leave, if known. If the employee has previously taken FMLA leave for the same reason, they must specifically reference the qualifying reason for leave or the need for FMLA leave. The District may



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

- seek additional information from the employee, and the employee is obligated to respond to the District's questions so the District can determine if an absence is potentially FMLA-qualifying. The employee must notify the District as soon as practicable if the dates of his/her scheduled leave change or are extended or were initially unknown.
- E. **Compliance with District's Call-In Procedures:** Employees must comply with their Department's normal call-in procedures for reporting absences, tardies and requesting leave (e.g., contacting a specific supervisor by a certain time). Notice may be given by the employee's spokesperson only if the employee is physically unable to do so personally. Where an employee does not comply with the District's and Department's normal call-in procedures and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.
- F. **Consequences for Failing to Provide Required Notice:** If the employee fails to timely explain the reasons for his/her need for leave, FMLA leave may be denied or delayed for up to thirty (30) days. The employee may also be subject to disciplinary action in accordance with District policy. Likewise, if an employee fails to respond to the District's reasonable inquiries regarding a leave request, the employee may not be granted FMLA leave protection.
- G. **Scheduling Planned Medical Treatment:** When an employee intends to take leave for planned medical treatment for him/herself or for their spouse, child or parent, the employee is ordinarily expected to consult with their supervisor and to try to schedule the treatment so as not to disrupt unduly the District's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and the District.
- V. Periodic Check-In While on FMLA:** Employees must check in periodically with their supervisor and with the General Manager or designee regarding their status and intent to return to work. If the employee discovers that the amount of leave originally anticipated is no longer necessary, the employee must provide the District with reasonable notice (i.e., within two (2) business days) of the changed circumstances, if foreseeable.
- VI. Employer Responsibility**
- A. The General Manager or designee is responsible for the verification, approval, and notification of FMLA leave. The General Manager or designee may designate leave as FMLA leave if it determines that a qualifying event has occurred.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

- B. Eligibility and Rights & Responsibilities Notice: The General Manager or designee will notify an employee of their eligibility to take FMLA within five (5) business days (absent extenuating circumstances) of its receipt of the employee's request for FMLA leave (or from when the District otherwise determines that an employee's absence may be FMLA-qualifying). Employee eligibility is determined at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. Notification may be oral or in writing, but the District will normally use the FMLA form 'Notice of Eligibility and Rights and Responsibilities.' This FMLA form will also detail the District's specific expectations, the employee's obligations, and consequences to the employee of not meeting his/her obligations. If an employee's eligibility status changes or if any of the specific information in the Rights & Responsibilities Notice changes, the General Manager or designee will so notify the employee within five (5) business days of the receipt of the changed information, absent extenuating circumstances.
- C. Designation Notice: When the General Manager or designee has enough information to determine if an absence is FMLA-qualifying (e.g., after receiving the employee's fully completed Certification), the General Manager or designee will notify the employee in writing (FMLA form – Designation Notice) as to whether the leave will or will not be designated as FMLA. This Designation Notice will be given to the employee within five (5) business days, absent extenuating circumstances. If the information in the Designation Notice changes, the General Manager or designee will notify the employee within five (5) business days of the District's receipt of the employee's first notice of need for leave subsequent to any change.
- D. Certification Forms & Other Required Documentation: The General Manager or designee is responsible for determining the completeness and authenticity of certification forms, fitness-for-duty/return to work certifications, and for review and coordination of all other FMLA documentation required by this policy.
- E. Supervisors & Department Managers: So that the General Manager or designee can meet the notice deadlines required by the FMLA, supervisors must immediately notify both their Department Manager and the General Manager or designee if they have reason to believe an employee's absence is due to an FMLA-covered reason. Supervisors must make this report even if the employee is using paid time off to cover the absence (e.g., sick leave, comp time, vacation, holiday, workers' comp., short- or long-term disability). Supervisors and Department Managers must report to the General Manager or designee any time an employee misses work for three (3) or more days because of their own illness or injury or that of a

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

spouse, child, or parent. Supervisors and Department Managers may not contact health care providers when employees are sick. The General Manager or designee will make contact with health care providers if and when necessary. It is important to remember that under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements. When an employee submits a leave/absence form indicating an FMLA absence, the form must be sent to the General Manager or designee immediately.

## 5.08 Break time for Nursing Mothers

Lactating mothers may use time during the standard workday for milk expression. This may include various combinations of standard paid break periods, lunch periods and other time as necessary. Lactating mothers must be afforded flexibility in their work schedules, such that the use of accrued leave or leave without pay is not required to cover time used for milk expression. While in general, this may require two to three lactation breaks a day, scheduling will be arranged on a case-by-case basis and be based on the specific needs of the employee. Departments will provide a private location, shielded from view and free from any intrusion from others, to express breast milk. A bathroom, even if private, does not qualify as a location. While a private space does not have to be established strictly for the use of the breastfeeding employee, it does however, have to be available any time the employee needs to express milk. Affected employees are required to inform their supervisors when they need an accommodation for milk expression.

PERSONNEL POLICIES

Chapter 5 – Leaves

---

**5.09 Military Leave**

To provide eligible employees with military leave benefits pursuant to state and federal law.

**I. Definitions**

- A. Military Leave: Leave to be used solely for the purpose of fulfilling short term annual military training obligations.
- B. Extended Military Leave: Leave which goes into an extended active duty status of any branch of the United States armed forces.

**II. Procedures**

- A. Employees must notify the General Manager or designee immediately upon receiving notification, or not less than thirty (30) days before their pending duty, whichever occurs first.
- B. Written performed duty verification must be submitted prior to the leave or within a reasonable period of time in order to confirm payment of military pay and to confirm the veteran's re-employment rights. Verification may include, but is not limited to, orders, drill letters, training schedule and signed duty verification from the officer in charge.

**III. Military Leave**

Employees will receive military pay at their normal base rate for up to fifteen (15) workdays in a calendar year. Military Leave beyond fifteen (15) days may be paid, at the employee's discretion, using accrued compensatory, personal day or vacation time (accrued sick leave may not be substituted). The employee may also choose to take the remaining leave as unpaid.

**IV. Extended Military Leave**

Employees on Extended Military Leave may be paid, at the employee's discretion, using any remaining fifteen (15) days of military pay, accrued compensatory, personal day or vacation time (accrued sick leave may not be substituted). The employee may also choose to take the remaining leave as unpaid. Employees may request to receive payment for any accrued, unused personal day, vacation, holiday, or compensatory time at the start of unpaid extended military leave. The District will pay the employee's and District's portion of medical and dental benefits for sixty (60) days, unless the employee elects military medical and dental coverage.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

#### **V. Supplemental Pay**

Any regular full-time employee who has been called to active duty (Extended Military Leave) will receive supplemental pay if their military salary is less than their District salary. The amount of supplemental pay is the difference between the District salary and the military salary. Supplemental pay is available until an employee is no longer called to actively serve in the military, their monthly military salary exceeds their regular District salary, or for up to five (5) years, whichever occurs first. The employee is responsible for notifying the General Manager or designee if their military salary changes while on active duty.

#### **VI. Benefits**

- A. The District shall provide at no cost to the employee all medical and dental benefits for the regular full-time employee and their dependents during such period of sixty (60) days (Extended Military Leave) unless the employee elects military medical and dental benefits. Longevity pay, life insurance and other benefits will not be provided during such leave.
- B. Upon an employee's return to employment following Extended Military Leave, the employee will be given the opportunity to enroll or make any changes to desired benefits (i.e., medical, dental, vision, etc.).
- C. While on paid Military Leave, excluding the supplemental pay benefit, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid Extended Military Leave, benefit accruals will be suspended and will resume upon the employee's return to active employment.

#### **VII. Returning from Leave**

- A. An employee who leaves District employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:
  - 1. Is physically and mentally qualified to perform the essential duties of the position.
  - 2. Was discharged, separated, or released from active military service under honorable or general conditions.
  - 3. Has not been in active military service for more than five (5) years; and
  - 4. Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service within the time constraints prescribed by USERRA.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 5 – Leaves

---

- B. The deadline for an employee to return to work and/or notify the District that they intend to return to work following Extended Military Leave depends upon how long the employee's military service lasted:
  - 1. For service of less than thirty-one (31) days, employees have eight (8) hours following their release from service to report to their next scheduled work period.
  - 2. For service between thirty-one (31) and one-hundred eighty (180) days, employees have fourteen (14) days following their release from service to apply for reemployment.
  - 3. For service of more than one-hundred eighty (180) days, employees have 90 days following their release from service to apply for reemployment.
- C. These deadlines may be extended for two (2) years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits unreasonable, according to the provisions of USERRA.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.00 Payroll

##### I. Purpose

To establish a wage and hour administration policy in compliance with the Fair Labor Standards Act, as amended.

##### II. Definitions

###### A. Exempt Employees

An *exempt* employee is one who *is not covered* by the overtime provisions under the Fair Labor Standards Act (FLSA or Act).

###### B. Non-exempt Employees

A Non-exempt employee is one who is covered by the overtime provision under the FLSA and will be paid overtime or receive compensatory time, per departmental policy, for hours worked in excess of forty (40) hours per workweek except as otherwise stated by policy, statute or regulation.

###### C. Workweek Period

The payroll period begins on a Sunday and ends on a Saturday for a fourteen-day period.

###### D. Hours Worked

The time that the District requires or permits non-exempt employees to be on duty is considered hours worked. Sick leave and holiday hours are not considered hours worked. All other paid leave including vacation, jury duty and bereavement leave will be considered hours worked.

###### E. Pay Period

All employees are paid every other Friday for the preceding two-week payroll period.

##### III. Direct Deposit

A. It is the policy of the District that all employees participate in direct deposit of their payroll check. It is the employee's responsibility to provide accurate banking information to payroll (routing number, account number). Employees must submit a voided check or letter from their banking institution along with the proper direct deposit change form when enrolling or changing direct deposit information.

B. Employees are advised to contact Payroll when contemplating closing their bank account(s), to assure that direct deposit payments are not in transit and to minimize the possibility of delayed payments.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

- C. Payments credited to bank accounts incorrectly via direct deposit will be reversed by the District as soon as the error is noted. A corrected entry will be processed as quickly as possible once the District has received the funds credited back from the incorrect banking account and credited via direct deposit as available. If correction by direct deposit is not feasible, a check for the correct amount will be issued by the District. In the event that an employee has withdrawn funds which were erroneously credited to their account and the District is unable to execute a reversal of the erroneous entry, the Finance Manager will arrange repayment with the employee.
- D. The employee's paycheck is payment from the District to the employee for services the employee has rendered, less any applicable deductions. If the employee does not report paycheck errors promptly, the District will rectify any errors upon notification as required by law. If the employee does not understand how to figure their pay or how to read their check, the employee should seek help from the Finance Manager, so that it can be properly explained to the employee.

#### **IV. FLSA Responsibilities**

- A. The District is responsible for ensuring compliance with the Fair Labor Standards Act in the classification of positions, policy development, training, payroll, and child labor standards. The General Manager or designee is responsible for the overall administration and interpretation of that Act.
- B. Department Managers are responsible for ensuring compliance with the policies and procedures outlined in this policy. Department Managers will be responsible for requesting exemption status changes and reporting any changes, which may affect that status.
- C. Each Department Manager is responsible for exercising adequate supervision to ensure that employees comply 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 directors, managers, or supervisors of their responsibility for controlling work time. Managers are responsible for controlling starting and stopping times whether within or outside the usual work schedule. Managers and supervisors are responsible for the recording of hours worked as they actually occur.
- D. It shall be the duty of employees to comply with departmental work schedules and avoid performing work that is unscheduled or non-directed outside of assigned work schedules or assignments for bona fide emergency situations.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.01 Overtime

- I. The General Manager or designee will determine, according to the Fair Labor Standards Act, whether a position is exempt or non-exempt.
  - A. Overtime

Overtime, when ordered for the maintenance of essential District functions, shall be allocated as uniformly as possible among all eligible employees, and will be paid in accordance with applicable law. Department Managers are responsible for exercising adequate supervision to ensure that employees are complying with established work schedules.

1. Eligibility

Overtime pay or compensatory time will be given to non-exempt employees for hours worked in excess of the regular scheduled workweek or applicable work period.

2. Non-exempt Positions

- a. Eligibility - Department Managers have the authority to approve, with the employee's request, whether the department's non-exempt employees can work overtime. The Department Manager is the final authority for compensation method utilization and will take into account the department overtime budget and operational demands.

- b. Rate – Overtime pay for non-exempt employees shall be at one and-one-half (1.5) times the employee's regular rate of pay.

3. Unauthorized Overtime

Authorized overtime shall require the approval of the supervisor, Department Manager, or in some cases, the General Manager. Employees who work unauthorized hours may be subject to disciplinary action, up to and including termination.

4. Exempt Employees

- a. Exempt employees are not eligible to accrue overtime or receive compensatory pay.

- b. Exempt employees may be required to report to their shift for the entire work period. Unauthorized absences during a shift shall be

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

addressed as a performance issue and may be subject to deductions from appropriate leave banks or be deducted from salary.

- c. Exempt employees shall use sick and vacation leave for partial and full day absences and record on the District time keeping system.
- d. Due to the obligations for exempt employees to attend after hour meetings and work on projects outside of regular work hours, an exempt employee's immediate supervisor has the discretion to flex time periodically so an exempt employee may have time off keeping in mind our fiduciary duty to those we serve. This will be the exception and not the rule of operations.

Note: Use of any leave must be done with prior approval of the employee's immediate supervisor.

Chapter 6 – Compensation

---

**6.02 Classification Process**

The purpose of a position classification plan is to organize all District positions into groups or classes on the basis of similar duties, responsibilities and qualification requirements as outlined in the job descriptions. Equitable pay is assigned on a class basis in order to provide comparable pay for substantially equal work performed. The pay system is built to meet all criteria associated with the concepts of internal equity, i.e., equal pay for equal work, equal pay for similar work and equal pay for comparable work.

**I. Position Review Process**

No classification changes shall be made without first obtaining the General Manager's approval for review. Any changes of this magnitude must be approved before they are made. The Department Manager shall complete the appropriate reclassification paperwork and submit it to the General Manager or designee, to verify and approve the request. If an employee believes that his/her position is improperly classified, that employee may provide specific concerns to the Department Manager regarding the classification.

- II.** There should be a wholesale review by an outside contracted entity of all positions every three (3) years.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### **6.03 Longevity Pay**

Regular full-time employees will be paid longevity pay at the rate of \$5 per month of service from 13 to 60 months and \$7.50 per completed month from 61 or more months, to a maximum of \$2,000 annually based on their hire date. Payments are distributed annually in November as designated by the General Manager and will be applicable to employees actively employed on the date of payment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.04 Certification Pay

As part of its Education Policy, the District provides tuition, expenses, and paid leave to attend certain approved educational classes. These classes should improve individual competence and performance as they apply in routine job activity which will increase the employees' value to the District.

- I. Water/Wastewater - If classes, experience, and testing are required by the Texas Commission on Environmental Quality and the end result is certification or advancement in certification, staff are eligible for incentive pay with the approval of the General Manager. The incentive pay applies only to water, wastewater, collection, or distribution certification levels as set forth below.

- A. TCEQ Certification Level:

1. Water/Distribution

Class D	Water or Distribution	\$25/mo
Class C	Water or Distribution	\$50/mo
Class B	Water or Distribution	\$75/mo
Class A	Water or Distribution	\$100/mo

2. Wastewater/Collection

Class D	Wastewater I or Class I Collection	\$25/mo
Class C	Wastewater or Class II Collection	\$50/mo
Class B	Wastewater or Class III Collection	\$75/mo
Class A	Wastewater or Class IIII Collection	\$100/mo

- B. To receive certification pay, an employee must utilize the license in their routine work activities.
    - C. Employees that receive certification pay are required to maintain a current and valid license to continue to receive certification pay. It is the employee's responsibility to ensure that all licenses are current and renewed when required. If a license for which an employee is receiving certification pay expires or is revoked the employee shall inform their immediate supervisor before the end of the pay period in which the license expired. The employee will lose any certification pay associated with the license that expired. If the license is a requirement of the employee's job description, failure to maintain the license will result in termination.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.05 On-Call/Call Out Pay

##### I. Call Out Pay

- A. Call out is an assigned duty to accomplish required work assignments after normal working hours in any department that does not have scheduled work hours on a 24-hour basis. Pay for call out will be based on time of call out with a minimum of two (2) hours credited work time for those who travel to an assigned worksite. Employees may be called out more than once per day. If called out more than once in the same day, an employee will be compensated for actual hours worked including and above the 2-hour minimum of the first call out. Departure from the District Facility or the call out site constitutes the end of hours worked.
- B. Employees called out to work during emergencies will be compensated at his/her regular rate. If the call out causes the employee to exceed forty (40) hours, the employee will be compensated at his/her overtime rate. An emergency is defined as an unscheduled work time in which life is threatened or the welfare of the public is at risk and requires the immediate assistance of additional personnel. An example of public at risk would include a ruptured water main, blocked wastewater main or a requirement to respond to storm damage jeopardizing public safety.

##### II. On-Call Pay

- A. The District compensates employees who are designated and/or placed in a rotating on-call status for each 24-hour period for which they are designated as on-call. This policy applies to all employees in positions required to participate in a rotating on-call status. On-Call employees are paid a set amount above and beyond their normal pay for each week that they serve on call. Each week two employees will be designated as On-Call. One employee is designated as primary (1st Call) and one employee is designated as secondary (2nd Call). On-Call employees are each required to have in their possession and maintain a cell phone while on call and to respond timely to a call.
- B. The supervisor will be responsible for identifying and coordinating the on-call schedule and positions within the respective department. On-call status is based on Department discretion and Department scheduling.
- C. Eligibility for On-Call Pay
  - 1. The employee must be specifically assigned for on-call status for the 24-hour period.
  - 2. The employee designated as the primary on-call person must be able to respond to a customer or other caller within fifteen minutes (15) of receiving the call and, if required, appears on-scene within forty-five

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

minutes (45) after receiving the call.

3. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until the overtime threshold is reached.

#### D. On-Call Payment

1. Non-exempt employees who rotate on required on-call status will receive weekly stipend of \$150.00 per employee per week based from the established 7-day work week period. Employees receiving the on-call stipend are not eligible for mileage to and from the workplace while receiving the weekly stipend.
2. On-Call Duty: On-call assignments are not compensable if:
  - a. Employees can be contacted by telephone; and
  - b. Have free (personal) use of the time while waiting for an assignment.
  - c. Pay will be considered overtime if the employee is non-exempt and has already recorded the hours required to meet the overtime threshold for their position.
  - d. On-call employees who do not return to the workplace, but who handle a workplace issue by phone or internet will be compensated based on a departmental policy, approved by the General Manager.
  - e. In all cases, employees must report their actual hours worked on their time sheets.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### **6.06 Travel Time**

Travel to and from work is generally not compensable, unless specifically approved by the General Manager. Travel time which is outside of regular working hours is generally not compensable, unless the employee is on-call or if travel is approved by the General Manager

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.07 Interim Pay

- I. On occasion, an employee is asked to perform a job duty well beyond the scope of their job description and a job classified at a higher pay grade. With concurrence of the General Manager in advance, the Department Manager can work with the General Manager or designee in order to provide a temporary pay amount for the role based upon the duties and assignments of the role. That temporary pay cannot exceed 6% or Step 1 of the role unless approved by the General Manager, or whichever is greater. Generally, this will only apply when an employee is filling in for another employee with a higher pay grade.
  
- II. Eligibility of interim pay increases requires that the employee must have worked, or be scheduled to work, a minimum of thirty (30) calendar days in the new position. Pay increases will be effective at the start of the interim payroll period and terminate once interim period ends.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.08 Termination Pay

- I. Upon separation from employment, only employees who have completed their introductory period and are terminating shall be paid for unused vacation earned.
- II. Employees shall be paid any hours worked and overtime compensation due.
- III. Employees will be required to sign a release to deduct any indebtedness to the District which the employee might have incurred during his/her tenure with the District while following compliance within State and local guidelines.
- IV. If any employee dies while employed by the District, the District shall pay the beneficiary any unpaid pay, unused vacation, and accumulated benefits as applicable to normal payouts.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 6 – Compensation

---

#### 6.09 Worker's Compensation

- I. The District carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated. **FML runs concurrently with any other leave as well as worker's compensation leave.**
- II. Employees must notify their immediate supervisor within 24 hours of an injury or illness that is work related so that a proper claim or notice of claim may be filed with the District's worker's compensation carrier.

Employees will clearly relay the place, time, and date of any work-related illness/injury as well as any witnesses that were present.

- III. Employees may be paid temporary income benefits if their work-related injury or illness causes them to lose all or some of their wages for more than seven (7) days. Temporary income benefits are equal to 70% of the difference between an employee's average weekly wage and the wages they are able to earn after their work-related injury (i.e., if an employee was unable to earn any wages, they would receive 70% of their average weekly wage).

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.00 Standards of Conduct

##### I. General

- A. The purpose of this policy is to implement effective personnel policies that encourage a productive work environment and set the guidelines for ethical behavior. The District and its employees have a responsibility to conduct District business in an ethical manner, safeguard all assets of the municipality, and comply with all applicable federal and state laws, local policies, rules, and regulations.
- B. The District is committed to a mutually rewarding and direct relationship with its employees and to providing customers, both external and internal, with excellent services. It is expected that District employees will adhere to certain rules and regulations that are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the District, or is offensive will not be tolerated.
- C. The District expects that employees will conduct themselves in a positive and professional manner in order to promote the best interests of the District, to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in business and personal life, employees refrain from any behavior that might be harmful to themselves, their coworkers, or the District.
- D. The District does not intend, nor does it assent to, any modification of any at-will relationship, established as a matter of policy, by setting forth specific types of conduct which are unacceptable.

##### II. Discipline

- A. In general, the District will use a progressive disciplinary system. Progressive discipline is NOT required. The District is not obligated to use all of the disciplinary steps and may begin the process at any level, up to and including immediate termination, depending on the severity of the conduct, the employee's work performance and prior disciplinary history and any other relevant factors. Depending on the circumstances of each case, disciplinary action may consist of one or more of the following:
  - 1. Oral counseling/verbal reprimand.
  - 2. Written reprimand.
  - 3. Decision Making Leave (DML) with Performance Improvement Plan (PIP) with probation.
  - 4. Termination.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- B. Documentation: All discipline, other than documented oral warning/employee consultation/verbal reprimand, must be sent to the General Manager or designee for placement in the employee's personnel file. Departments should keep record of oral warnings, verbal reprimands and consultations and provide a copy to the General Manager or designee.
- C. Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall:
  - 1. Administer policies and procedures within their scope of authority.
  - 2. Document their subordinates job performance, conduct, and behavior as appropriate.
  - 3. Conduct evaluations of subordinates in a timely manner; coach subordinates regarding work performance and behavior; discipline their subordinates as appropriate.
  - 4. Address performance appeals submitted to them as provided by policy in a professional manner, to resolve such issues at the lowest possible supervisory level.
  - 5. Prior to disciplinary action, the supervisor will conduct a thorough examination of the situation before deciding to take any disciplinary action and discuss proper action with their Department Manager and General Manager or designee.
- D. Appeal Rights: A regular full-time employee who has received discipline greater than a written reprimand may request a Disciplinary Review Meeting in accordance with District policy, with the understanding that all employees are hired at will. Employees employed by a written contract, probationary, temporary, and seasonal employees likewise have no right of appeal for disciplinary action taken against them and are exempted from this policy.
- E. Administrative Leave: During an investigation into alleged offenses or violations of District policy, the District may, in its sole discretion, place the employee on administrative leave, with or without pay.
- F. An employee who has received discipline in excess of a written warning/written reprimand may request a meeting with the next level supervisor. In cases of suspensions four (4) days or greater or termination, the meeting will be with the next level supervisor.

### III. Types of Conduct

The following types of conduct are unacceptable. NOTE: The examples given are typical but not all inclusive.

- A. Unsatisfactory attendance is exemplified by, but is not limited to, the following violations (subject to the terms and provisions of the Family Medical Leave Act):

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

1. Unexcused absence, excessive absenteeism, or tardiness.
  2. Failure to give notice of an absence or tardiness to the supervisor within (1) one hour before starting time, as prescribed by departmental policy.
  3. Separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group, and which lack sufficient justification in the opinion of the employee's supervisor.
  4. Absence or tardiness that causes significant curtailment or disruption of service without sufficient justification in the judgement of the employee's supervisor; or
  5. Excessive failure to remain at one's workstation without notifying their supervisor, leaving work without permission, or taking excessive time or more time than allowed for eating or break periods.
- B. Job Abandonment occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive workdays. The employee is deemed to have abandoned his/her job at which time employment might be terminated.
- C. Inability to come to work occurs when an employee is absent due to an extended, chronic physical/mental ailment or injury after sick, vacation, compensatory time, or other excused leave paid time off has been exhausted, or when an employee is unable to perform the essential job functions, with or without accommodation.
- D. Inability or unwillingness to perform assigned work satisfactorily is exemplified by:
1. Failure to follow routine written or verbal instructions.
  2. Insubordination.
  3. Arguing over assignments or instructions; or
  4. Negligent or improper conduct leading to damage to District owned or customer owned property; or
  5. An accumulation of deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.
- E. Indifference toward work is exemplified by, but is not limited to, the following violations:
1. Inattention, inefficiency, loafing, sleeping, carelessness, or negligence.
  2. Failure to remain at one's workstation, leaving work without permission, or taking excessive time or more time than allowed for eating or break

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

periods.

3. Performance of personal business.
4. Interference with the work of others; unnecessarily disrupting the work of other employees.
5. Discourteous or irresponsible treatment of the public or other employees.
6. Wearing improper attire or presenting an inappropriate personal appearance.
7. Failure to maintain and/or achieve required job standards (e.g., certification, licensing, etc.).
8. Unsatisfactory performance or conduct.
9. Engaging in personal business while on duty without authorization of their supervisor, including watching television, shopping, engaging in entertainment, etc. or
10. Violation of personnel policies and procedures.

F. Sabotage is exemplified by, but is not limited to, the following violations:

1. Negligent or improper conduct leading to damage to or destruction of District or customer owned equipment or property.
2. Defacing of District property.
3. Unauthorized alteration, removal, destruction, or disclosure of District records.
4. Advocacy of or participation in unlawful trespass or seizure of District property.
5. Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions.
6. Efforts to limit or restrict employees from working.
7. Refusal to cross picket lines.
8. Interference with the public use of or access to District services, property, and buildings; or
9. Threats to commit any act of sabotage as defined in this subparagraph.

G. Safety violations are exemplified by, but are not limited to, the following violations:

1. Failure to follow District or departmental safety rules and regulations.
2. Failure to follow appropriate safety practices or policies.
3. Failure to use required safety apparel.
4. Removal or circumvention of a safety device.
5. Lifting in an unsafe manner.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

6. Operation of vehicle or other equipment in an unsafe manner.
7. Smoking in a prohibited area.
8. Playing tricks or jokes or engaging in horseplay that adversely affects job performance or creates potential safety issues.
9. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence.
10. Failure to report to one's supervisor or an authorized substitute, an on-the-job injury, vehicle accident, or unsafe work condition involving a District employee within two (2) hours of its occurrence.
11. Failure of a supervisor with knowledge of the circumstances to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress.
12. Possession of dangerous or unauthorized material such as explosives on District premises or while on District business.
13. To have possession on any District property, or to transport in a motor vehicle, a "firearm," or any other weapon prohibited by law, while in the scope of employment.

A "firearm" is defined in Section 46.01, Texas Penal Code. "Possession" is defined in Section 1.07(39), Texas Penal Code. This subsection does not apply to an employee traveling out of town for the District in a personal vehicle.

H. Dishonesty is exemplified by, but is not limited to, the following violations:

1. Acceptance or solicitation of money or anything of value from a person subject to the regulatory decision or supervision of the employee or soliciting or accepting gratuities from customers or vendors.
2. Cheating, forging, or willful falsification of official District reports or records.
3. Abuse or misuse of paid time off benefits.
4. False reporting of the reason for paid time off; or
5. Lying, any act of untruthfulness, and any other falsifying action detrimental to the District or fellow employees.

I. Theft, regardless of item value is exemplified by, but is not limited to, the following violations:

1. Misappropriating, theft or conversion of District property or the property of others whether on or off work.
2. Unauthorized use of District or employees' funds.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

3. Using or authorizing the use of District equipment, property, supplies or employee services for other than official District business; or
  4. Using or authorizing the use of District equipment or employee services without proper authority.
- J. Insubordination is exemplified by, but is not limited to, the following violations:
1. Willful failure, or refusal, to follow the specific orders or instructions of a supervisor or higher authority provided that:
    - a. If the employee believes an instruction or order is improper, the employee should obey the instruction or order and file a written statement of concern later.
    - b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others or damage to District equipment, or reasonably believes the instruction or order if followed, will violate law carrying criminal penalties, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job; or
  2. Pursuit of a denied request to a higher authority without revealing a lower supervisory-level disposition.
  3. Failing to cooperate fully in an internal investigation in which he/she is the primary focus, or for which they are a witness or affected party.
- K. Abuse of drugs or alcohol, as defined herein, is exemplified by, but is not limited to, the following violations:
1. An employee is judged unable to perform duties in an effective and safe manner due to:
    - a. Ingestion, inhalation, or injection of intoxicants or a drug other than those lawfully prescribed; or
    - b. Ingestion of an alcoholic beverage and/or being under the influence of alcohol while at work.
    - c. An employee is under the influence of, manufactures, distributes, dispenses, possesses, or uses a drug without a legal prescription:
      - i. In the workplace.
      - ii. During working hours, including all breaks and meal breaks; or
      - iii. In a District vehicle.
  2. An employee is under the influence of, manufactures, distributes, dispenses, possesses, or uses an alcoholic beverage:
    - a. In the workplace.
    - b. During working hours, including all breaks and meal breaks; or

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- c. In a District vehicle.
3. An employee refuses to submit to a drug and/or alcohol test after it is required.
4. An employee tampers with, or attempts to tamper with, a drug and alcohol urine, breath or blood sample, or the drug and alcohol testing process.
5. An employee tests positive in a drug and alcohol urine, breath or blood test of a sample taken during working hours for the presence of drugs or alcohol at detectable levels without a reasonable explanation.
6. An employee is convicted of a criminal drug or alcohol statute violation and fails to notify his or her supervisor of said conviction, no later than three (3) days after such conviction.
7. An employee possesses drug paraphernalia in the workplace or a District facility, during working hours or in a District vehicle without a reasonable explanation; or
8. Violation of the District 's Drug and Alcohol Policy and procedures.

**NOTE:** In subparagraph (K) above:

"Drug" means a controlled substance, or a controlled substance analogue as defined in Section 481.002(5) and (6) of the Texas Health and Safety Code, marijuana and abusable glue and aerosol paint (inhalants) as defined in Section 485.001 of the Texas Health and Safety Code.

"Alcoholic beverage" means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

"Drug paraphernalia" means equipment, a product or material of any kind mentioned in Section 481.002(17) of the Texas Health and Safety Code.

- L. Disturbance is exemplified by, but is not limited to, the following violations:
  1. Fighting, bullying, or other boisterous conduct.
  2. Deliberately causing physical injury to another employee or citizen.
  3. Intimidation.
  4. Unnecessary disruption of the work area.
  5. Use of profane, abusive, threatening, loud and boisterous language, or gestures to/against another employee or the public while on duty or in a District vehicle.
  6. Spreading of false reports.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

7. Other disruption of the harmonious relations among employees or between employees and the public.
- M. Abuse of District property is exemplified by, but is not limited to, the following violations:
1. Negligent damage, or destruction of District equipment or property.
  2. Waste of materials or negligent loss of tools or materials.
  3. Improper maintenance of District equipment or property.
  4. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
  5. In addition to appropriate disciplinary action, damage caused intentionally or by gross negligence shall cause the employee to be responsible for the repair or replacement of any damaged item. Failure to reimburse the District will result in termination of employment.
- N. Disregard of public trust is any conduct which, on becoming public knowledge, could impair the public's confidence or trust in District government taking into consideration the nature of the conduct, whether committed during or after working hours and the duties of the employee. This ground for disciplinary action shall not include any conduct which is protected by law. This subsection may include the conviction of an employee of a criminal drug or alcohol statute violation for off the job conduct if the conviction adversely affects public trust in the District to carry out its responsibilities.
- O. Failure to report a violation is exemplified by but not limited to, failure to report to the proper authority any known violation described in Subparagraphs (F), (G), (H), (I), (K), (L), or if an employee has any doubt about a "proper authority," the employee should report the violation to his or her supervisor, Department Manager, or to the General Manager or designee.
- P. Violation of rules is exemplified by, but is not limited to, the following violation of rules:
1. District or departmental rules, regulations, policy or procedures.
  2. General orders, special orders, or the code of conduct of the District;  
or
- Q. Unauthorized use of information or authority is exemplified by, but is not limited to the following:
1. Unauthorized or improper use or disclosure of official information; or
  2. Unauthorized or improper use of official authority.
- R. Discrimination. Discrimination or harassment based on race, sex, religion, national origin, physical disability, or age or any other protected

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- characteristic will subject the perpetrator to disciplinary action, up to and including termination of employment.
- S. Sexual Harassment. Employees, Department Managers, supervisors, and others who violate the sexual harassment policy are subject to disciplinary action, including termination of employment. Any department or division Director, Manager, or Supervisor who receives a complaint of sexual harassment and fails to act pursuant to this policy is subject to disciplinary action, including termination of employment.
  - T. Confidential/Sensitive Information. It is District policy that all employees, as public servants, must be careful not to violate the trust of customers and the public. Except as properly authorized by the Public Information Act, it is the responsibility of all employees to maintain the confidentiality of official records, forms, data, and other information. It also is the responsibility of employees to refrain from sharing sensitive information as it might be contrary to good organizational operations. Information designated as confidential/sensitive shall not be discussed/disclosed to anyone outside the organization and shall be discussed within the organization only on a "need to know" basis. Employees are prohibited from attempting to obtain confidential/sensitive information for which they have not received authorization. Employees violating this policy shall be subject to discipline up to and including termination of employment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.01 Attendance and Work Hours

##### I. Regular Work Hours

- A. Non-exempt employees of the City normally work forty (40) hours in a seven-day work week. Exempt employees may be required to work in excess of forty (40) hours. The work week begins on Sunday and ends on Saturday. The regular workday normally is eight (8) hours. Workdays are subject to change based on need and General Manager approval.
- B. Adjustment to Work Hours. In order to assure the continuity of District services, it may be necessary for Department Managers, with the approval of the General Manager, to establish other operation hours for their departments.

##### II. Meal Periods

- A. Every effort will be made to ensure that all full-time employees receive a daily meal break during each shift. There may be instances, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.
- B. Full-time employees are normally provided a one (1) hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Manager in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period, without prior supervisor approval.

##### III. Rest Breaks

- A. Full-time employees may, depending on individual department work schedules and the discretion of their supervisor, take up to two (2), fifteen-minute, paid breaks each day, one during the first part of the workday and the other during the latter part of the workday.
- B. Rest breaks are considered a privilege and NOT a right and shall never interfere with proper performance of an employee's work responsibilities and department work schedules.
- C. Rest breaks must be taken at, near, or in route to or from work sites within the fifteen-minute limits or as outlined in departmental policies. Employees whose work sites and or work schedules do not permit opportunities to obtain food or beverages should plan ahead and take provisions with them to the work sites.

##### IV. Attendance and Punctuality

- A. Employees are expected to be at their workstations and ready to work at their scheduled start time. Non-exempt employees are required to record the number of hours worked each day, as well as the time they arrived at

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

1. All hourly employees will be required to utilize the appropriate time clock for their departments.
  2. If an employee must leave work for any reason other than their lunch hour, they must clock-out upon leaving and clock-in upon return. Prior to leaving, supervisor approval must be given.
  3. Frequent leave may be subject to review by the General Manager or designee and subject to disciplinary action.
- B. To maintain a safe and productive work environment, the District expects employees to be reliable and punctual in reporting to work.
1. Absenteeism and tardiness are disruptive and place a burden on the District and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. The employee must disclose to their supervisor the reason for the absence or tardiness and the date and time of their anticipated arrival or return.
  2. Employees shall notify their supervisors as far in advance as possible, generally one (1) hour prior to start of work, whenever they are unable to report for work, if they know they will be late, or if they must leave early. The employee should make the call. Calls from friends or relatives will be acceptable only if the employee is unable to communicate. The notice shall include a reason for the absence and a time the employee is expected to report for work.
  3. When the supervisor is unavailable, the employee shall notify the next person in their chain of command. When an employee knows in advance of an impending absence, they will request permission to be absent from their supervisor at least 24 hours in advance. The supervisor will evaluate the reason for the absence and decide whether the employee may or may not be excused.
  4. For absences of a day or more, the employee must personally notify their supervisor on each day of their absence unless the supervisor expressly waives this requirement.
  5. Employees shall be compensated during authorized absences in accordance with the policies contained herein. Failure to notify the District properly of any absence might result in loss of compensation during the absence and may be grounds for disciplinary action. When an employee is absent from work, it is important to follow the policies outlined in this policy handbook. Following policy allows the supervisor to plan accordingly. Excessive tardiness and poor attendance disrupt workflow and shall not be tolerated.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

C. In most instances, an employee who fails to properly notify their supervisor in advance of an absence or when they will be tardy will be subject to disciplinary action up to and including termination of employment.

1. Unexcused absences are unpaid time off and are subject to disciplinary action. An employee who fails to notify the District of an absence and is absent for a period of two (2) working days or shift will be presumed to have voluntarily resigned their employment. At that time, the District will formally note the resignation and advise the employee of the action by mail to the employee's last known address. Failure to report for scheduled modified duty, except during approved FML absence, shall be subject to disciplinary action, up to and including termination of employment.
2. Non-exempt employees who are delayed in reporting for work more than one (1) hour and who have not notified their supervisor of their expected tardiness might lose their right to work the balance of the workday. In addition, employees who report to work without proper equipment or in improper attire might not be permitted to work.
3. Unless authorized by their supervisor, non-exempt employees shall not be permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness or unauthorized absence.

D. Proof of Need for Absence

1. In the case of absenteeism, if the supervisor has reason to suspect abuse, he or she may require the employee to present satisfactory proof of the need for the employee's absence.

E. Non-exempt employees, who are assigned to office settings, shall obtain approval from their supervisor to leave the District premises during work hours. In addition, employees who are frequently away from the premises for business reasons should inform their supervisor of their whereabouts during work hours.



## 7.02 Harassment

### I. Purpose

All District employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. This means that each employee must be respectful of others and act professionally. District employees are prohibited from harassing anyone including citizens, vendors and third parties.

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

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

1. Examples of conduct prohibited by this directive include but are not limited to:

- a. Unwelcome sexual advances or repeated flirtations.
- b. Asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.
- c. Unwelcome conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement, etc.).

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

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### V. Workplace Bullying

- A. Workplace bullying is defined as systematic aggressive communication, manipulation of work, and acts aimed at humiliating or degrading one or more individuals that create an unhealthy and unprofessional power balance, result in psychological consequences for targets and witnesses of the behavior and cost enormous monetary damage to an organization's bottom line.
- B. Examples of bullying behaviors include but is not limited to Inappropriate gestures, excessive yelling, talking down to others, criticizing or point out mistakes to others in front of a group; social exclusion; treating some less favorably than others; withholding pertinent work-related information; gossiping or spreading rumors; any malicious behavior a reasonable person would find unprofessional, disturbing, and harmful to their psychological health.

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

VII. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

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

#### VIII. Procedures:

- A. Employee Responsibility - An employee who believes that a supervisor's, employee's or nonemployees' actions or words constitute sexual harassment or other unlawful harassment must report the situation to the General Manager or designee as soon as possible. If they are comfortable, an employee should try to resolve the issue by addressing it with the offending party.
- B. All employees have the responsibility to cooperate in the investigation of a harassment complaint. If you see/hear something, say something. Employees must contribute to achieving a work environment that does not tolerated harassment and bullying behavior at work.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### C. Supervisor Responsibility:

1. Each supervisor has the responsibility to maintain a workplace free of any form of unlawful harassment. The responsibility to maintain a workplace free of harassment includes a duty to report any instance of unlawful harassment including but not limited to sexual harassment through the chain of command or directly to the General Manager or designee. All complaints received by a supervisor must immediately be referred to the General Manager or designee.
2. Supervisors must use a great deal of discretion in their social relationships with other subordinates. This is to avoid compromising their ability to function as an impartial supervisor who can treat all employees fairly. Supervisors should avoid social relationships with their subordinates which may lead to an impression of partiality or bias.

D. Department Manager Responsibility - Management and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times. The Department Manager of the involved department will cooperate with any investigation. The Manager or designated representative may participate in the investigation if determined appropriate by the General Manager or designee.

E. Filing a Complaint - An employee must file a complaint in writing with a signature alleging harassment/bullying with the General Manager or designee. All harassment/discrimination complaints will be referred to the General Manager or designee for investigation. If the complaint is filed by or against the General Manager or designee, the designated staff member or representative will conduct the investigation and render a decision.

F. Investigation - The General Manager or designee, will contact the employee to obtain the facts of the alleged harassment. The General Manager or designee will conduct an investigation and render a written decision to the employee and appropriate management staff within a reasonable amount of time after meeting with the employee.

G. The General Manager and Department Manager will review the findings and consider any proposed action. If the investigation reveals that the complaint is valid, prompt disciplinary action, as approved by the appropriate individuals, will be taken. The immediate supervisor will ensure that the harassing conduct is immediately stopped.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

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- G. Confidentiality - All information concerning a harassment complaint will be treated as confidential, to the extent permitted by law. Content of a harassment complaint, whether verbal or written, will not be disclosed except as part of the investigative process, to those who have a need to know or as otherwise required by law.
- H. Appeal to the General Manager - If the employee is not satisfied with the decision of the designee, he/she may appeal the decision to the General Manager in writing within fifteen (15) working days of receipt of the decision. The General Manager or designee will review the investigation and render a decision. The decision of the General Manager completes the internal process for sexual harassment complaints.
- I. Prohibited Retaliation - No employee will retaliate against another employee who files a harassment complaint or cooperates with a harassment investigation. Any employee retaliating against another employee will be subject to disciplinary action, up to and including dismissal. Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.
- J. False/Frivolous Complaints – Complaints found to be fabricated, frivolous or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.
- K. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including, termination.

## 7.03 Political Activity

### I. Political Activity

District employees will not be appointed or retained on the basis of their political support or activities. The District encourages employees to participate in matters of responsible citizenship, and at the same time, is committed to providing a non-partisan work environment in which staff can responsibly carry out their duties without political coercion. District employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. District employees may not:

- A. Engage in political activity relating to a campaign for elective office while in uniform or on active duty.
- B. Publicly endorse or campaign in any manner for any person seeking elective office while in uniform or on active duty.
- C. Use their position or office to coerce political support from employees or citizens.
- D. Use their official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- E. Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the District Board or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express their opinions and to cast their vote.
- F. Use working hours or District property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- G. Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with District employment. An employee who contemplates seeking public office shall consult with the General Manager or designee prior to the filing of an application for the purposes of determining whether a conflict would exist.
- H. All employees of the District shall refrain from using their influence publicly in any way regarding any election where an issue or proposal involves only District employees.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.04 Drug and Alcohol Testing

##### I. Purpose

- A. It is the policy of the District to maintain a safe work environment by ensuring that District employees are not under the influence of alcohol or drugs during working hours. In accordance with the Drug Free Workplace Act, employees are prohibited from the possession, manufacture, distribution, dispensing, or use/misuse of illegal or illicit drugs and alcohol during working hours or being under the influence of such substances. In addition, legal drugs used illegally or inconsistent with prescription are included in the category of prohibited drug use. Violation of this policy is grounds for disciplinary action up to and including termination. Drug testing will be conducted randomly, for reasonable suspicion, after accidents or injuries, and prior to a transfer, promotion or demotion of employees as explained in the District 's policy.
- B. District employees whose positions require a Commercial Driver's License (CDL) or which fall under the DOT/FTA regulations are subject to drug and alcohol testing under this policy. If this policy conflicts with DOT or FTA regulations in any way, the DOT/FTA regulations will govern.

##### II. Prohibited Activities – The following acts are prohibited, and employees who commit any of these acts shall be subject to immediate termination of employment.

- A. Consumption of illegal drugs at any time.
- B. Abuse or misuse of prescriptive or over the counter (OTC) medications.
- C. Consumption of alcohol:
  - 1. While on duty, including hours worked, breaks and on-call.
  - 2. Four (4) hours or less prior to reporting to work.
  - 3. Eight (8) hours or less following an accident or until tested; or
  - 4. While wearing District apparel or uniforms.
- D. Operating a District vehicle or equipment or conducting District business while impaired by drugs or under the influence of alcohol.
- E. The use or possession of alcohol or illegal drugs in a District vehicle whether on or off duty.
- F. Unlawful manufacturing distributing, dispensing, possessing, or using controlled substances in the workplace.
- G. Employees when scheduled for "on-call" work, doing so while under the influence of alcohol or drugs, neither impaired nor under the influence of a controlled substance or alcohol.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- H. Employees who test positive or who refuse (or fail to cooperate) to be tested for a controlled substance or alcohol as directed by this policy.
- I. Job applicants who test positive for alcohol or a controlled substance, or who refuse (or fail to cooperate) to be tested for alcohol or controlled substances, will be ineligible for employment with the District and may not apply or be considered for any other District position for a minimum of six (6) months from testing date for non-safety-sensitive positions.

*Although there are no consequences under DOT regulations for a DOT-regulated employee to refuse a non-DOT, such refusal may result in termination of employment under the District 's general Drug and Alcohol policy.*

#### **III. Applicability**

- A. This policy applies to all employees and pre-employment finalists who are not otherwise subject to the drug and alcohol testing regulations of the U.S. Department of Transportation's (DOT) rule, 49 CFR Part 40.
- B. For each incident or event, before drug or alcohol testing occurs, a determination will first be made as to whether the DOT regulations apply to the employee and the situation. If the DOT regulations apply, then the Drug and Alcohol Testing for DOT employees takes precedence over this policy. If the DOT regulations do not apply, testing will be conducted according to this policy.

#### **IV. Definitions**

- A. Alcohol means ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.
- B. District Premises or Facilities means all property of the District (owned or leased), including but not limited to the following:
  - 1. Offices
  - 2. Buildings
  - 3. Equipment
  - 4. Vehicles
  - 5. Parking lots/garages
  - 6. Storage areas
  - 7. District premises also include any location where District employees may be performing contract services.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- C. Controlled Substance means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of it is illegal under any federal, state, or local law or regulation and includes, but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens and any other substances having either a stimulant or depressant effect on the central nervous system such as amphetamines or barbiturates. Also included in this definition are prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. All references to "drugs" throughout this policy mean the same as "controlled substance."
- D. Impaired means an employee's diminished capacity to perform any duties of the employee's job.
- E. Under the Influence means the amount of controlled substance into the employee's body or alcohol at/or above the blood alcohol concentration (BAC) limit of 0.02%.
- F. Medical Review Officer (MRO) means a licensed Doctor of Medicine or osteopathy who has knowledge of substance abuse disorders and who has the appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
- G. Motor Vehicle Accident means any incident involving a motor vehicle in which there is injury to a person or damage to a District vehicle, other vehicle, or property.
- H. Positive Test Result means the result reported by a laboratory indicating that an individual is under the influence of a controlled substance or alcohol.
- I. Reasonable Suspicion means a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. A reasonable suspicion situation is any situation in which an employee's job performance conflicts with established job standards relating to safety and efficiency. This may include accidents, near-accidents, erratic conduct suggestive of drug or alcohol use, boasting on social media sites of drug use, any unsafe performance behaviors and unexplained deviation from productivity. Reasonable suspicion may also include postings via social media which indicate or suggest the use of a controlled substance within 32 hours of reporting to work.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### V. Conditions Requiring Testing

##### A. Post Job Offer Policy

Pre-employment drug testing shall be required of application finalists who have otherwise completed the employment screening process and to whom a conditional job offer has been extended and accepted. Each offer of employment is contingent upon the applicant's passing a drug test, regardless of the position. Applicants who refuse to be tested, who fail to cooperate with the testing process, or who test positive for a controlled substance will be immediately disqualified and barred from employment for a minimum of the next six (6) months, depending on the applicable moratorium. Applicants shall be notified of this policy at the time of application.

##### B. Post-Accident Policy

Motor Vehicle Accident means any incident involving a motor vehicle in which there is injury to a person or damage to a District vehicle, other vehicle, or property and includes:

###### 1. Procedures

- a. Timeline - An employee subject to post-accident drug and alcohol testing should be tested as soon as possible following an accident, at least within two (2) hours of the accident if possible. Testing may be delayed for the employee to call for emergency assistance, render aid to others involved in the accident, or to receive medical attention for injuries resulting from the accident.
- b. Documentation/Authorization Consent - Prior to the employee reporting to the medical facility the supervisor shall call General Manager or designee for test authorization. The medical facility as identified shall maintain a list of District personnel who can authorize a drug and/or alcohol test and who can receive test results.
- c. Timely Testing and Failure to Test Timely - If an alcohol test (if authorized) is administered, it should be conducted within 8 hours of the accident. A drug test shall be administered within 32 hours of the accident. In the event that an alcohol test (if authorized) is not administered within 8 hours of the accident, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol due to that particular accident. In the event that a drug test is not administered within 32 hours of the accident, the supervisor shall document the reasons why the test was not administered;

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

there will be no further attempt to test for drugs due to that particular accident.

- d. Transportation to and from Test Collection Site -The employee should be transported to the collection site and back to the District's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the reasonable suspicion test result is negative, the District will reimburse the employee for the cost of the taxi ride home.
- e. Compensation and Leave - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, following the test they will return to work but will be prohibited from any driving assignments in a District or personal vehicle until results are received.
- f. District Vehicle - The driver of the District vehicle will be required to submit to post-accident drug/alcohol testing if the accident results in a fatality, outside medical attention is required for any party involved in the accident, if there is damage to the vehicle or property involved; and/or employee received a citation.
- g. After Hours Testing - If testing is necessary after regular business hours or on the weekend, the employee should be taken to the approved/contracted District testing site. Additionally, the supervisor should send an e-mail to the General Manager or designee the name of the employee tested, date and time.

#### C. Reasonable Suspicion Policy

Drug and/or alcohol testing shall be conducted whenever there is reasonable suspicion that an employee has engaged in any conduct prohibited under this policy. Reasonable suspicion shall be based on the specific, contemporaneous, articulated observations of the employee's supervisor concerning the appearance, behavior, speech, or body odors of the employee, which may include indications of the chronic and withdrawal effects of controlled substances or alcohol. Reasonable suspicion, as determined by the employee's supervisor, must be corroborated by the direct observations of another supervisor, prior to a request that the employee be tested. Testing must be authorized by the employee's Department Manager or designee, with the concurrence of the General Manager or designee.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 2. Procedures

- a. Timeline - An employee subject to reasonable suspicion drug and alcohol testing should be tested within two (2) hours from the time that authorization is obtained.
- b. Authorization and Consent - A request for testing due to reasonable suspicion must be initiated by the employee's supervisor, which shall be concurred upon by both the employee's supervisor and Department Manager or General Manager or designee.
- c. Scheduling
  - i. The supervisor will immediately notify the Department Manager when reasonable suspicion occurs. The manager or supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol. The Department Manager will notify the General Manager or designee for approval to proceed.
  - ii. The manager or supervisor shall hold a confidential meeting with the employee to discuss the reasonable suspicion and carefully note any explanations offered. The manager or supervisor shall also note any additional observations that may confirm the reasonable suspicion.
  - iii. Supervisors shall also notify the Department Manager when they have reasonable suspicion that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the District. After obtaining the Department Manager's approval, managers and supervisors may provide information to the Police Department regarding the possible possession.
- d. Transportation to and from Test Collection Site- The employee should be transported to the collection site and back to the District's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the alternative transportation arranged causes the employee to expend funds and the test result is negative, the District will reimburse the employee for the cost of the alternative transportation.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- e. Compensation and Leave - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, and if not otherwise engaging in disruptive or insubordinate conduct, following the test they will return to complete the workday in a non-sensitive position, if available.
- f. Failure to Test Timely - In the event that an alcohol test (if authorized) is not administered within 8 hours of the authorization to test, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol based on that particular event that created reasonable suspicion. In the event that a drug test is not administered within 32 hours of the event, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs based on that particular event that created reasonable suspicion.

#### E. Self-Disclosure

1. Employees may voluntarily self-disclose their need to seek medical attention for alcohol and/or drug dependence. At the time of self-disclosure, in accordance with the District 's leave policies, the employee will be relieved of their duties and placed on leave until the employee has completed the necessary treatment and provides the District with a note from the employee's treating physician that includes a return-to-work date and restrictions, if any.
2. The District complies with the Americans with Disabilities Act (ADA) and, upon the employee's return to work, the District will assist the employee in fulfilling his/her job duties, with or without reasonable accommodations. As a reasonable accommodation and in accordance with the ADA, employees in safety sensitive positions who return to work after self-disclosure of alcohol and/or drug dependence will be required to undergo periodic drug and/or alcohol testing for the subsequent six (6) month period. Employees in safety-sensitive positions are also subject to ongoing random testing for drugs and/or alcohol as provided by this policy.
3. If an employee self-discloses his/her need to seek medical attention for an alcohol and/or drug dependence after the employee has been (1) randomly selected to submit to a drug and alcohol test; (2) directed to submit to a post-accident drug and alcohol test; or (3) directed to submit to a drug and alcohol test after the District determines it has reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee is required to submit

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

to the drug and alcohol testing. Refusal to submit to drug and alcohol testing as directed under this policy is conduct subject to termination, as provided in this policy. Testing positive for alcohol or controlled substances will result in an adverse employment action, up to and including termination, subject to the provisions of the ADA.

4. Further, in accordance with the ADA, if at any time the District considers an employee to be a "current" drug user, after the employee has self-disclosed once, the District may take adverse employment action up to and including termination.

#### **VI. Prescribed Medications**

- A. Exceptions to this policy may be made for employees that appear to be impaired by medication taken according to a prescription legal in the State of Texas in the employee's name, obtained from a licensed physician and used in the manner prescribed. The District always reserves the right to judge the effect that a legal drug, including medications not requiring a prescription, may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly. The District also reserves the right to have a physician of its choice determine whether a medication at the prescribed or recommended dosage produces impairs or adversely affects the employee's work activity.

#### **VII. Prohibited Activities**

- A. Conduct That is Subject to Termination

Employees will be subject to immediate termination of employment for any violation of this policy, including but not limited to:

1. Being impaired by or under the influence of alcohol or controlled substances when reporting to work, while on duty, while operating a District vehicle and equipment or personal vehicle while conducting District business. The employee will be required to submit to a reasonable random or reasonable suspicion drug test at a District authorized testing facility.
2. Using, possessing, selling, purchasing, transferring, concealing, or transporting controlled substances anywhere on District premises at any time, whether on or off duty.

#### **VIII. Responsibilities**

- A. Managers/Supervisors

1. Consistent Enforcement

Managers and supervisors will request that an employee submits to a

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion, (see reasonable suspicion definition), that an employee is impaired by or under the influence of drugs or alcohol.

#### 2. Investigation of Reasonable Suspicion

a. When reasonable suspicion exists, managers and supervisors may request, as part of an investigation, that an employee removes any and all controlled substances from his/her being or in his/her possession. If an employee refuses to do so, the employee is refusing to participate in the investigation. Anytime an investigation reaches this stage the Department Manager, and General Manager or designee must be involved. Refusal by an employee to cooperate in an investigation is considered serious misconduct and may subject the employee to immediate dismissal from employment.

c. Managers and supervisors will not confiscate, without consent, prescription drugs or medications from an employee if the prescription is in the employee's name

#### B. Employees

Every District employee is to do the following:

1. Report to work during regularly scheduled hours or "on-call" not impaired by or under the influence of alcohol or controlled substances.
2. Not possess or use or have the odor of alcohol or drugs on their breath during working hours, breaks, meal periods, while on District property in an official capacity or while operating any District vehicle/equipment.
3. Report any motor vehicle/equipment accident immediately to the supervisor.
4. Not directly or through a third party sell or provide drugs or alcohol to any person or any other employee while either employee or both employees are on duty, or on-call.
5. Submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a supervisor.
6. At the beginning of the work shift, declare to the supervisor the use of any over the counter or prescription medication which may interfere with the safe and effective performance of their duties or the operation of District equipment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

7. Provide within twenty-four (24) hours of the request by the employer a current, valid prescription for any drug or medication identified when a drug screen/analysis is positive. If the prescription is not in the employee's name, the employee will be subject to discipline.
8. Report any suspicious behavior which may be indicative of the use of alcohol or controlled substances to their Supervisor.

#### **IX. Notification**

The District will notify each covered employee of this policy through New Hire enrollment where they will be provided with information that will guide them to the location of this policy. Each employee will acknowledge in writing the receipt and understanding of this policy.

The District will notify each employee of the results of random, reasonable cause and post-accident drug and alcohol tests when the test results are positive. The employee will also be advised what drug class was discovered and be removed from performing a safety-sensitive function.

#### **X. Confidentiality**

Laboratory reports or test results will be maintained by the General Manager or designee in a confidential medical file separate from the employees' official personnel file. The reports or test results may be disclosed to District management on a strictly need-to-know basis and to the tested employee/applicant upon request. Disclosures, without patient consent, may also occur when:

- A. The information is compelled by law or by the judicial or administrative process.
- B. The information has been placed at issue in a formal dispute between the District and the employee.
- C. The information is to be used in administering an employee benefit plan.
- D. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

#### **XI. Continuous call-back employees**

Employees subject to continuous emergency call-back are required to declare to their supervisors at the time they are called in the use of alcohol or controlled substances, including prescribed or over-the-counter medications that might affect their ability to perform under the emergency. The supervisor will determine if the employee is fit to work and in what capacity. However, if an accident occurs the employee will be tested. If the test indicates they were under the influence or impaired by a controlled substance or alcohol dismissal will occur.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### **XII. Bar from employment**

An applicant or employee who violates this policy or resigns in lieu of separation from employment due to a violation or suspected violation of this policy will be barred from employment with the District for a minimum period of six (6) months, depending on applicable departmental policy and employee's position at the time of the violation or alleged violation.

#### **XIII. Disclaimer**

The District reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees. Nothing in this Policy constitutes a contract of employment, implied or express, and nothing in this policy alters the at-will employment status of employees.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.05 Weapons

##### I. Purpose

The purpose of this policy is to establish the rules and procedures governing the carrying of handguns and firearms by District employees in the course and scope of their employment.

##### II. Scope:

This policy applies to all District employees. does not allow any job applicant, employee, contractor, subcontractor, vendor, agent or representative, or customer to possess, use, conceal, carry, or maintain a weapon on District premises unless authorized by and in accordance with State law.

##### III. Definition:

Weapon is defined as firearms, clubs, sharp and/or pointed objects, explosive or incendiary devices, and noxious, caustic, or toxic chemicals or any other object or substance that could be used by someone to inflict harm upon another.

##### IV. Premises:

District employees are prohibited from carrying or storing any unlawful or unauthorized weapons on or within any District property, including buildings, structures, or vehicles.

##### V. Intervention:

If the District has reasonable suspicion at any time that a weapon has been maintained, carried, or stored in violation of this policy, the District reserves the right to conduct a reasonable search of the person, work area, personal items or any District vehicle in the possession or subject to the control of such person to investigate whether or not a prohibited weapon is present.

**VI. Enforcement:** A violation of this policy or refusing to consent to a reasonable search conducted pursuant to this policy may result in adverse employment action, up to and including termination. Violations may also incur criminal penalties.

PERSONNEL POLICIES

Chapter 7 – Employee Conduct

---

**7.06 Workplace Violence**

The District strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents occur.

**I. Zero Tolerance**

Harassment, intimidation, threats threatening behavior, violent behavior, or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the District, whether the conduct occurs on or off duty, is strictly prohibited.

**II. Mandatory Reporting**

Every District employee shall immediately notify their supervisor, Department Manager, the General Manager or designee, and/or the Police Department of any prohibited weapon they observe while on District property.

**III. Protective Orders**

An employee, who applies for or obtains a protective or restraining order which lists District locations as being protected areas, shall immediately provide the General Manager or designee and the Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which has been granted, and a copy of any protective or restraining order which has been made permanent.

A District employee shall immediately advise their supervisor, their Department Manager, and the General Manager or designee of any protective or restraining issued against them.

**IV. Confidentiality**

To the extent possible, while accomplishing the purposes of this policy, the District shall respect the privacy of reporting employees and will treat information and reports confidentially. Such information shall be released or distributed only to appropriate law enforcement personnel, District management, and others on a need-to-know basis and as might otherwise be required by law.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### **V. District Property**

For purposes of this policy, District property includes, but is not limited to, owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots, surrounding areas, and facilities.

#### **VI. Documentation**

When appropriate, threats and incidents of violence and possession of dangerous weapons will be documented. Documentation shall be maintained by the General Manager or designee and/or the Police Department.

#### **VII. Policy Violations**

Violations of this policy might lead to disciplinary action, up to and including termination of employment. Policy violations also might result in arrest and prosecution.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### **7.07 Outside Employment**

Employees may not engage in any outside employment, including self-employment, determined by the General Manager (1) to be inconsistent or incompatible with employment with the District; or (2) to affect the employee's job performance adversely. An employee must have the advance approval of the General Manager to engage in any outside employment, including self-employment. If a District employee is injured on the job in the course of employment outside of his or her employment with the District, the employee cannot file a workers' compensation claim against the District for benefits related to the injury, regardless of the fact that the General Manager may have authorized the outside employment.

PERSONNEL POLICIES

Chapter 7 – Employee Conduct

---

**7.08 Tobacco and E-Cigarette Products**

**A. Purpose**

It is the intent of the District to provide a healthy work environment for its employees. Therefore, the District restricts the use of tobacco products in all District buildings, vehicles, and equipment and strives to develop a tobacco free environment.

**II. Eligibility**

This policy applies to all District employees while they are on duty, utilizing District vehicles or equipment, owned, or leased by the District, or in District facilities.

**III. Smoking**

All District owned, operated, leased, or managed buildings shall be smoke free. All District owned or operated vehicles shall be smoke free.

**IV. Smokeless Tobacco**

It is the policy of the District to restrict the use of smokeless tobacco by District employees. The use of smokeless tobacco is restricted in District buildings, District vehicles and equipment, or while employees are conducting District business with other employees, customers, contractors, and interacting with the public.

**V. Disposal**

An employee shall responsibly dispose of all waste products generated by his or her use of smokeless tobacco products. Smokeless tobacco should be disposed of properly, discretely and in a closed container. Though other provisions of this policy allow the use of smokeless tobacco products, a supervisor may prohibit the use of smokeless tobacco products in any area where employees fail to responsibly dispose of waste products generated by the use of smokeless tobacco products.

District employees who experience performance or personal difficulties while overcoming a nicotine addiction may seek help through the District 's Health Insurance Programs. Interested employees or supervisors may contact the General Manager or designee for assistance.

Any violation of this policy may result in disciplinary action in accordance with the District's policies.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.09 Solicitation and Acceptance of Gifts

##### I. Solicitation

Solicitation of funds or anything of value for any purpose whatsoever will not be permitted by District employees on the job. An employee is not required to make any contribution, nor may an individual be penalized in any way in connection with their employment according to their response to a solicitation. Any non-employee engaging in soliciting will be asked to leave the District premises.

##### II. Acceptance of Gifts

- A. Questions regarding acceptance of gifts should be channeled through the Department Manager. District employees shall not accept any form of a gift where it is evident that the purpose of the gift is to influence the outcome of District affairs.
- B. District employees shall not accept any gift valued at more than \$25.00 from any person who falls in the following categories:
  - 1. Persons or entities subject to inspection, license or permit issued by the District.
  - 2. Persons or entities that are seeking or who hold contracts, purchase orders or other business interests with the District.
  - 3. Persons or entities that have claims or litigation pending against the District, including legal counsel who represent the claimants or litigants.
  - 4. Persons or entities that stand to profit or receive an advantage from any District action.
- C. "Gift" is defined as any benefit received by an employee, including but not limited to goods, services, money, lodging, transportation, discount, rebate, or any form of compensation that can be considered an economic gain.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.10 Dress and Appearance

- I. The District desires to project a positive and professional image of employees representing the District. Employees are expected to dress in a conservative, professional manner that is appropriate to their position and to observe good grooming and personal hygiene habits. Presenting a positive image creates a favorable impression for the District, promotes confidence in the services the District provides, promotes respect among coworkers, and encourages higher working standards. This policy provides guidelines for appropriate appearance, uniform, and grooming.
- II. This policy applies to all employees (regular, temporary, and seasonal) at all times. Due to differing jobs within the District, several different dress standards are necessary. An employee who is in doubt as to which dress standard applies, should contact their supervisor.
- III. The following provides guidance to aid in interpreting this policy:
  - A. Casual Dress:
    1. The casual shirt may be either an oxford and/or a golf shirt or a professional blouse to wear as part of the accepted casual attire. District logo shirts may be worn with style approval by the General Manager and in accordance with District branding documents. Shirts purchased by employees may be worn at their discretion unless otherwise directed by his/her Department Manager. Jeans are also permissible casual dress attire and may be worn at employee discretion unless otherwise directed by the employee's Department Manager.
    2. Casual does not mean sloppy. Clothing should be clean, wrinkle free and without holes and frays. Tank tops, shorts, t-shirts, tennis shoes, combat boots, and other clothes or accessories that are revealing, disruptive, or generally better suited for the gym, beach ball game, or even a trendy club are not acceptable office attire.
    3. Tennis shoes may be worn only on Fridays or in the event the position requires on-going physical labor or working in a dirty environment.
    4. When in doubt, leave it out. The intent of casual wear is to make employees feel more comfortable yet project a positive image. If there is even the slightest question about suitability of one's attire or accessories, it should not be worn to work.
    5. On occasion employees making presentations to the District Board or other groups of like stature are expected to dress in business casual.
      - a. Business casual dress is designed to allow employees maximum comfort at work, while at the same time allowing for an appearance standard that is higher than that of casual dress

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

appearance.

6. Supervisors shall periodically review their employees' attire to ensure that required standards are met and that deficiencies are detected and corrected. Each supervisor is responsible for ensuring that their employees

#### B. Grooming and Hygiene:

Each employee shall maintain personal hygiene, grooming, and general appearance that is neat, clean, professional, reflective of the District's philosophy of pride and professionalism, and commensurate with accepted general business practices. Such grooming standards prohibit exotic, ostentatious, gaudy, or other similarly unprofessional appearances. Examples include, but are not necessarily limited to, spiked hair, Mohawk, visible body piercing (except earrings), obscene or offensive tattoos, unkempt or unclean hair, lack of personal hygiene, or scraggly facial hair. Exceptions to grooming standards will be considered on the basis of legitimate personal or religious standards. Facial hair shall be kept clean and neatly trimmed. Nothing in this policy shall prohibit a supervisor from restricting clothing or other personal grooming attributes that might create a safety hazard based on the employee's job duties.

#### C. Accessories:

Clothing shall not be an advertisement or endorsement. Logos or insignias, such as the District logo, small manufacturing logo/names, or small non-ostentatious wording, signs, or symbols are acceptable. Extreme or outrageous color schemes or other accessories, accouterments, or designs deemed by a supervisor or higher authority to be inappropriate or objectionable should not be worn. Employees shall wear undergarments. Except for the exposed front of T-shirts worn with an open collar, all undergarments shall be worn in a manner concealed by outer clothing. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair. Thong sandals or "flip-flops" are never allowed.

#### D. Uniforms:

1. The District supplies some employees with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The District will provide replacements when necessary. Uniforms must be clean and neat. District uniforms will not be used outside of work, for personal use, or by a third party.
2. The District will provide replacements when necessary. Uniforms must be clean and neat. District uniforms will not be used outside of work, for personal use, or by a third party. When the employee terminates employment with the District, uniforms and other District equipment must be returned in good condition before the final check is authorized.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

The employee will agree in writing to allow a payroll deduction to cover the cost of lost or damaged District property and unreturned uniforms from the employee's final paycheck prior to deduction.

#### E. Return of Clothing upon Employment Termination:

An employee shall return all District purchased apparel or uniforms upon termination from District employment except in those cases when the Department Manager authorizes that the person retains selected clothing items that have been worn, do not contain any District identifiers, and are determined to have no value to the District.

#### F. Dress Code Exceptions:

Unusual circumstances as approved by the supervisor, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or unusual working hours or situations, may be sufficient reasons to grant an exception to the departmental dress code.

In all cases, the District will make the determination as to acceptable dress, appearance, and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department Manager or General Manager or designee. Employees in violation of this policy may be sent home. In such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. The employee is expected to return immediately to work. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.11 Vehicle Use

##### I. Purpose

The purpose of this policy is to establish the rules and procedures governing the assignment, use and reporting requirements of District vehicles including take-home vehicles. This policy will implement both federal and state mandated regulations and District policy and procedures. District owned vehicles shall be operated in compliance with all applicable state, and local laws and ordinances.

##### II. Eligibility

The Department Manager may recommend a take-home vehicle for an employee if the following criteria are met:

1. The employee is "on-call" and has an assigned vehicle; or
2. The General Manager has given approval.

##### III. Definitions

- A. Take-Home Vehicle - is any vehicle that is owned, leased or otherwise under the care, custody or control of the District and is taken from the District premises after normal working hours to remain in "home storage" overnight for the use of a District employee or authorized representative for a bona fide District purpose. Take-home vehicles are either assigned to an employee by the General Manager or used by employees for on-call purposes.
- B. Bona fide District Purpose - A bona fide District purpose is conducting official District business only.
- C. Personal Use - Personal use is not allowed while the operator is on-call. Family members and non-District employees are not allowed in a District take-home vehicle. Any exceptions to this policy must be approved by the Department Manager and General Manager. The transportation of non-District employees, as approved per policy, is allowed if the transport would lead to increased effectiveness and efficiency of the department.
- D. Exempt Vehicles - According to Federal guidelines and for purposes of tax calculation only, certain vehicles and equipment, particularly utility service vehicles (normally not to include pickup trucks or vans), designated by Federal law are exempt for the purpose of increased tax liability. This exemption means that the taxable income of the employee assigned to one of these vehicles will not be affected.
- E. Home Storage - is defined as a vehicle kept at the employee's residence. Vehicles may be parked in the streets if unable to park in a driveway, and employees must avoid situations that would give rise to a legitimate complaint from neighbors, such as blocking streets, driveways, alleys, etc.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- F. Non-Exempt Vehicles - According to Federal guidelines and for purposes of tax calculation only, all other vehicles of the District that do not meet the criteria to be exempt vehicles are classified as "non-exempt." These non-exempt vehicles normally include pickup trucks and vans. By "non-exempt" the Federal government means that a tax liability will be incurred by the employee to whom the use of the vehicle is assigned.
- G. Hand-held devices - Include but are not limited to cell phones without a hands-free device, tablets, radios, and navigation tools.
- H. Tax Liability-An employee who has a non-exempt, assigned take home vehicle will have an assessment of \$3.00 per day and it will be added to their taxable income for each day of use. The assessed amount is added to the employee's taxable income only for the purpose of calculating the tax liability. The employee assigned the use of a non-exempt take home vehicle will be responsible for the tax on the assessed amount.
- I. Assignment of Take-Home Vehicles - Employees that are to be assigned a take-home vehicle, whether for daily use or an on-call basis, must be recommended by the Department Manager and approved by the General Manager.

#### **IV. General Provisions**

- A. District vehicles are to be used for conducting official District business. The District reserves the right to search those vehicles at any time, for any purpose. Employees have no expectation of privacy in District vehicles.
- B. The operation of District take-home vehicles by non-employees is not allowed.
- C. All precautions shall be taken to ensure the safety and security of District Vehicles. This includes, but is not limited to, locking all doors and/or compartments and properly parking vehicles in accordance with applicable laws and ordinances.
- D. Employees authorized to take a vehicle home must drive the vehicle to and from work by the most direct route, without any deviation. The location of home storage for a District vehicle shall be approved by the General Manager.
- E. Use of the District vehicle for going to and from lunch shall be restricted within two (2) miles of the District limits.
- F. Carpooling to and from work and home in a District vehicle is not allowed without the approval of the General Manager.
- G. If an accident occurs while taking a vehicle home, the employee and his/her supervisor shall report the accident to their Department Manager immediately. A drug and/or alcohol test will then be administered as described in the District's Alcohol/Drug Policy.
- H. District employees involved in accidents while not in the "course and scope of employment" are responsible for all liabilities arising from the accident.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- I. Employees and supervisors who fail to comply with the requirements of this policy will be subject to disciplinary action as described in the District's policies.
  - J. Employees may not use tobacco, e-cigarette, vaping, drugs, alcohol, or other controlled substances while operating any District Vehicle.
  - K. District employees may not use hand-held devices while operating a District Vehicle unless legally and safely parked. This includes, but is not limited to, answering, or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages and text messages.
  - L. District employees may use accessories or vehicle-based equipment which allows for a hand-held device to be operated hands-free for voice calls only, so the driver may be able to maintain the use of both hands to control the vehicle. Vehicle operators are still required to use good judgment when using hands-free equipment so as not to be distracted from maintaining control of the vehicle.
  - M. Department Managers shall be authorized to restrict the use of hands-free usage based on the operational needs of the Department or because of the vehicle size.
- V. Fuel Use**
- A. The Department Manager shall make the decision as to who is eligible to use a fuel card, and who will be eligible to fuel equipment and shall be responsible for card requests, transfers, replacements, and cancellations of fuel cards. All employee transfers or terminations shall be reported immediately to Finance.
  - B. Appropriate use of the fuel card program is to fuel only District owned or leased equipment and only for District business purposes. The cardholder is responsible for appropriate use of fuel and the input of correct data at the fuel site. Any misappropriation of the fuel card program will subject employees to disciplinary action up to and including employment termination and shall not exclude criminal prosecution.
  - C. The Finance Manager shall be responsible for monitoring fuel use, fuel invoices, and reports. Irregular or questionable transactions must be rectified immediately.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.12 Vehicle Equipment Operating Standards

##### I. Purpose

To establish a policy covering minimum standards for the qualification of employees and applicants to operate District Vehicles/Equipment. Furthermore, to minimize the risk of vehicle/equipment accidents by improving the quality of drivers by permitting only those persons with appropriate licenses and acceptable driving records to operate District vehicles/equipment.

##### II. Procedures

All District employees' driver's license, as well as the employee's driving record, will be reviewed annually by the General Manager or designee through the appropriate agency.

##### III. Definitions

1. District Vehicles shall mean any owned, leased, and/or rented passenger car, pickup, truck, or other similar type vehicles as defined by the Texas Motor Vehicle Law.
2. District Equipment shall include, but not be limited to, backhoes, excavators, jettors, trailers, and other similar equipment.
3. A habitual violator is a person who has four (3) moving violations within any consecutive twelve (12) month period.
4. A moving violation for the purpose of this policy are the same as defined in the Texas Motor Vehicle Law (Examples: speeding, running stop sign or signal, failure to yield, etc.)
5. A chargeable accident is any accident reported on a Motor Vehicle Record (MVR) unless specifically stated as "not at fault" or "no fault" in the report.

##### IV. Applicability

This directive shall apply to:

1. District employees driving District owned, leased and/or motorized equipment.
2. District employees receiving mileage reimbursement for use of the employee's personal vehicle while conducting District business; and
3. Applicants for positions which require the operation of District vehicles and/or equipment.
4. District employees covered under this directive shall upon its effective date be subject to these standards. All applicants, who are finalists for positions which require the operation of a District vehicle/equipment, or will be eligible for a or mileage

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

reimbursement, shall have their Motor Vehicle Driving Records (MVR) audited prior to being hired.

#### **IV. Criteria for Application of Formal Levels of Discipline**

In recognition of the fact that each disciplinary instance may differ, the District retains the right to treat each disciplinary occurrence on an individual basis and without creating a precedent for other cases that may arise in the future. The following criteria may be considered, as appropriate, in determining action to be taken.

- A. Severity and type of violation(s).
- B. Impact of the violation(s) on other employees and/or customers of the District.
- C. Employee's length of service and previous work record.
- D. Period since previous coaching or discipline.
- E. Disciplinary actions taken by the District with other employees for similar violations(s).

#### **V. Guidelines**

The District shall require all employees driving District Vehicles/Equipment, or employees driving personal vehicles to conduct District business, to have the appropriate driver's license as required by the District and/or State of Texas.

Failure to meet the qualifications/standards listed below shall be grounds for the suspensions of the employee's driving privileges and subject an employee to the provisions of this directive.

Employees who drive, or applicants who would be required to drive District Vehicles and/or operate covered Motorized Equipment, during their employment shall be required to meet and uphold certain standards. The following minimum qualifications/standards shall constitute conditions of eligibility for driving/operating privileges:

- A. The employee/applicant must hold and maintain a current valid Texas driver's license in the appropriate class for his/her position held, or applied for, before beginning work in the position requiring the license.
- B. The employee/applicant must have attained the age of eighteen (18) years of age in order to be eligible to operate District vehicles and/or operate motorized equipment under this policy.
- C. The employee/applicant must be physically qualified to hold a driver's license and to safely operate a motor vehicle and/or motorized equipment.
- D. The employee/applicant must be insurable under the District's automobile insurance program as determined by the insurance underwriters.
- E. The employee/applicant may not be a habitual violator of traffic laws as defined by the Texas Motor Vehicle Laws.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

In addition to the above criteria the District has established guidelines which shall be used to evaluate employee and applicant driving records. A Motor Vehicle Record (MVR) will be requested on all applicants, current District employees who are being considered for promotion or transfer, and at least on an annual basis on all employees required to drive/operate vehicles/equipment in the course and scope of their employment. Each employee/applicant must also meet the minimum driving criteria as outlined below:

#### VI. Evaluation Criteria

Applicants for positions requiring the operation of District Vehicles/Equipment, **SHALL NOT** be eligible for hire if:

- A. The applicant's driver's license is currently under suspension or revocation.
- B. Within the past three (3) years, the applicant has been arrested for or convicted of:
  1. Driving Under the Influence, (DUI).
  2. Driving While Intoxicated, (DWI).
  3. Any other alcohol-related driving offense.
  4. A "Hit and Run"
  5. "Failure to stop, render aid, and disclose I.D. as the scene of an accident"; and/or
  6. Negligent Manslaughter involving a motor vehicle accident.
- C. The applicant's driving record contains any of the following that have occurred within the last two (2) years:
  1. Three (3) moving violations; or
  2. Two (2) moving violations **and** one (1) chargeable vehicle accident; or
  3. Two (2) chargeable vehicle accidents.

**NOTE: All vehicle accidents listed on the driving record shall be considered chargeable" unless otherwise stated on the record or unless the applicant can provide immediate evidence to show that the accident was non-chargeable.**

Employees in positions requiring them to drive District Vehicles/Equipment **SHALL NOT** be eligible to operate such vehicles; and employees receiving mileage reimbursement **SHALL NOT** be eligible for such payments if:

- A. The employee's license is suspended or revoked.
- B. Within the past three (3) years, the employee has been convicted of:

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

1. Driving Under the Influence, (DUI).
2. Driving While Intoxicated, (DWI).
3. Any other alcohol-related driving offense.
4. A "Hit and run".
5. "Failure to stop, render aid, and disclose I.D. at the scene of an accident"; and/or
6. Negligent Manslaughter involving a motor vehicle accident.

Action under this section of the directive is predicated on evidence of CONVICTION. An employee who has been charged with an offense listed under this section, but who has not been convicted shall not be automatically disqualified from all driving and/or operating privileges. Pleading "no contest" or the like is the same as a conviction.

EXCEPTION: Certain departments may immediately, upon arrest for and while awaiting the outcome of a charge under this section, remove an employee from driving privileges. Within these departments the employee will be placed on unpaid Administrative Leave until such time as the outcome of the charge has been determined. Departments wishing to utilize this provision must be able to justify the need to, and receive approval from, the General Manager.

Should the charge result in conviction, (even if probated), the affected employee shall be ineligible for driving/operating privileges.

- A. The employee's record contains any of the following that have occurred within the last two (2) years:
  1. Three (3) moving violations; or
  2. Two (2) moving violations and one (1) chargeable vehicle accident; or
  3. Two (2) chargeable vehicle accidents.
  
- B. Employees who are in jobs requiring the driving/operating of District owned/leased vehicles or who use a personal vehicle while conducting District business shall report:
  1. Any traffic convictions to their supervisor immediately.
  2. All accidents incurred on the job, to their supervisor immediately.

NOTE: Failure to report traffic convictions and accidents, as outlined above, will be sufficient grounds for removal from driving and may subject the employee to action in accordance with District policy.



**VII. Post Eligibility Determination Guideline**

Employees who are required to operate District Vehicles/Equipment and are determined to be ineligible to drive due to their driving record may be separated from employment. Employees who are terminated due to poor driving records may be eligible for re-hire after achieving an acceptable driving record.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.13 Property and Equipment Use

##### I. Equipment

- A. The District may issue various types of equipment and other property to employees such as credit cards, keys, tools, laptops, cell phone, etc. This equipment and property are for use while on District business only unless otherwise approved by the District Board or the General Manager. Employees are responsible for items issued to them by the District as well as items otherwise in their possession or control or used by them in the performance of their duties. It is expected that employees will follow the policies set out relating to the use of District property at all times.
- B. It is the employee's responsibility to ensure all equipment issued to him/her is properly maintained. If repair is warranted, the employee is to contact their supervisor and make the necessary steps to have the equipment/property repaired. Failure to properly maintain property/equipment shall lead to disciplinary action up to and including termination of employment. All equipment is to be accounted for in a manner that befits normal use and storage, such as inventories, engraving, and the like. For items valued in excess of \$500, excluding automobiles, a departmental representative should be contacted to take digital photographs for the files.
- C. Missing equipment shall be reported to the appropriate supervisor.
- D. Operators of all motorized equipment used in the service of the District, who become involved in any accident, may be subjected to disciplinary action up to and including termination of employment if, upon investigation, it is determined that the employee is responsible for such action or through carelessness, recklessness, or negligence contributed to the cause of such accident.
- E. Employees' use of District equipment/property does not limit the District 's right to search said areas. The District has the right to search, for legitimate business purposes, District owned/leased vehicles, equipment, desks, file cabinets, and anything else owned and/or leased on behalf of the District. Employees shall have no expectation of privacy regarding any property owned by and/or leased on behalf of the District.

## 7.14 Employee Identification

- I. All District employees are issued an Employee Identification Badge with photo when they are hired. New employees receive their Employee Identification Badge during New Employee Orientation. Contractors who will be working on site as well as temporary seasonal and less than part-time employees will also be issued identification badges.
- II. The employee Identification Badge is District property and can only be used for identification purposes and for employee access to District buildings. Cards cannot be used for obtaining privileges, or for any personal reasons, without the approval of the employee's Department Manager. Misuse of the identification cards will be grounds for disciplinary action up to and including termination. Access to secure locations must be approved by the General Manager.
- III. Employees wearing a department issued uniform are not required to wear an Employee Identification Badge but must have the badge in their possession.
- IV. If an employee loses his/her identification badge, the employee should immediately contact the General Manager or designee so that the card can be deactivated. Employees will be responsible for the replacement costs if they lose their card. Cards damaged by normal use will be replaced at no cost to the employee.
- V. **Surrender of Identification Card Upon Termination**

Employees will surrender their identification cards upon termination of employment. The General Manager or designee shall be responsible for collecting and deactivating the employee's identification card.

PERSONNEL POLICIES

Chapter 7 – Employee Conduct

---

**7.15 Technology and Social Media**

**I. Statement of Purpose**

This policy outlines the appropriate use of all electronic and telephonic communication systems, including, but not limited to, computers, telephones, the internet, e-mail, voice mail, pagers and all communications and information transmitted by, received from, or stored in District owned or leased systems.

**II. Scope:**

This policy applies to employees, contractors, consultants, temporary employees, and other workers for the District, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the District.

**III. Policy:**

A. All news releases by District employees will be approved prior to their release by the General Manager or designee. The Public Information Officer for the District will be the General Manager or designee. Only the General Manager or their designee is authorized to respond to information about the District that is posted to sites not maintained by the District.

B. District Property. All Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, telephone equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP are the property of the District and as such are to be used for purposes related to an individual's job with the District, subject to exceptions noted below. For security and network maintenance purposes, authorized individuals within the District may monitor equipment, systems, and network traffic, including but not limited to network accounts providing electronic mail, at any time. The District reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

1. The District shall not be liable for users' inappropriate use of electronic communication resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. The District shall not be responsible for ensuring the accuracy, age, appropriateness, or usability of any information found on electronic resources, including the Internet.

2. The District's system is provided on an "as-is, as available" basis. The District does not make any warranties, whether express or implied, including, without limitation, those of fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The District uses a variety of

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

vendor supplied hardware and software. Therefore, the District does not warrant that the functions or services performed by, or that the information or software contained on the system will meet the system user's requirements. Neither does the District warrant that the system will be uninterrupted or error-free, nor that defects will be corrected.

3. Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third-party individuals in the system are those of the providers and not necessarily the District. The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District's electronic communications system.
- C. **Personal Use. Do not expect privacy.** The District allows incidental and occasional personal use of the communication systems covered by this directive provided that such use does not adversely affect District business uses and/or productivity and does not involve unlawful or unprofessional activities. The District may access, read, monitor, etc., any communication if it chooses to do so. Incidental and occasional personal use of the systems is allowed during non-working hours (before work, during lunch and after normal working hours) only to the extent such use: 1) imposes no tangible cost on the District; 2) does not unduly burden the District's computer or network resources; and 3) has no adverse effect on an employee's job performance. When an emergency requires an employee to make or receive personal calls during business hours, every attempt should be made to limit the calls to five (5) minutes. District communication systems including email shall not be used to conduct personal business. Ethical behavior of government employees and the appropriate use of government resources apply to the use of electronic communications and computer systems supplied by the District.
- D. **Permission to Photograph.** Employees agreeing to this handbook give consent to the District to record, videotape and photograph their image and voice to be used in the following ways, but not limited to these outlined ways; company intranet accessible by employees only, company internet accessible via the World Wide Web by anyone, printed employee newsletter, emailed employee newsletter, printed client or customer newsletter, social media accounts maintained by the District or District Departments, printed annual reports, open records requests and other released and internal technologies utilized by the District. Employees understand that no special compensation will be provided to them for the use of their image and that they may or may not be informed in advance or at all in the specific use of their photos, recordings, images, videotapes, audio recordings or any other form of media used by the District.
- E. **Personal Bills Incurred.** Should an employee incur any charges on the phone system, computer system or the Internet, he/she must have advance permission and must reimburse the District for those charges

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- within 30 days of when the fee was charged. Any fees not reimbursed will be deducted from an employee's monthly compensation and/or final paycheck from the District.
- G. Security and Confidential Information. User accounts are not to be shared. Passwords must be kept secure and adhere to the District Password Policy. All systems, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by locking the system when the host will be left unattended. Postings by an employee from a District email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the District, unless posting is during business duties. All hosts used by the employee that are connected to the District Internet/Intranet/Extranet, whether owned by the employee or the District, shall be continually executing approved virus-scanning software with a current virus database unless granted an exception by information technology support. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code. The Department Manager should monitor departmental use of the Internet and e-mail, and he/she may revoke an employee's access to such systems at any time.
- H. Privacy and Open Records. An employee does not have a privacy right in any matter created, received, or sent via District-owned or leased systems. The District reserves the right, without advance notice and at any time, to monitor, access, delete or disclose any messages or documents created, received, sent, or stored via the District-owned or leased systems. The District is subject to open records requests and any information on a District computer may be subject to the right of discovery through the Texas Public Information Act.
- I. Program Installation. All programs installed on computers must be fully licensed for that computer. No personal or downloaded programs are to be installed unless granted an exception by Information Technology support.
- IV. Internet and E-mail Usage:** The District's presence on social networking outlets will be administered by the General Manager or designee.
- A. Discrimination and Harassment. Use of the internet is a revocable privilege and may be withdrawn if used inappropriately. Creating, sending, forwarding, or storing Internet or e-mail messages or documents (including, but not limited to, e-mail message signature lines, sayings and quotations) which are offensive, intimidating, harassing, disparaging or hostile on the basis of race, gender, color, religion, national origin, disability, age political beliefs, pregnancy or any legally protected status is grounds for disciplinary

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

action, up to and including termination. The District does not allow connections to sites that contain sexually explicit material. Use of such sites on District owned or leased equipment may lead to disciplinary action, up to and including termination.

- B. Open Records and Privacy. Electronic messaging systems as well as other computer systems are subject to the right of discovery in legal actions brought against the District and through the Texas Public Information Act. This means that outside parties may have access to the information stored on the District's systems, and as a result, such information may become public knowledge through no action of the District. Additionally, each employee should assume that every Internet site that is visited would capture his/her electronic address, which can lead back to the District.
- C. Unacceptable Use. The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of the District authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing District resources. The lists below are by no means exhaustive but constitute an attempt to provide a framework for activities which fall into the category of unacceptable use.
- D. While posting on social media employees need to be careful not to post anything that will bring a negative light, disparage the District or have a negative effect on the District's operations or reputation.

#### **V. System and Network Activities:**

- A. The following activities are strictly prohibited, with no exceptions:
  - 1. Violations of the rights of any person or District protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the District.
  - 2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the District or the end user does not have an active license is strictly prohibited.
  - 3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
  - 4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
  6. Using a District computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
  7. Making fraudulent offers of products, items, or services originating from any District account.
  8. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
  9. Port scanning or security scanning is expressly prohibited unless prior approval from the Information Technology support is received.
  10. Executing any form of network monitoring which will intercept data not intended for the employee's host unless this activity is a part of the employee's normal job/duty.
  11. Circumventing user authentication or security of any host, network, or account.
  12. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
  13. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
  14. Providing information about, or lists of, District employees to parties outside the District.
  15. Submitting, publishing, or displaying any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages, whether public or private.
  16. Using the network for financial gain or for commercial activity.
  17. Personal communication denigrating your employer, "cyber-smearing," or "cyber-bullying" of other employees.
- B. Email and Communication Activities:
1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

2. Any form of harassment via email, telephone, or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters," "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within District networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by District or connected via District network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
8. Attempting to read, delete, copy, or modify the electronic mail of other system users, deliberate interference with the ability of other system users to send/receive electronic mail, or the use of another person's user ID and/or password is prohibited.

#### C. Blogging:

1. Blogging by employees, whether using District property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of District systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate District policy, is not detrimental to the District's best interests, and does not interfere with an employee's regular work duties. Blogging from District systems is also subject to monitoring at any time.
2. District employees are prohibited from revealing any District confidential or proprietary information when engaged in blogging.
3. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of the District and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by District policies.
4. Employees may also not attribute personal statements, opinions or beliefs about the District when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly, or implicitly, represent themselves as an employee or representative of District. Employees assume all risk associated with blogging.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export-controlled materials, District trademarks, logos and any other District intellectual property may also not be used in connection with any blogging activity.

#### **VI. Illegal Activities:**

- A. Employee use of the District owned or leased electronic and telephonic communication systems, including telephones, the Internet, e-mail, voice mail, and pagers must comply with all other Administrative Directives of the District and any established departmental policies. Illegal activities discovered by monitoring or auditing activities may be brought to the attention of the appropriate governmental agency or other persons.
- B. Improper or unethical use may result in disciplinary actions consistent with District policies and procedures and, if appropriate, the Texas Penal Code, Computer Crimes, Chapter 33, or other state and federal laws. This may also require restitution for costs associated with system restoration, hardware, or software costs.

#### **VII. Enforcement:**

Access to the District's electronic communications system is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to comply with such regulations and guidelines. Noncompliance with applicable regulations may result in suspension or termination of privileges and other disciplinary action consistent with District policies. Violations of law may result in criminal prosecution as well as disciplinary action by the District, up to and including termination of employment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### VIII. Definitions

Term	Definition
Blogging	Writing a blog. A blog (short for weblog) is a personal online journal that is frequently updated and intended for general public consumption.
Spam	Unauthorized and/or unsolicited electronic mass mailings
Host	A machine that communicates via a network, includes servers and clients.
Ponzi	A fraudulent investment operation that involves paying abnormally high returns ("profits") to investors out of the money paid in by subsequent investors, rather than from net revenues generated by any real business.
Trojan Horse	A program that installs malicious software while under the guise of doing something else.
Worm	A program that replicates itself over a network and usually performs malicious actions.
E-mail Bomb	Sending huge volumes of e-mail to an address in an attempt to overflow the mailbox or overwhelm the server.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.16 Travel and Meetings

This section establishes District policy regulating travel, meetings, entertainment, personal care, mileage, and/or other expenses incurred by employee who are authorized to officially represent the District at various conferences, meetings, conventions, seminars, and other functions.

This policy provides uniform guidelines and procedures for submission and processing of expenditure requests and ensures proper accounting for approved allowable expenses, including travel advances, per diem meals, and incidentals, District credit card charges, and cash expenditures made for the purposes herein defined on behalf of the District.

This policy is applicable to all District employees regardless of the source of funding.

##### I. Responsibilities

- A. The Department Managers are responsible for communicating and administering the provisions of this policy to employees and approving expenses as legitimate business items. Non-exempt employees are compensated in accordance with prevailing Wage and Hour Laws.
- B. The Finance Manager is responsible for the overall administration of expenditures regarding this policy. Department Managers are responsible for monitoring the travel and meeting expenses of their employees.
- C. The Finance Manager, Department Managers and all employees shall have the responsibility to report any abuse and/or misuse of travel funds to appropriate management.

##### II. Expenses

- A. Expenses shall consist of the actual costs that a reasonable, prudent person incurs related to travel and meeting attendance, excluding per diems. All expenses must be directly related to District business.
- B. Employees are expected to be conservative in their expenditures as if they were paying such costs.
- C. The expenses shall be rejected if required documentation is not provided. Original, detailed receipts must be turned in on all reimbursable expenditures with exception of tips, per diem meals, and incidentals. Per Diem includes the cost of meals, tips, and incidentals. Documentation is a service-provided name or logo- printed receipt, where available. Expenses incurred ***not*** in accordance with this policy are the employee's responsibility.
- D. Allowable Living Expenses. Actual living expenses, within specified limits, may be claimed by all District employees when they are representing the District of official business that requires an overnight stay away from the District. Living expenses include such items as hotel room, tips, parking, ground transportation, and itemized telephone calls.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- E. Hotels/Motels. The District will pay for local hotels greater than 40 miles away or if there early/late meetings as part of the function. The District will pay actual expenses for hotels, motels, or other lodging for the actual number of days of the conference or other meetings, plus allowance for travel time. The District will pay for a single room. Lodging per night will not exceed actual room cost plus tax and tips.
1. Where not provided for free, the District will pay reasonable Internet service costs where the Internet is used for District business.
  2. Employees may claim actual parking expenses.
  3. Employees may claim reasonable, actual ground transportation expenses including shuttle, taxis, and Uber services.
  4. Tips and gratuities are allowed and are considered reasonable when paid at the rate of 15% of the meal cost and \$1.00 per piece of luggage, except when traveling under per diem.
  5. The District will not pay or reimburse registration fees, meals, and travel expenses of spouses, children or significant others who accompany employees to conferences of other business-related events.
  6. The District will not pay or reimburse registration fees, meals, and travel expenses, or cancellation fees or penalties assessed for personal reasons unless emergency in nature.
- F. Meals - When officially representing the District that requires an overnight stay.
1. Per Diem should be requested two weeks prior to the trip date.
  2. Per Diem rates may be found at: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). The District will use the first and last day amounts, which equal 75% of the full day amount. All other days are paid at 100%.
    - a. Employees may use their District issued credit card to pay for registration, transportation, and hotel stay. All receipts must be detailed.
    - b. Where meals are provided at conferences and included in the registration fee, reimbursements or per diem shall not be allowed. A continental breakfast consisting of pastries and coffee/juice is not considered a meal.
    - c. In instances where a per diem advance was made and the trip was not taken, the employee shall return the funds to the Finance Department for credit to the proper fund.
  3. **Day Travel** – Defined as travel that does not require an overnight stay, whether in-State or Out-of-State. The District will not reimburse employees and a purchasing card should never be utilized.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

Compensation for such meals is considered, by the Federal Government, to be taxable income to the employee. It is the responsibility of the employee to provide for his/her own meal if attending training that does not require an overnight stay.

4. **Business Meal/Entertainment-** Business meals are for executive level employees or their designees to conduct official business with an outside business representative. Business meals are not applicable to a group of employees going out to eat. To be a reimbursable "Business Meal" the meal must be one that is: (1) 'non-routine' in nature, (2) is entertainment that has a clear business objective which will benefit the District, or (3) involves a client, official or customer and an executive level employee or their designee.

- a. In addition, to be a reimbursable "Business Meal" the meal must fall within one of the following tests:

- i. Directly Related Test: The meal must satisfy all of the following:

- 1) The main purpose of the combined business and meal is active conduct of business.
- 2) Business is actually conducted during the meal period, and
- 3) There is more than a general expectation of deriving income to the District, lowering District expenses, or some other specific District benefit at some future time.

- ii. Associated Test: The meal must satisfy all of the following:

- 1) Associated with the active conduct of the District's business; and
- 2) Directly before or after a substantial business discussion.

NOTE: Expenses that are lavish or extravagant under the circumstances are not allowed. The IRS identifies online *What Entertainment Expenses Are Not Deductible*. An employee must consider all the facts, including the nature of the business transacted and the reasons for conducting business during the entertainment. It is not necessary to devote more time to business than to entertainment. However, if the business discussion is only incidental to the entertainment, the entertainment expenses do not meet the directly related test. Approved Business Meal expenses, including the expenses of non-employees at the meal, will be reimbursed, provided the circumstances are conducive to a business purpose, and the meal meets all the criteria stated. The District will not reimburse expenses for alcoholic beverages.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

5. **Group Meals** - In order to be reimbursable, Group Meals are considered to be occasional, infrequent and non-routine meals that are provided to a group of employees, such as employee picnics or retirement parties, and are considered by the IRS to be a non-taxable de-minimis fringe benefit. Group meals may also include such things as occasional provision of coffee, donuts, or soft drinks or a meal that is provided to promote good will, boost morale, or to attract prospective employees to the District.
  - a. To be a reimbursable expense or charged on a purchasing card, the costs related to Group Meals must be approved by a Department Manager. A separate document will be required in processing "Group Meals" in the Finance Department to meet IRS requirements. Group Meals should never occur during overnight travel as per diem per employee has been provided. An employee will need to provide a detailed receipt, names of all individuals in attendance, and a reason for the group meal.
  - b. The only meals allowed on a purchasing card is a Group Meal or Business Meal. No other meals, snacks or drinks are allowed on your purchasing card. The District will not reimburse expenses for alcoholic beverages.
- G. Other Living Expenses - The cost of alcoholic beverages, laundry/dry cleaning, in- room movies, personal tours, fitness center fees, personal entertainment, and spouse and other family expenses are specifically excluded from reimbursement.
- H. Transportation Expenses - Employees will use the most economical form of transportation available. When submitting reports, employees shall submit the completed comparison of the available modes of transportation for review.
  1. Other Transportation - When requesting air transportation, the employee shall request the least expensive cost. The employee may choose to travel first-class, but the District will pay only for coach class. Accommodations must be booked in a timely manner to ensure coach class is available. Up charges (first class, business class) must be reimbursed at the time of the expense.
  2. Vehicle Transportation - Employees may use their personal funds and keep receipts for reimbursement, employees may seek an advance or use a District credit card. Employees also may use a personal car for travel. Actual mileage shall be calculated in miles from the worksite or residence depending on where he/she depart from, to the destination. Any other mileage is considered as part of the normal commute to work. The District shall reimburse the lesser of (1) actual mileage to and from the destination multiplied by the current IRS rate per mile, or (2) the round trip cost of the most reasonable alternative conveyance

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

such as airfare that would be spent for each employee traveling to the destination in the vehicle.

3. District Vehicles - District vehicles may be used at the discretion of the Department Manager when costs are not in excess of the costs of airfare and site transportation combined or when air transportation is not available or impractical. Direct expenses such as gasoline associated with the use of a District vehicle shall be paid with the assigned vehicle fuel card.

#### III. Expense Reports

All employees must get prior approval from their Department Manager.

- A. A per diem advance form should be used to request per diem and resubmitted with all expenses upon return to balance out travel expenses.
- B. When it becomes necessary that an employee travel in the interest of the District, the Department Manager may request a travel advance. This request may be made on the Travel Advance/Expense Report and should contain the name of the traveler, purpose of the trip, date(s), and other pertinent information. This request should be prepared and submitted at the earliest practical time, but preferably no later than fourteen (14) full working days prior to departure.
- C. The Department Manager's request for travel advances requires prior approval by the General Manager. Others require prior approval of their Department Manager. If approved, the request will be sent directly to the Finance Manager no later than seven (7) full working days prior to departure.

#### IV. Paid Time

- A. Attendance at lectures, meetings, training programs, and similar activities will be counted as working time unless all four (4) of the following criteria are met:
  1. It is outside normal working hours.
  2. It is voluntary.
  3. It is not job related, and
  4. There is no other work that is concurrently performed.
- B. Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on non-working days. Time that is NOT considered work time is that time spent in travel away from home outside regular working hours as a passenger on an airplane, train, boat, bus, or automobile.



### 7.17 Employee Arrest

- I. In the case of an arrest of a District employee, the following procedure shall be followed:
  - A. Employees shall ensure his/her supervisor is notified within 24 hours of the arrest and prior to returning to work.
  - B. Upon notification of the employee's arrest, the Department Manager shall notify the General Manager or designee and General Manager.
  - C. If an employee fails to contact his/her supervisor, corrective disciplinary action and/or termination of employment will occur.
- II. Employees, who are unable to report to work because of arrest or incarceration, must nonetheless contact their supervisor and will be placed on unpaid leave of absence for up to two (2) workdays/shifts. If an employee is unable to secure bail after two (2) workdays/shifts, the employee shall be considered to have abandoned his/her position. If the employee is freed on bail, his/her Department Manager, the General Manager or designee, and the General Manager will decide whether or not active employment is appropriate pending final disposition of the charges.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

#### 7.18 Fraud Policy

The District's fraud policy was established to facilitate the development of controls which will aid in the detection and prevention of fraud for Trophy Club Municipal Utility District No. 1 (the "District"). It is the intent of the District to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

- I. **SCOPE** - This policy applies to any fraud, or suspected fraud, involving employees, Directors, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the District. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the District.
  
- II. **GENERAL** - Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. No employee is to comment to or speak with the media regarding suspected fraud unless expressly authorized to do so by the General Manager or the Board of Directors. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her deceit.
  - A. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.
  - B. Any fraud that is detected or suspected must be reported immediately to the General Manager, who coordinates all investigations with the Board of Directors and Legal Counsel and other affected areas, both internal and external.
  - C. In cases of suspected fraud by the General Manager, a complaint should be given directly to the President of the Board.
  - D. In cases of suspected fraud by a member of the Board of Directors, a complaint should be given to the General Manager who will report directly to District's legal counsel.
  
- III. **ACTIONS CONSTITUTING FRAUD** - The terms defalcation, misappropriation, and other fiscal wrongdoings refer to, but are not limited to:
  1. Any dishonest or fraudulent act.
  2. Forgery or alteration of any document or account belonging to or representing the District.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

3. Forgery or alteration of a check, bank draft, or any other financial document.
4. Misappropriation of funds, securities, supplies, or other assets.
5. Impropriety in the handling or reporting of money or financial transactions.
6. Profiteering as a result of insider knowledge of District activities.
7. Disclosing confidential and proprietary information to outside parties.
8. Disclosing to other persons securities activities engaged in or contemplated by the District.
9. Accepting or seeking anything of material value from contractors, vendors, or persons providing services and/or materials to the District. Exception: Gifts less than \$25 in value.
10. Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; and/or
11. Any similar or related inappropriate conduct.

- IV. INVESTIGATION RESPONSIBILITIES** - The General Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy unless he/she is suspected of fraud. In such case, the Board of Directors shall have the primary responsibility for investigation. If there is an investigation of suspected fraudulent activities, the General Manager will issue a report to the Board of Directors. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the Board of Directors as will final decisions on disposition of the case.

Every employee of the District is required to report any suspicion of fraud to their immediate supervisor or any member of District management including the General Manager. Failure to report may result in disciplinary action up to and including termination.

- V. CONFIDENTIALITY-** The District treats all information received confidentially to the extent allowed by law. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct.

- VI. AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD** - Members of the Investigation Unit will have:

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

1. Free and unrestricted access to all District records and premises, whether owned or rented.
2. The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on District premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

**VII. REPORTING PROCEDURES** - Great care must be taken in the investigation of suspected improprieties or wrongdoings to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

1. An employee who discovers or suspects fraudulent activity will contact the General Manager immediately, unless the suspected fraud involves the General Manager, in which case the President of the Board should be contacted.
2. Any employee who suspects dishonest or fraudulent activity will notify the General Manager immediately and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act.
3. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to Legal Counsel through the General Manager.
4. No information concerning the status of an investigation will be provided without expressed authorization.
5. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.
6. The reporting individual should be informed of the following:
  - a. Do not contact the suspected individual in an effort to determine facts or demand restitution.
  - b. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Board of Directors, General Manager, or Legal Counsel.

**VIII. DISCIPLINARY REVIEW MEETING**

It is the policy of the District to give individual employees an opportunity for a hearing regarding severe disciplinary actions. Disciplinary review hearings are designed to be heard according to prescribed guidelines as set forth in the

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

following procedures. The disciplinary review hearing process is designed to afford the employee a responsive forum; however, nothing in this policy shall be construed as a grant to any employee of a property right in tenured public employment. All employees are employed strictly on an at-will basis.

#### IX. General Disciplinary Review Meeting Information:

- A. An employee who has received discipline in excess of a written warning/written reprimand may request a meeting with the next level supervisor. In cases of suspensions four (4) days or greater or termination, the meeting will be with the General Manager or designee.
- B. All requests for disciplinary review hearings must be filed with the General Manager or designee within five (5) working days after receiving notification of an action taken. The request must explain why they do not agree with the action taken and what they recommend as an alternative action. All decisions rendered in response to disciplinary review hearings must be in writing to the employee.
- C. An employee who requests a disciplinary review hearing must inform the General Manager or designee in writing of their correct mailing address and telephone number. Failure to provide current mailing address and telephone information may result in administrative closure of the disciplinary review hearing.
- D. The employee will meet with the General Manager or designee deciding the issue within ten (10) working days of the employee's request unless an extension is agreed upon by the parties.  
Upon conclusion of the meeting the General Manager or designee hearing will have five (5) days wherein to make a decision.
- E. For issues involving suspension without pay of three (3) or fewer days, the General Manager or designee will be the final arbiter. For suspensions without pay or four (4) or more days or termination of employment, the General Manager will be the final arbiter.

- X. **GRIEVANCE PROCESS** - The District recognizes that every employee has the right to be treated fairly in matters arising from employment; that each employee should have the opportunity to be heard fully any time his or her right to fair treatment has been violated; and that a carefully designed grievance process can help to reduce personnel dissatisfaction, increase morale, identify problems in the organization and increase the positive perception employees have of their employment. Therefore, whenever any employee believes that he/she has been treated unfairly with regard to the terms and conditions of his/her employment, he/she may initiate proceedings as specified in this policy in order to resolve those matters.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

It is the policy of the District, insofar as possible, to prevent the occurrence of grievances and deal promptly with those which occur. A grievance may be filed by an employee on one or more of the following grounds:

1. Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves).
2. Unfair treatment.
3. Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin.
4. Improper application of fringe benefits.
5. Improper working conditions.

A temporary employee may express a grievance orally or in writing to his or her supervisor who will hear the grievance and attempt to resolve it. The supervisor's decision is final unless the matter relates to alleged harassment or discrimination, which is governed by Section 2.28 D below.

#### **XI. CONDITIONS AND LIMITATIONS**

- A. The grievance procedures set forth in this policy are applicable only to regular employees.
- B. The District retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees.
- C. The scope of the employee grievance must:
  1. Clearly define the situation in question through a written allegation of the specific wrongful act or situation, the harm done and the facts upon which it is based.
  2. Arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the employee's employment relationship.
  3. Define a matter within the control of the District; and,
  4. State such relief sought that is within the power of the District to grant.

#### **XII. GRIEVANCE PROCEDURE** - The grievance procedure consists of three steps for appeal, each of which must be utilized in turn.

- A. Step One - Immediate supervisor. An employee who believes that elements of his/her working environment are unsatisfactory and can be made more effective shall take the following measures:
  1. Discuss the specific problem with his/her immediate supervisor. A problem that results from a specific event or action must be presented

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- within seven business days. The supervisor must meet with the employee within ten business days of employee's request. The supervisor's decision regarding the matter shall be rendered in writing to the employee within seven business days following the conference.
2. If the problem cannot be resolved through the conference and/or the employee wishes to document the grievance for further action, he/she may submit a formal written grievance to the Human Resources Manager within seven business days after receipt of supervisor's response.
- B. Step Two – General Manager or designee. Grievances submitted to General Manager or designee shall be in writing. The grievance must:
1. Be submitted within 7 business days following receipt of supervisor's response.
  2. Include a copy of the immediate supervisor's decision and justification.
  3. Specify the employee's grievance and the specific remedy requested.
  4. Provide a reason why the response received by the employee is unacceptable.
  5. The General Manager or designee shall review the documentation and determine if the supervisor's decision shall stand. The General Manager or designee's decision shall be provided in writing to the employee by the tenth business day after receipt.
- C. Step Three - General Manager. If the matter is not satisfactorily resolved in step two, the problem may be presented in writing to the General Manager, together with a copy of all the preceding responses, within seven business days following the response from designated staff. The General Manager shall meet with the affected employee. The General Manager will provide a written response to the grievance by the tenth (10<sup>th</sup>) business day after meeting with the employee. The General Manager's decision is final.
- D. Written Responses to Grievances - Written responses to grievances shall include the following:
1. Notation of the time, date and person who received the grievance.
  2. Analysis of the facts or allegations in the grievance.
  3. Affirmation or denial of the allegations.
  4. Identification of the remedies or adjustments, if any, to be made.
- E. Time Limits - If a grievance is not processed by the aggrieved employee within the specified time limits provided in this policy, the grievance shall be considered void. If the District fails to process a grievance within the time limits specified; the employee may initiate action by proceeding to the next step. However, employees are encouraged to make a reasonable attempt to determine the reason for the delay.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 7 – Employee Conduct

---

- F. Time Extensions - All times specified in this procedure are subject to scheduled vacations, sick leave, or other authorized leave necessary for the proper conduct of the District's business. Additionally, involved parties may request one extension not to exceed seven days by providing written notice to the other parties prior to the expiration of the time limit established for that step.
- G. Withdrawal of Grievance - At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process.
- H. Coordination of Grievance Procedures - The General Manager or designee shall coordinate grievance procedures as established within these guidelines. He/she shall also be responsible for maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and submitting a summary report to the General Manager. The General Manager's decision is final unless the allegation is against the General Manager; in which case the employee may appeal to the District Secretary who will refer the grievance to the Board of Directors.
- I. To maintain a safe and productive work environment, the District expects employees to be reliable and punctual in reporting to work. Any absenteeism or tardiness is disruptive and place a burden on the District and on co-workers. Either may lead to disciplinary action, up to and including termination of employment.
- J. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify their supervisor at least one (1) hour in advance of the anticipated tardiness or absence; more notice may be required in accordance with individual departmental procedures.
- K. The employee must disclose to their supervisor the reason for the absence or tardiness and the date and time of their anticipated arrival.
- L. For absences of one day or more, the employee must personally notify their supervisor on each day of their absence. For absences of three (3) or more days the employee's supervisor must notify the General Manager no later than the third day of absence in order to properly administrate the Family and Medical Leave Act (FMLA) procedures as covered in this policy manual. FMLA leave is to be considered if an employee is out more than three (3) days.

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered absent without leave, which constitutes abandonment of duties and shall not be in pay status for the time involved. Absence for two (2) consecutive days without prior notification or without satisfactory reason shall be considered job abandonment and designated as a resignation without proper notice.



## 8.00 General Safety and Risk Management

### I. General Safety Policies

- A. The success of the District's Safety and Risk Management Program depends on the efficient and effective use of resources to maintain high quality services for our customers. Our most important resource is our employees; and to protect this resource, we are committed to providing a safe and healthy workplace for all employees by establishing and maintaining an effective safety, accident prevention and overall risk management program. Safety is, and will continue to be, a fundamental part of our organization's operations.
- B. The responsibility for safety limiting risk resides within all employees, and each is challenged to stay informed and to take responsibility for their own safety and the safety of their coworkers. To ensure the success of the safety process, every employee must give their full participation and support to the safety and risk management policies and procedures that have been developed to protect employees.

### II. Responsibilities

- A. The General Manager or designee and Department Managers have the responsibility to implement and administer this Safety/Risk Management Program and assign tasks as defined in the individual components.
- B. Department Managers are responsible for providing a place of employment that is free from hazards that could result in injuries or accidents. Since it is impossible for managers to personally observe all employee activities, they must ensure that all supervisors and employees alike are trained and are aware of their safety responsibilities. Other safety responsibilities for managers include the following:
  - 1. Provide leadership and direction concerning safety/risk management activities.
  - 2. Be proactive in continuous evaluation of the safety/risk management program.
  - 3. Set goals concerning safety performance/risk management within their department.
  - 4. Review losses for potential trends on a regular basis.
  - 5. Enforce all safety/risk management rules.
  - 6. Participate in facility and worksite safety/risk management audits.
  - 7. Participate and support all accident investigation activities.
  - 8. Review accident reports and recommend corrective actions.

#### C. Supervisor Safety Responsibilities

Safety is as much a part of the supervisor's responsibility as is getting the job done efficiently. In addition to the responsibilities of managers, the important safety/risk management responsibilities of each and every supervisor also include the following:

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

1. Familiarize themselves with, and enforcing, 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 all regulations must be enforced as minimum safety/risk management requirements for all activities on District worksites and in District facilities.
2. Correct, or have corrected, all reported hazards. Operating under known hazards shall not be tolerated.
3. Do not permit new or inexperienced employees to work with power tools, machinery or complex equipment without proper instruction and training.
4. Give adequate safety instructions. Do not assume that an employee knows how to do a job unless knowledgeable in safety rules and regulations that they can perform the job task(s).
5. Ensure tools, equipment, and machinery being used in the workplace are in proper working condition.
6. Ensure that proper personal protective equipment (PPE) is available and used by employees when necessary and required.
7. Always set a good example in safety such as wearing the proper personal protective equipment and following established safety policies and procedures.
8. Consistently and proactively enforce all requirements of the District's safety program and all associated rules and policies.
9. Ensure that all employees have access to a copy of the District's safety policies.
10. Encourage safety/risk management suggestions from employees.
11. Obtain prompt first aid for injured employees.
12. Participate in accident or incident investigations.
13. Conduct audits of all work areas and facilities on a regular basis to improve housekeeping, eliminate unsafe conditions and encourage safe work practices.

#### D. Employee Safety Responsibilities

1. Know the job, follow instructions, and think before they act.
2. Use appropriate personal protective equipment as dictated by the job and the policy.
3. Work according to written safety practices as trained, posted, instructed, and/or discussed.
4. Refrain from any unsafe act that might endanger them, fellow workers, or the public.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

5. Never take shortcuts and use all safety devices provided for protection.
6. Report any unsafe situation or act to their supervisor immediately.
7. Assume responsibility for thoughtless or deliberate acts that may cause injury to them, or fellow workers, or the public.
8. Never operate equipment that they are unfamiliar with or not trained/licensed to use.
9. Report all accidents/incidents to their supervisor immediately.
10. Report all hazardous conditions, actions, and/or practices to their supervisor.
11. Work areas, including the inside and outside of vehicles and buildings, shall always be kept clean and orderly.
12. Employees shall only operate equipment/tools that they are trained and authorized to operate.
13. Employees shall use all safety devices and personal protective equipment provided for their protection.
14. Employees shall use assisted lifting devices or obtain assistance from a coworker when lifting heavy objects.
15. Before starting work on any machine or equipment that is out of service, employees shall render the equipment or machine inoperable and attach a lockout device to the equipment control. Guards shall never be removed except when authorized to make repairs or adjustments. Replace guard immediately upon completion of work.
16. Employees shall not engage in practical jokes or horseplay.
17. During work hours, personal telephones should only be used for high-priority personal communication and not for mere casual use. If a phone is to be used for work in a vehicle, the vehicle should be safely stopped, preferably off the road, and placed in park prior to receiving or placing a call.

### III. Risk Management

- A. The goal of Risk Management is to limit injury or damage to persons, employees, and property within the District. The mission is to reduce the liability to the District in the form of safeguarding the public and employees from claims against the District that can be prevented by effective policies.
- B. All Department Managers are responsible for developing and implementing risk management policies specific to their function, including but not limited to safety clothing and equipment, footwear, hard hats, gloves, eye and ear protection, safety vests and the like. All employees are required to follow risk management policies and attend safety meetings as required.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

- C. Supervisors shall follow all safety rules and advise those whom they supervise of all such rules per their particular function. Supervisors shall observe employees' actions for safety and advise them accordingly.
- D. Violation of any of the above policies may result in disciplinary action in accordance with established District policy.

## 8.01 District Vehicle Operator Standards

### I. District-Owned and District-Leased Vehicles

- A. The operator of a District-owned or District-leased vehicle shall take the following actions when involved in an accident whether or not on District-related business:
1. Stop immediately.
  2. Telephone for an ambulance if anyone appears to be in the need of emergency medical service.
  3. Keep the accident from becoming worse by warning other drivers.
  4. Render reasonable assistance to injured persons.
  5. Notify law enforcement and the employee's department immediately by telephone. If injured, the supervisor must be notified.
  6. A collision with another vehicle regardless of the damage severity or location.
  7. A collision with other property, telephone pole, guardrail, tree, and the like, regardless of the owner.
  8. A collision that requires a vehicle to be towed.
  9. A collision that causes injury to any party to the accident.
  10. Make no admission of fault or negligence to anyone. Do not apologize or say "sorry." Be courteous, but do not discuss the accident except with the Police and do not sign any statements or releases for anyone other than medical processing required by the District.
  11. Exchange name and address with drivers of other vehicles involved, and obtain the name phone, and policy numbers of the other driver's insurance company.
  12. If possible, the employee should take photographs showing visible damage to all vehicles and the position of the vehicles.
  13. Move vehicles to the nearest point of safety when necessary or as instructed by a law enforcement officer.
  14. Complete a Motor Vehicle Accident Report immediately, and file it with the General Manager or designee.
- B. The supervisor/manager shall take the following actions when their employee is involved in an accident in a District-owned vehicle:
1. Upon receiving notice of an accident, the employee's supervisor/manager shall contact General Manager or designee as soon as possible and advise them of the accident and all known details.
  2. Comply with the District's Drug and Alcohol Policy.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

3. It shall be the direct responsibility of the supervisor/manager in charge of the employee to see that a Motor Vehicle Accident Report is immediately prepared concerning the accident.
4. All accident reports shall be submitted to the General Manager or designee as soon as possible after the accident, but no later than the next business day.

#### **II. Vehicles Owned by Employees**

At times, employees will use personally owned vehicles on District business. If an accident should occur while on District business, employees shall adhere to the following:

1. It is the employee's responsibility to notify their insurance carrier.
2. The District does not provide insurance for damage to personally owned vehicles. The mileage reimbursement payment is to provide a contribution toward the employee's operating cost of his/her vehicle, insurance, repairs, gasoline, etc. Any damage to a personally owned vehicle is the employee's responsibility to correct.
3. If citations of any type are issued, report them to the General Manager or designee.

#### **III. Employee Injuries**

Any injury incurred by an employee driving on District business shall be treated as worker's compensation, and the guidelines for workers' compensation/post-accident testing shall be followed.

#### **IV. Consequences of Failure to Promptly Report**

Delay in reporting an accident shall result in corrective action, up to and including employment termination.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### 8.02 On the Job Injury/Worker's Compensation

##### I. Definitions

- A. "Course and Scope" of Employment as defined by the Texas Workers' Compensation Act means "an activity of any kind or character that has to do with and originated in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in/about the furtherance of the affairs or business of the employer." The term includes activities conducted on the premises of the employer or at other locations.
- B. Job-related Illness, Injury, or Medical Condition Illness which occurred as the result of the employee performing the assigned duties of their occupation within the course and scope of employment.
- C. Maximum medical improvement is defined as follows, whichever comes first:
  - 1. 104 weeks from the date disability benefits begin to accrue.
  - 2. The date a doctor certifies that, based on reasonable medical probability, the injured employee can no longer reasonably anticipate further recovery or lasting improvement from a compensable injury.
- D. Modified Duty Assignment is temporary assignment of an employee with a job-related illness, injury, or medical condition to duties that can be performed within the limitations of the employee's medical condition. Modified Duty Assignment, however, may be for as little as one (1) week and is based on actual need for the work to be done. Modified Duty Assignments are only for those employees with job-related illness, injuries, or medical conditions unless a part of an accommodation under the Americans with Disabilities Act, as amended (ADAAA).
- E. Workers' Compensation Benefits are temporary income benefits (TIBs) provided under the Texas Workers' Compensation Act starting on the eighth (8<sup>th</sup>) day of inability to work.

##### II. Medical Care

- A. Employees injured on the job shall be promptly taken to a first aid facility for any necessary medical treatment. The compensability of the injury shall be determined by the District workers' compensation's approved insurance carrier. Employees must be seen by an approved health care provider. For serious injuries, an employee shall use the nearest appropriate medical facility.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

- B. For policies concerning drug/alcohol testing, please refer to the District's Drug and Alcohol Policy. All employees involved in an on-the-job accident shall undergo drug and alcohol testing. Minor injuries include, but not limited to, small cuts, abrasions, bruises, insect bites, poison ivy, etc. The employee's supervisor is responsible for ensuring the testing follows the District's Drug and Alcohol Policy.
- C. Injured employees shall submit to medical treatment by their District-approved physician, and refusal to abide by their instructions might constitute a barrier to further medical expenditures and weekly salary continuation payments.

#### **III. Reporting Accidents/Injuries**

- A. Is it the responsibility of the employee's supervisor to ensure that they notify HR. HR is responsible appropriate reports are completed as soon as possible following an accident or injury. The supervisor must complete the Employee's First Report of Injury or Illness. The employee's report must be transmitted to the General Manager or designee no later than the end of the next business day following the accident or injury.
- B. Any violation of any of these policies by an employee may result in possible delay of treatment as well as disciplinary action, up to and including termination of employment.

#### **IV. Employee Responsibility**

- A. It is the employee's responsibility to immediately advise their supervisor of all scheduled appointments pertaining to medical treatment of a work-related injury prior to the appointment. Following each appointment, the employee is charged with the responsibility to provide their supervisor and General Manager or designee with a copy of the Texas Workers' Compensation Work Status Report, DWC73, within 24 hours after the appointment. Injured employees shall make their best effort to recuperate from injuries and not engage in any activity that would hinder recovery.
- B. When an employee's injury results in an unpaid time off status, it is the employee's responsibility to contact the General Manager or designee in order to make arrangements to pay their portion of any voluntary deductions, e.g., dependent health and/or dental coverage, supplemental life insurance, etc. Failure to make payment within 30 days of the due date shall result in cancellation of those unpaid coverages.
- C. An employee on unpaid time off has the option to maintain their pension service credit by contributing to their retirement fund while receiving TIBs. The employee must coordinate this with the General Manager or designee and/or Finance Manager prior to the start of their unpaid time off status.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### **V. Outside Employment**

An employee on FML, Sick/Vacation leave, disability leave, or Workers' Compensation leave shall not engage in outside training, school, or employment unless expressly authorized in writing in advance by the General Manager.

#### **VI. Accidents Caused by Non-Employees**

If an employee is injured because of the negligence or wrong doing of a third party, not another District employee, the District is entitled to subrogate to the employee's right of recovery against the third party to the extent of all payments made to the employee by the District for such related injuries. The District shall have the right of first recovery against any payments made by, or on behalf of, such third parties to the employee to the extent that such payments are in compensation for an element of injury that the District has already paid.

#### **VII. Modified Duty**

In some cases, regular, full-time employees who have missed work due to an injury sustained on the job are unable to return directly to the duties that they previously performed. In such cases, employees may be assigned to modified duty positions pending return to their previous employment positions if such modified duty is available and if judged by the attending physician to be within the abilities of the employee. Modified duty assignments will not be appropriate for all employees who have suffered a job-related injury. Such assignments shall be made on a case-by-case basis where appropriate for the benefit of the District and the employee. If available, modified duty assignments are available only to regular, full-time employees who have sustained an on-the-job injury (or as an accommodation under the Americans with Disabilities Act, as amended (ADAAA)).

#### **VIII. Termination**

Leaves of absence for any reason, including work-related injuries/illnesses shall not last longer than six (6) months unless part of reasonable accommodation under the ADAAA.

A regular, full-time employee, who for a job-related injury or a combination of work-related injuries or FML-qualifying events, misses a total of six (6) months of work, shall be separated from employment due to the unavailability for work if not part of a reasonable accommodation arrangement. An employee part of said "no fault" employment termination shall be eligible for rehire and shall be able to apply for any vacancies that might exist at any given time, depending on qualifications and availability of job openings. The six (6) month period shall be measured cumulatively by the rolling backward method. The District reserves the right, at any time, to require an independent physical or mental analysis/assessment by an occupational health care professional or a health care professional of the District's choice and at the District's expense.

## 8.03 Loss and Property Management

### I. Loss - Property Damage

Employees shall report all property damage to their supervisor immediately. Supervisors shall report all property damage to the General Manager or designee.

### II. Procedures

All property damage must be reported on the appropriate " Incident Report" form to the General Manager or designee within 24 hours, or the next working day.

Failure to report incidents may lead to further disciplinary action up to and including termination.

PERSONNEL POLICIES

Chapter 8 – Risk Management

---

**8.04 Driver Records Check**

- I. For the safety of the District employees and citizens, driving standards have been established for all District employees who drive for the District. Traffic laws for the State of Texas and the District imposes requirements on the District, as an employer, to ensure that employees are properly licensed and that their driving behavior, both on and off the job, reflects obedience to the State and local laws. This driving records policy is established to ensure this compliance.

At least once a year, the General Manager or designee shall submit, on specified forms, requests for driving record histories for all employees. The General Manager or designee shall compile those fleet accidents that are not maintained by the DPS. This includes all investigated, on or off-road, motor vehicle accident reports that are not required to be reported to the DPS but are maintained by the Departments.

**II. Accident Citation Point Assessment**

- A. No employee will be allowed to operate any vehicle for the District and may be subject to disciplinary action, up to and including termination of employment, if convicted or placed on deferred adjudication or disposition for any of the following violations in the immediate preceding three (3) years:
  1. Driving while intoxicated.
  2. Driving under the influence of alcohol or drugs, including prescription drugs.
  3. Negligent homicide arising out of the use of a motor vehicle or gross negligence.
  4. Operating a motor vehicle while a driver license is suspended or revoked.
  5. Using a motor vehicle for commission of a felony.
  6. Aggravated assault with a motor vehicle.
  7. Operating a motor vehicle without the owner's authority/permission.
  8. Reckless driving; and/or
  9. Leaving the scene of an accident involving bodily injury or property damage.
- B. Any employee who is required to drive as part of his/her job and who receives notice that their license to drive has been suspended or revoked or an employee who fails to renew an expired license, must report this to their supervisor no later than the beginning of the first workday following receipt of the notice of suspension or revocation or knowledge of expiration.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

An employee who properly reports a suspended, revoked, or expired driver license may be reassigned to a non-driving position for a period of suspension or revocation or until the license is renewed if such a position exists; or the employee may be terminated from employment at the discretion of the Department Manager. Reassignment shall require the employee to be fully qualified for the new position, and it must be in the best interest of the District. If no such position exists, the employee may be subject to disciplinary action, up to and including termination of employment. Any reassignment or disciplinary action shall be coordinated with the General Manager or designee.

## 8.05 Safety Meetings & Training

### I. Safety Meetings & Training

- A. Safety meetings are an effective way to encourage, educate, and train employees on safe work practices and will be held on a regular basis, based upon the specific department or operation. The Department Supervisor/Manager 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 Supervisor/Manager. 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. Topics discussed during safety meetings should pertain to the specific hazards associated with the employee's assigned job or task as well as general hazards associated with the workplace. All employee safety meetings and training will be documented.
- B. Employees who do not attend regularly scheduled safety meetings or training will be identified and scheduled to attend makeup training at the supervisor's discretion. Documentation of makeup training will be made as well.

### II. Special Training

Additional or specialized safety training will be conducted for the following areas as the need arises:

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

### III. New Employee Safety Orientation

- A. Department Managers, in conjunction with the General Manager or designee will provide an orientation to all new employees to address the hazards associated with his/her positions and will include a review of all safety rules, policies/procedures, and equipment that are applicable to the employee's area of assignment. New employees will be given an opportunity to ask relevant questions that may pertain to their assigned duties and safety. Documentation of the new employee safety orientation will be complete and maintained in the employee's personnel file.
- B. New employees' work activities will be limited until the safety orientation is completed.

### IV. Documentation of Safety Meetings & Training

Documentation from any formal meeting, 'tailgate' meeting, or training courses

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

attended by employees, supervisors, or managers will also be maintained for recordkeeping purposes. Documentation should include the topic(s) covered, presenter information, and copies of any materials or handouts used during the training.

## 8.06 Fall Prevention

Slips, trips, and falls constitute a large percentage of accidents and injuries in public entities. These procedures are designed to prevent hazardous conditions that could result in slips, trips, or falls.

### I. Responsibilities

#### A. Supervisors

1. Conduct routine inspections to ensure all walking and working surfaces are free from potential slip, trip, and fall hazards.
2. Conduct safety training for employees who use ladders, scaffolds, or other elevated surfaces.
3. Conduct training in the use and inspection of fall prevention and fall arrest equipment.
4. Ensure proper ladders are used for specific tasks.
5. Provide adequate fall prevention and fall arrest equipment.

#### B. Employee

1. Maintain work areas free from potential slip, trip, and fall hazards.
2. Correct or immediately report potential slip, trip, and fall hazards.
3. Use proper ladders for assigned tasks.
4. Use proper fall prevention and fall arrest equipment as prescribed by policies.

#### C. Engineered and Administrative Hazard Controls.

D. Although every effort is made to prevent slips, trips, and fall accidents, additional precautions should be taken to ensure all possible measures have been taken. These include:

1. Proper construction of elevated work surfaces.
2. Proper use of hand, knee, and toe rails, where required.
3. Proper design and use of fixed ladders and stairs.
4. Adequate lighting in all areas.
5. Training for all employees who work on elevated work surfaces.
6. Routine inspections of ladders, stairs, walking, and working surfaces.
7. Following housekeeping and cleaning requirements
8. Immediate addressing potential problem areas.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### II. General Requirements

##### A. Housekeeping

1. All work areas, passageways, storerooms, and shop areas should always be kept clean and orderly.
2. The floor of every work area shall be maintained in a clean and dry condition as possible. Where wet operations are held, adequate drainage should be maintained, and non-slip mats or floor covering shall be provided.
3. Every floor, work area, and passageway shall be kept free of protruding nails, splinters, holes, debris, and stored items.

##### B. Aisles and Passageways

1. Aisles and passageways shall be kept clear and in good repair with no obstructions across or in aisles that could cause a hazard.
2. Where mechanical equipment is used, aisles should be of adequate width as improper aisles coupled with poor housekeeping, vehicle and foot traffic, can cause injury to employees, damage to equipment and materials, and can limit egress in the event of an emergency.
3. Changes in elevation, such as steps, curbs, and ramps, should be marked or highlighted with a stripe of highly-visible paint or other non-skid material to assist in the identification of the known trip and fall hazard.

##### C. Guarding Floor and Wall Opening, Runways, Stairs

1. Floor openings and holes, wall openings and holes, and the open sides of elevated work surfaces may create hazards as people may fall through the openings or over the side to the level below. Objects such as tools or parts, may also fall through holes and strike employees or damage machinery on lower levels.
2. Standard railings shall be provided on all exposed sides of a stairway opening, except at the stairway entrance.
3. Every open-sided floor or work surface located four (4) feet or more above the adjacent floor or ground level shall be guarded by a standard railing on all open sides, except where there is an entrance to a ramp, stairway, or fixed ladder. A toe board shall be provided as well.
4. Guarding Stairways - Every flight of stairs, with four or more risers, shall have standard stair railings or standard hand railings.
5. Fixed Industrial Stairs - Fixed industrial stairs shall be provided for access to and from places of work where operations necessitate regular travel between levels.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

6. Portable Ladders - The primary hazard associated with the use of a ladder is falling. A poorly designed, maintained, or improperly used ladder may collapse under the load placed upon it and cause the employee to fall.
7. Fixed Ladders - A fixed ladder is a ladder permanently installed or attached to a structure, building, or equipment. Fixed ladders with a length of more than 20 feet shall be equipped with a safety cage or ladder safety device. A 'cage' is a guard that is fastened to the side rails of the fixed ladder or to the structure designed to encircle the climbing space of the ladder for the safety of the person who must climb the ladder. Cages should extend a minimum of 42 inches above the top of the landing unless another acceptable fall protection is provided.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### 8.07 General Rules for Motor Vehicle & Equipment Operation

##### I. General Provisions

- A. Employees who are authorized to operate District vehicles or personally owned vehicles on District 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.
- B. All drivers of District vehicles must be familiar with and abide by all applicable state, federal, and local traffic regulations.
- C. All drivers/operators shall be responsible for the proper care and use of vehicles and motorized equipment. This includes maintaining District vehicle/motorized equipment interiors and exterior, regularly servicing these items and reporting maintenance needs to the supervisor.
- D. A driver/operator shall not permit any unauthorized persons to drive, operate or ride in or on a District vehicle. Riders shall not be allowed on running boards, tailgates, fenders, bumpers, atop cabs, on tow bars, or towed equipment.
- E. Where seat belts are provided, they shall be worn by all occupants. The size or operation of the vehicle or equipment does not excuse the operator from the seat belt requirement.
- F. 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.
- G. 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.
- H. Garage doors must be opened for ventilation whenever a motor vehicle engine is running to help prevent the accumulation of carbon monoxide gas.
- I. Keys shall be removed from unattended vehicles and equipment. Doors should be locked for security purposes.
- J. 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, including over the counter or prescription medications.
- K. Picking up hitchhikers is dangerous and prohibited.
- L. Driving is a full-time job. Drivers should not engage in other activities, such as dialing a telephone, while operating a vehicle. The vehicle should be pulled off the road and stopped before performing these types of activities.
- M. 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.
- N. All vehicle cabs should be kept clean to reduce distractions to drivers and interference with the operation of the vehicle or equipment.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### **II. Backing**

- A. When possible, park so that backing is not required.
- B. 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.
- C. Backup 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.

#### **III. Stopping on Roadways**

- A. When it is necessary to stop on the roadway, extreme caution shall be used. Emergency flashers/lighting shall be used.
- B. 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 respective departmental policies regarding vehicle/equipment us.

#### **IV. Inspection of Vehicles and Equipment**

- A. Drivers/operator shall utilize equipment checklists to inspect vehicles and equipment to determine if they are in good operating condition *prior* to operating the vehicle.
- B. 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.
- C. The driver/operator shall report all defects promptly. Items that affect safety shall be repaired prior to continued use.
- D. For additional information, please refer to District and/or Departmental Vehicle Operator Standards.

PERSONNEL POLICIES

Chapter 8 – Risk Management

---

**8.08 Back Injury Prevention and Material Handline**

Back injuries are prevalent and continue to be one of the leading causes of on-the-job injuries in the workplace. The following procedures are designed to prevent injury and disability to employees; decrease lost productivity due to accidents and injuries; and, decrease costs associated with these types of injuries.

**I. Common Causes of Back Injuries**

1. Prolonged positions
2. Poor posture
3. Poor ergonomics
4. Improper lifting/lifting too much
5. Twisting while lifting
6. Reaching while lifting
7. Slips/trips and falls
8. Vehicle and equipment entry and exit

**II. Safe Lifting Principles**

The following steps should be taken prior to lifting, handling, or carrying materials:

- A. Prior to beginning to lift or carry, check to ensure that the walkway is clear of all obstacles.
- B. Carefully check the object's weight and center of gravity.
- C. Face the object and get as close as you can with feet slightly apart and the head and neck facing forward. Grip the object firmly and hold it as close to your body as possible.
- D. Bend at your knees, not at your waist.
- E. Use your legs to bring you to a standing position, making the lift smoothly and under control.
- F. Do not twist your body when lifting or lowering.
- G. If necessary, obtain assistance in lifting heavy objects by utilizing additional personnel, power equipment, or other types of assistive lifting devices.
  1. 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.
  2. 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.
- H. Material shall not be thrown from place-to-place or person-to-person.

## 8.09 Fire Prevention and Life Safety

### I. General

These address specific exposures and prevention methods related to fire prevention and the life safety of employees.

#### A. Management Responsibilities

1. Ensure all fire prevention methods are established and enforced.
2. Ensure fire suppression systems such as sprinklers and extinguishers are periodically inspected and maintained in working order.
3. Train supervisors to use fire extinguishers for incipient (developing) fires.
4. Train employees on evacuation routes and procedures.

#### B. Supervisor Responsibilities

1. Closely monitor the use of flammable materials and liquids.
2. Train assigned employees in the safe use, storage, and handling flammable materials.
3. Ensure flammable material storage areas are properly maintained.

#### C. Employee Responsibilities

1. Use, store, and transfer flammable materials in accordance with provided training and policy.
2. Do not mix flammable materials.
3. Immediately report violations of this program to a supervisor.

### II. Potential Hazards

Fire and explosion hazards can exist in almost any work area. Potential hazards include, but are not limited to:

1. Improper operation or maintenance of gas-fired equipment.
2. Improper storage or use of flammable liquids.
3. Smoking in prohibited areas.
4. Accumulation of trash and debris.
5. Unauthorized 'hot work' operations.

#### A. Hazard Prevention and Control

1. All nonessential ignition sources must be eliminated where flammable liquids are used or stored. The following is a list of some of the more common ignition sources:
2. Open flames, such as cutting and welding torches, furnaces, matches, and heaters, should be kept away from flammable liquids. Cutting or welding on flammable liquids equipment should not be performed

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

unless the equipment has been properly emptied and purged with a neutral gas, such as nitrogen.

3. Electrical sources of ignition, such as DC motors, switches, and circuit breakers should be eliminated where flammable liquids are used, handled, or stored. Only approved, explosion-proof devices should be used in these areas.
4. Mechanical sparks produced as a result of friction should not be used near flammable liquids.
5. Static sparks generated as a result of static electricity. Every effort should be made to eliminate the possibility of static sparks including proper bonding and grounding of tools and equipment.

#### B. Removal of Incompatibles

Materials that can contribute to a flammable liquid fire should not be stored with flammable liquids. Examples include oxidizers and fertilizers stored near petroleum-based products.

#### C. Control of Flammable Gases

Generally, flammable gases pose similar fire hazards as flammable liquids and their vapors and many of the same safeguards also apply. Other properties, such as toxicity, reactivity, and corrosivity must also be taken into consideration as a flammable gas could produce toxic combustion products.

## II. Fire Extinguishers

A portable fire extinguisher is the “first aid” device and is very effective when used while a fire is small. The use of an extinguisher that corresponds to the class of fire, by a trained person, can save both lives and property. Portable fire extinguishers must be installed in all workplaces, regardless of other firefighting measures. The successful performance of an extinguisher in a fire situation largely depends on the proper selection, inspection, maintenance, and distribution.

#### A. Classifications of Fire Extinguishers

Fires are classified into five general categories, depending upon the type of material or fuel involved. The type of fire determines the type of extinguisher to be used to extinguish it.

1. **Class A** fires involve combustible materials such as wood, paper, and cloth, which produces glowing embers or char.
2. **Class B** fires involve flammable gases, liquids, and greases, including gasoline and most hydrocarbon liquids, which must be vaporized for combustion to occur.
3. **Class C** fires involve live electrical equipment or materials near

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

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electrically energized equipment.

4. **Class D** fires involve combustible metals such as magnesium, zirconium, potassium, and sodium.
5. **Class K** fires involve cooking fats and oils found in deep fat fryers or other cooking appliances such as solid fuel char-broilers.

In many cases, areas will be equipped with an 'ABC'-type extinguisher, which can be used for wide variety of common fires.

#### B. Location and Identification of Extinguishers.

1. Extinguishers should be conspicuously located and readily accessible for immediate use in the event of a fire. Generally, extinguishers will be placed along normal paths of travel and egress. Wall recesses and/or flush-mounted cabinets should be used whenever possible.
2. Extinguishers should be clearly visible. In locations where visual obstruction cannot be completely avoided, directional arrows will be provided to indicate the location of extinguishers and the arrow will be marked with the extinguisher classification.
3. If extinguishers intended for different classes of fires are located together, they will be marked to ensure the proper class of extinguisher is selected. Classification markings will be located on the front of the shell above or below the extinguisher nameplate and should be legible from a distance of three (3) feet.

#### C. Condition of Extinguishers.

Portable extinguishers will always be maintained in a fully charged and operable condition and kept in their designated locations when not being used. When extinguishers are removed for maintenance, inspection, or testing, a fully charged and operable replacement should be provided.

#### D. Mounting and Distribution of Extinguishers.

Extinguishers should be installed on hangers, brackets, in cabinets, or on shelves, no more than 42-inches above the floor.

Extinguishers should be distributed such that the amount of time required to travel to the extinguisher and back to the fire does not allow the fire to get out of control. Generally, the travel distance for Class A and Class D extinguishers should not exceed 75 feet; Class B extinguishers should not exceed 50 feet, due to the quick spread of flammable liquid fires; Class C extinguishers should simply be placed where they are likely needed, based upon the given hazards; and, Class K extinguishers are generally located within a proximate distance to the cooking areas in which they are designed to protect.

# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### E. Inspection and Maintenance of Extinguishers

All extinguishers should be visually inspected on a monthly basis and tested and certified by a qualified service provider on an annual basis.

#### F. Use of Fire Extinguishers

In most cases, recalling the **PASS** acronym will help remember the four steps of safe extinguisher use.

**P**ull the pin (from the handle)

**A**im the nozzle (at the base of the fire)

**S**queeze the handle (to actuate the extinguisher)

**S**weep the nozzle (from side-to-side)

#### IV. Fire Safety

A. Inspections - Supervisors and Managers are responsible for conducting workplace fire inspections as a part of the normal workplace safety inspection. These surveys should include observations of housekeeping issues and should specifically address proper storage of chemicals and supplies, unobstructed access to fire extinguishers and emergency exit or evacuation routes.

B. Emergency Exits - Every exit designated as an emergency exit should be clearly visible or the route to it conspicuously identified in such a manner that every occupant of the building will readily know the direction of escape from any point. At no time should exits or paths of egress be blocked. Any doorway or passageway, which is not an exit or access to an exit, but which may be mistaken for an exit, should be identified by a sign reading "Not an Exit" or otherwise labeled as to the purpose (i.e., "Closet"). Exits and accesses to exits will be marked by a readily visible sign. Each exit sign (other than internally illuminated signs) should be illuminated by a reliable light source or phosphorescence.

C. Emergency Lighting - Emergency lighting in buildings, if equipped, should be tested at least monthly to ensure proper operational conditions in the event of an emergency. These tests should be completed in conjunction with the fire extinguisher visual inspections.

#### D. Evacuation Routes and Plans

1. Each facility shall design and post an emergency evacuation plan to allow employees and other to safely evacuate the building or affected area in the case of an emergency.
2. Should evacuation be necessary, proceed to the nearest exit or stairway and proceed to an area of refuge outside the building. Most stairways are fire resistant and are often equipped with barriers to smoke if doors remain closed.



# TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1

## PERSONNEL POLICIES

### Chapter 8 – Risk Management

---

#### E. Fire Emergency Procedures

The following procedures should be followed in the event of a fire within a building:

1. Activate the nearest fire alarm, if equipped
2. Notify your supervisor, co-workers, and other occupants
3. Fight the fire only if:
  - a. The Fire Department has been notified of the fire, and
  - b. The fire is small and confined enough to its area of origin, and
  - c. You have a way out and can fight the fire with your back to the exit, and
  - d. You have the proper extinguisher, in good working condition, and know how to use it.
4. If you are unsure of your ability or the fire extinguisher's capacity to contain the fire, leave the area.
5. Leave the building and move away from exits, maintaining clear path for emergency operations.
6. Assemble in a designated area.
7. Report your safety to the appropriate supervisor or personnel.

#### V. First Aid

- A. All injuries, regardless of severity, shall be reported to your supervisor.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Emergency eye wash and/or shower stations should be tested at least once per month to ensure proper working condition.

## 8.10 Office Safety & Ergonomic Awareness

### I. Office Safety

- A. Employees shall walk cautiously up and down stairs and use handrails whenever possible.
- B. Caution shall be exercised when walking around blind corners.
- C. Desk drawers and file cabinets shall be kept closed when not in use.
- D. Only one drawer of a file cabinet shall be pulled out at a time.
- E. Boxes, chairs, buckets, etc. shall not be used in place of ladders.
- F. The floor shall be kept clear of tripping hazards such as telephone cords, electrical extension cords, paper cartons, etc.
- G. 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.
- H. Material shall be stored on shelves in a manner to prevent falling; heavy objects shall be placed on lower shelves.
- I. Hallways and aisles shall be kept clear of obstructions.
- J. All emergency exits, electrical panels, fire extinguishers, and emergency equipment shall be kept clear of all obstructions.
- K. 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.
- L. 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.
- M. Unsafe electrical cords, faulty equipment, or any other hazardous condition shall be reported and taken out of service until the repairs are completed.
- N. Broken glass and other sharp objects shall not be placed in wastepaper containers.

### II. Ergonomic Awareness

#### A. Workstations, Desks, and Counter-Tops

- 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

Chapter 8 – Risk Management

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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.

B. Lighting, Noise and Heat

1. Adequate but not excessive heat should be provided during cooler weather.
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 life threatening situations such as hypothermia, heat stroke, heat exhaustion, and heat cramps.

## Employee Certification of Receipt of Policies

I, \_\_\_\_\_, acknowledge I have received the 2021 Trophy Club Municipal Utility District No. 1 Personnel Policy Handbook.

I clearly understand that this Personnel Policy does not create a contract for employment with the district, and that the District may change or modify the policies and procedures in this handbook at any time, with or without prior notice. I have read and understand the policies outlined in the District Personnel Policy Manual and agree to be bound by the district's rules and regulations during my employment with the district. I understand that violating the policies and rules set out in this handbook may lead to disciplinary action, up to and including termination.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date