

AMENDING ORDINANCE No. 2015-O-05

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING ORIDINANCE 2011-O-122, THE PERSONNEL POLICY MANUAL FOR THE VILLAGE OF VOLENTE; PROVIDING FOR FINDING OF FACT, AND EFFECTIVE DATE, SAVINGS, SEVERABILITY, AND OPEN MEETINGS COMPLIANCE CLAUSES.

WHEREAS, the Council finds that the Village of Volente needs to periodically update their Personnel Policy Manual which set for the rules and regulations governing employment by the Village and the benefits to which employees of the Village are entitled; and

WHEREAS, the Village Council has reviewed the changes to the Personnel Policy Manual attached as Exhibit "A": and finds that is should be adopted as the official Personnel Policy Manual for the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT;

Section 1. Adoption of Findings of Fact.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and made a part hereof for all purposes as findings of fact.

Section 2. Adoption of the Village of Volente Amended Personnel Policy Manual

The Village of Volente Personnel Policy Manual, attached hereto as Exhibit "A", is adopted as the Personnel Policy Manual for the Village of Volente.

Section 3. Saving Clause.

All rights and remedies of the Village of Volente are expressly saved as to any and all violations of the provisions of an ordinances of the Village governing employment by the Village of Volente which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its publication as provided in the Local Government Code.

Section 5. Severability.

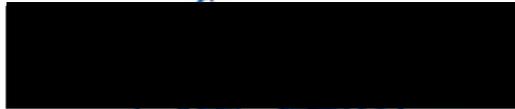
That if any section, sentence, clause or phrase of this ordinance is, for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unlawful or unconstitutional.

Section 6. Open Meetings.

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

Passed and Approved this 21 day of April, 2015

Village of Volente



Mayor Ken Beck

Attest:



Julia Vicars, City Secretary

Village of Volente
Personnel Policy Manual

Effective March 17th, 2015

Purpose

The purpose of the personnel manual is to establish consistent, basic policies, practices and standards for Village of Volente employees. In addition, this manual is designed to inform employees of the benefits and obligations of employment with the Village. These guidelines shall apply to all Village employees. All employees must sign an acknowledgment that the manual has been read and understood. Individuals who contract independently with the Village are not employees of Volente and are not subject to the provisions of this manual.

The policies set forth in this manual supersede all written and verbal statements, rules and regulations by previous and present Mayors on the date these policies are adopted by the City Council. The City Council of the Village of Volente reserves the right to modify the provisions of this manual at any time. This manual in no way constitutes an employment contract between the Village and any Village employee. The provisions of this manual take precedence over any contradictory statements made by any person.

Definite rules and regulations cannot be readily formulated for every possible problem and situation. This manual serves as general basis and guide for the proper, efficient and effective administration of personnel matters of the employees of Volente.

Equal Opportunity Employment Statement

The Village of Volente is committed to providing equal employment opportunity to all employees and applicants for employment. No person in the service of the Village or persons seeking employment with the Village shall be employed, retained, promoted, removed or in any way favored or discriminated against on the basis of race, religion, age, color, creed, ancestry, national origin, political affiliation, sex or any other unlawful basis.

At Will Employment Status

All employment with the Village of Volente shall be considered "at will" employment. Each employee can terminate employment with the Village, or be terminated by the Village, at any time and for any or no reason. The Village shall also have the right to change any condition, benefit, or policy of employment at any time, with or without notice. No contract of employment shall exist between any individual and the Village of Volente for any duration, either specified or unspecified except for that of the City Administrator.

Americans with Disabilities Act

It is the policy of the Village of Volente to comply with the employment provisions of the Americans with Disabilities Act.

Drug-free Workplace

The Village has adopted an alcohol and drug free workplace and controlled substance policy to ensure the safety and well-being of all employees. The Village (prohibits) s the possession or consumption of alcoholic beverages and the possession or use of controlled substances on property owned or leased by the Village. In addition, off-duty conduct which adversely affects the reputation or interests of the Village is prohibited.

The definition of a controlled substance is any drug, narcotic, hallucinogen, barbiturate, amphetamine mixture or compound not prescribed by a licensed physician for the legitimate treatment of a specific employee's medical condition. Users of illegal drugs, mixtures, compounds or alcohol present a serious danger not only to themselves but to all employees with whom they work or come into contact. Lack of mental alertness, slow reactions and other effects of alcohol and drugs lead to poor judgment and errors that place the safety of workers and others in danger.

Immigration Reform and Control Act of 1986

The Immigration Reform and Control Act of 1986 makes it unlawful for an employer to knowingly hire, recruit or refer for a fee for employment in the United States, an individual (citizen or alien) not supplying proper documentation to verify his/her eligibility to work in the United States. Additionally, the law makes it unlawful for an employer not to maintain documents establishing the individual's eligibility for employment on file. The law applies to all employees hired by an employer after November 6, 1986.

The Village is committed to full compliance with the federal immigration laws and will not knowingly hire or continue to employ anyone who does not have the legal right to work in the United States. As an ongoing condition of employment, you will be required to provide documentation verifying your identity and legal authority to work in the United States which may include a completed I-9 Form and the required support documentation..

Firearms

Carrying firearms on grounds or within facilities owned by or leased by the Village of Volente is prohibited.

Authority

Pursuant to its statutory power, the Village of Volente shall administer all aspects of the Personnel Policy in accordance with state and federal laws. The Mayor is the Chief Administrator of the Village. The Chief Administrator shall interpret and enforce these rules and shall from time to time recommend to the governing body such revisions as deemed necessary.

In order to retain necessary flexibility in the administration of policies and procedures, the Village Council reserves the right to add, revise or eliminate any part of the policies or benefits described in this manual. There shall not be any oral modifications of the written personnel policy. All modifications or exceptions to this policy shall be in writing, as agreed by Village Council.

Types of positions

Employment shall be designated as regular full-time, regular part-time, irregular part-time, or temporary. Regular full-time positions require a normal workweek (30.0 hours) and employment is not limited to a specific period of time or purpose. Whereas, regular part-time positions generally require less than the normal workweek and employment is not limited to a specific period of time or purpose. Temporary positions are those positions which are established for a stated period of time generally not to exceed 6 months to fill a temporary need.

A regular full-time employee is eligible for benefits as provided for in this policy unless otherwise stated herein. Temporary employees, interns and part-time employees not appointed to more than 30 hours a week or 1000 hours per year are not eligible for benefits other than worker's compensation coverage as may be arranged by the Village and any other benefits that are required by applicable law.

No vested rights

Acceptance of a regular, non-regular, or temporary position does not give the employee any vested right to continue employment.

Application process

Whenever a position becomes vacant, or a new position is created, the Mayor shall cause such vacancy to be announced by posting of appropriate notice on the Village website and may advertise the vacancy in the Village designated newspaper or other public venues. The notice shall state the title and minimum qualifications for employment and may specify a date beyond which applications will not be accepted. The full job description may be made available on the Village website and may be requested by interested applicants.

All interested applicants for open and posted positions are required to complete an application for employment available from the Village office or website. Applications will be accepted as indicated on the job posting. Additional documentation may accompany the required completed application and should be addressed to the Mayor. Incomplete applications will not be considered.

Selection process

Applications and supporting materials shall be reviewed by the Mayor and the Budget, Finance and Administration Committee. The Mayor and Budget, Finance and Administration committee shall select the most qualified candidates for interview. After interviewing the most qualified candidates, the Mayor and Budget Finance, and Administration committee shall choose the best qualified applicant(s) and prepare a recommendation for the City Council to consider.

Temporary positions may be filled at the discretion of the Mayor subject to available funds and short

term needs.

Confidentiality policy

Respecting the privacy of our clients, donors, members, staff, volunteers and of the Village of Volente itself is a basic value of Village of Volente. Personal and financial information is confidential and should not be disclosed or discussed with anyone without permission or authorization from the Mayor. Reasonable care shall also be taken to ensure that unauthorized individuals are not exposed to any discussion of confidential information or to any documents containing confidential and proprietary information for the Village.

Employees, volunteers and board members of Village of Volente may be exposed to information which is confidential and/or privileged and proprietary in nature. It is the policy of Village of Volente that such information must be kept confidential both during and after employment or volunteer service. Staff and volunteers, including board members, are expected to return materials containing privileged or confidential information at the time of separation from employment or expiration of service.

Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline including termination of employment.

Dismissal policy

Any employee may be dismissed by the City Council at will.

Voluntary resignation

An employee who voluntarily resigns his/her position is expected to provide appropriate notice, complete an exit interview, and assist management in the transition of work. Employees are required to provide their immediate supervisor with written notice of resignation at least two (2) weeks or ten (10) workdays prior to the last intended workday. The last day the employee reports to work is the separation date.

Nepotism policy

It is the Village's policy to avoid conflicts of interest and appearances of favoritism that result from the employment, appointment or supervision of close relatives of Village officials or of Village employees. A close relative is a spouse, son and daughter (including stepchild), son-in-law and daughter-in-law, parents (including stepparents), father-in-law and mother-in-law, brother and sister (include stepbrother and stepsister), brother-in-law and sister-in-law, aunt, uncle, niece, nephew, grandparent, grandchildren, great grandparent and great grandchildren. Supervision means the exercise of authority or responsibility with regard to employment, appointment, promotion, management, oversight, termination, salary or other terms and conditions of employment.

No Village employee or official may approve, recommend or otherwise take action with regard to the employment, appointment, reappointment, promotion, salary or supervision of a close relative as defined by this policy unless the City Council finds there is no other suitably qualified candidate. If the City

Council finds that there is no other suitably qualified candidate, it may issue a written exception to this policy.

Background checks

The Village reserves the right to conduct post-employment background checks, annually or as deemed necessary, as a condition of employment, as allowed by law.

Fair Labor Standards Act

The Village is subject to the wage and overtime provision of the Fair Labor Standards Act. Under the Act, all Village employees fall into two categories: exempt and non-exempt. Entitlement to overtime compensation or compensatory time off in lieu thereof depends on whether an employee is exempt or non-exempt.

Exempt employees are typically those in executive, professional or administrative positions. Exempt employees are not entitled to overtime compensation. The employee is expected to render necessary and reasonable overtime services with no additional compensation. Records of time worked in excess of the regular work week may be reported by exempt employees. An exempt employee with regular work hours may be given discretion to determine flexible work schedules to accommodate excessive work demands. Planned absence during regular hours of work must be requested in advance from the Mayor. The Mayor must approve such absences to ensure adequate staff support.

Non-exempt employees are subject to the overtime provision of the FLSA and are entitled to overtime at a rate of 1.5 hours for each hour physically worked over 40 hours in one week. All overtime worked must be pre-approved by the Mayor. An employee may be subject to disciplinary action for working overtime without authorization or failing to report overtime. All overtime must be accurately reported. Overtime hours may be paid at the applicable overtime rate or may be accrued as compensatory time. The overtime rate shall be the rate of the employees regular base pay times 1.5. In calculating regular base pay, time such as annual and medical leave shall not be included. An employee may accumulate no more than 240 hours of compensatory time. An employee who has accrued 240 compensatory hours will receive overtime pay for any additional overtime worked. The Village may require employees to use earned compensatory time as paid leave prior to using accrued vacation or other accrued leave.

Payroll deductions

Deductions from each employee's regular pay shall be made for: Federal income taxes, required employee Social Security and Medicare taxes, employee portion of any health insurance premiums, employee portion of retirement plan contributions, if such plan exists.

Benefits

Health Insurance

Regular full-time employees will be offered individual health insurance benefits not subject to any probationary period. This health insurance may require some employee contribution to premiums.

Workers compensation

All regular full-time employees are eligible for workers compensation benefits if injured as a result of duties performed in the course of his or her job. An employee suffering a work related illness or injury shall submit a written report of such incident as soon as possible and no later than 48 hours after the accident or learning of the condition. No employee shall be discriminated or retaliated against in connection with a worker's compensation claim.

Unemployment insurance

All regular full-time employees are covered under the Texas Unemployment Compensation Insurance program.

Leaves of Absence

Leave of absence is time away from the job, normally with or without pay. The Village makes leaves of absence available to employees as follows:

Vacation Leave – Paid Time Off

Eligibility for Vacation Time - Regular full-time and part-time employees (defined as those that are appointed to work more than 30 hours per week) are eligible for paid vacation. Temporary employees, interns and part-time employees that are not working more than 30 hours per week or 1000 hours per year are not eligible for paid vacation, but may take time off as necessary without pay.

Accumulation of Vacation Time - Vacation time begins accruing as of the date of employment, but an employee is not eligible to use vacation time until the employee has completed six months of service at which time five (5) days of vacation will be available. Thereafter, employees will accrue vacation days at a rate per month based on the number of months worked as indicated in the table below. A regular part-time employee's vacation time will be prorated based upon percentage of time appointed. Vacation time may be accumulated or carried forward to the next year up to a maximum accrual of 20 days.

Vacation leave after one year of service is calculated according to the following table:

<i>Months Worked (based on employment anniversary date)</i>	<i>Annual Vacation Leave Equivalent for Regular Employees*</i>
<i>13 to 36 months (1-3 years of service completed)</i>	<i>.833 days per month or 10 days per year</i>
<i>37 to 120 months (4-10 years of service completed)</i>	<i>1.25 days per month or 15 days per year</i>

<i>Over 120 months (10 or more years or service completed)</i>	<i>1.666 days per month or 20 days per year</i>
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***Part-time Employee Example:** a Part-time 12-month 60% employee works 24 hours per week (40.0 hours x .60 =24.00) and earns 6.0 vacation days per year (12 months x .833 x .60 = 6.0 days)

Use of Vacation Leave - Vacation leave may be used only at times approved in advance by the Supervisor. Requests for vacation shall be made using vacation request forms provided for this purpose. It is strongly recommended that employees plan for and use accrued vacation time each year. After an employee has used all of his or her available leave, the employee may apply for personal leave without pay.

Termination of Employment - Upon the termination of employment, an employee shall be entitled to payment for any unused vacation time which has accrued. All approved vacation requests must be entered into the payroll system for tracking and accounting and documented in the employee's personnel file.

Sick Leave – Paid Time Off

Eligibility for Sick Leave - Regular full-time and part-time employees (defined as those that are appointed to work more than 30 hours per week) are eligible to earn sick leave. Temporary employees, interns and part-time employees that are not working more than 30 hours per week or 1000 hours per year are not eligible for sick leave, but may take sick leave as necessary without pay.

Earning and Accumulation of Sick Days - Sick leave shall be considered a benefit and privilege and not a right. Eligible employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of .83 day per month (10 days per year) and may be used after one month of employment up to the accumulated amount. The maximum accumulation of sick leave is 10 days. Accumulated sick leave has no value except for the purpose granted, and in the event of retirement or termination of employment, all unused sick leave shall be forfeited.

Use of Sick Leave - An employee may use sick leave allowance for absence due to the employee's own illness or injury. Sick leave also may be used for appointments with a licensed doctor, dentist or recognized practitioners. When appropriate, a partial sick day may be used rather than a full day. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time changed to sick leave. However, such request must be justified by means of a doctor's statement upon return to work. No employee may give or loan sick leave time to another employee.

Documentation of Sick Leave - Employees are required to notify the employer as early as possible on the first day of their sick leave absence, and shall notify the employer in advance

whenever the need for leave is foreseeable. Employees shall document their use of paid sick leave on a Time Sheet forms provided for this purpose. Such forms shall be completed by the employee and approved by the supervisor in advance of the leave when the need for sick leave is foreseeable, and in all other instances as soon as possible after the employee's return to work. An employee who claims sick leave of 3 or more days may, at the discretion of the employer, be required to furnish a certificate from a physician stating that the employee was incapacitated from work for the period of absence as a result of sickness or injury, and that the employee is again physically able to perform his or her duties.

Exhaustion of Sick Leave - Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. For any additional time needed, the employee will be considered on a leave without pay status unless the employee has accumulated vacation time remaining and the employee requests such leave.

Official holidays – Paid Time Off

As time and workloads permit, regular full-time employees are entitled to the following paid holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Day after Christmas

If the holiday falls on a Saturday, the Friday before will be the paid holiday. If the holiday falls on a Sunday, the following Monday will be the paid holiday.

In some circumstances, it may be necessary to direct some employees to report for work on a holiday. In that case, the employee will be granted compensatory time off.

Family Medical Leave (FMLA)/Military leave/Jury Duty

The Village complies with all federal regulations regarding Family Medical Leave, Military leave and Jury Duty. To arrange leave under these circumstances, the employee must submit a written request with supporting documentation to their supervisor as soon as possible prior to absence.

Conflicts of interest

Outside employment

The Village wants employees to have the opportunity to engage in outside employment that poses no conflict as it relates to ethics or scheduling or disposition of job-related requirements. All outside employment, including self-employment, must receive the prior written approval of the Mayor, and

shall not be approved where such employment would adversely affect or be incompatible with or conflict with the employee's performance in the Village service, or would create an appearance of unfair or improper bias or influence or access to decision makers of the Village.

A full-time regular employee must consider his or her job with the Village as the primary job.

If the work standards or performance of an employee of the Village suffer and it is determined to be caused by outside employment, approval of outside work may be rescinded or the employee may be subject to discharge. The Village will not pay medical benefits for injuries or illnesses suffered as a result of outside employment. Employees may not use Village equipment or property in the execution of outside employment.

Employees shall not accept any employment or compensation that could influence their judgment or hinder their independence of judgment in the performance of their official duties. Employees shall not accept other employment that could require or cause them to reveal confidential information acquired through their employment with the Village.

Ethics/general conduct

- Employees shall always treat members of the public and government with dignity and respect
- Employees shall avoid any action that may result in or give the appearance of using their positions for private gain
- Employees shall avoid any action that may adversely affect the public's confidence in government
- Employees shall not provide false statements or false information in any area of official duty
- Employees shall submit truthful and complete reports
- Employees shall not publicly use his or her position with the Village to interfere with or affect the result of an election or nomination for municipal office
- Employee shall not use working hours or Village property to participate in the political campaign of any person or for any other political purpose
- Employees shall not engage in rumors, gossip or false accusations
- Violation of any of the foregoing may subject an employee to disciplinary action, up to and including termination

The foregoing is not an exhaustive list of proscribed or required activities.

Resignation upon election to office

Any employee who is elected to a Village office will resign from Village employment upon his or her election. Failure to resign will result in the immediate dismissal of the employee.

Electronic mail policy

The Village respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work related conduct or use of Village provided equipment or supplies.

Stored email messages belong to the Village and the contents of email communications are accessible at all times by Village management for any business purpose. The secretary, Mayor and communications chairperson shall have the current system passwords for all accounts on the Village email and computer systems and all encryption keys. Employees may not use passwords that are unknown or install encryption programs without turning over encryption keys to the Mayor or his designee. All email messages are the Village's records. The mail and computer system may be subject to periodic unannounced inspections and should be treated like other shared filing systems. The Village reserves the right to access and disclose as necessary all messages sent over its email system without regard to content.

All employees are required to consent to disclosure to Village agents of all communications generated, sent or received on equipment owned by the Village. In addition, all employees are required to consent to disclosure to and review by agents of the Village the use of any other electronic communications effected through equipment owned by the Village, including but not limited to the history of websites accessed. By your signature acknowledging receipt of this manual, you consent to the disclosure and review of all communications effected, generated, sent, or received by or to you and stored on equipment belonging to the city. Stored information may include information that has been deleted from active electronic files.

Performance evaluations

All employment positions shall be subject to performance evaluations on a regular basis by the Mayor or their designee. Such performance evaluations shall be completed at least annually, but may be done more frequently. The employee and the Mayor shall both sign the evaluation and it shall be placed in the employee's personnel record.

Personnel records

Personnel records include employee documentation and may include medical records and personal information such as I-9s, W-2's, W-4's, benefits enrollment forms and medical leave requests. All files related to personnel records are maintained by the Mayor or his designee. Medical records, applications and personal information will be maintained in a separate file and all employee records will be maintained in a secure location with controlled access. The personnel records may include the application for employment, the employee's acknowledgment of receipt of this manual, performance evaluations, written record of any disciplinary action, written record of any commendations, copies of any certifications necessary or helpful, time records, status reports, and any other information relevant to the employee's status. Except as required by law, no information placed in an employee's file will be communicated to any person or organization. In cases where disclosure is required by law, only the Mayor is authorized to release the information.

Disciplinary actions

The City Council has the authority to discipline employees. Some causes for discipline include but are not limited to:

- Attitude - employees must meet and treat the public and Village officials courteously and pleasantly
- Misconduct on the job - treat everyone with respect

- Negligence in performance of duty or operation of Village equipment
- Incompetence, inefficiency or neglect in work performance
- Failure to meet prescribed standards of work
- Insubordination - failure to follow the lawful order of a recognized superior
- Unauthorized absence from work
- Unauthorized use of official information or unauthorized disclosure of confidential information
- Physical or mental unfitness for duty due to intoxication from alcohol or drugs
- Acceptance of money, gifts, privileges, or other valuable consideration which was given with the expectation of influencing the employee in the performance of his duties
- Use of official position for personal advantage
- Misuse, theft or destruction of Village property
- Conviction of a criminal offense or other conduct punishable as a crime
- Falsification of records
- Conduct which would be the equivalent of violation of any Federal or State law, Village ordinance or any section of this manual
- Abuse of leave, habitual tardiness, or excessive absenteeism
- Personal use of Village equipment
- Violation of any rule of this written policy

Disciplinary actions may include oral reprimands, written reprimands, suspension, demotion, counseling, training and dismissal. A written record of all disciplinary action shall be kept in the employee's personnel file.

Grievance policy

Employees not only have the right but also are encouraged to discuss their problems and grievances with their immediate supervisor. If the employee is not satisfied, they may take their grievance to the Mayor or Budget, Finance and Administrative Committee. All employees are guaranteed thorough consideration with no fear of reprisal on grievances or problems properly communicated.

Harassment policy

The Village of Volente does not tolerate any form of sexual or other unlawful harassment of an employee by any other employee or supervisor. Harassment based on age, race, color, religion, disability or any other unlawful basis will subject the individual harasser to immediate disciplinary action up to and including termination.

Employees are required to report acts of harassment to the Mayor. If the Mayor were the alleged harasser, it should be reported to the Budget, Finance, and Administrative Committee, or City council in executive session.

The Mayor, Budget, Finance and Administrative Committee or City council member shall meet with the alleged harasser no more than 3 working days from the filing of the complaint to investigate the matter and take prompt corrective action if necessary. The investigation will be confidential and well documented.

Nothing in these procedures shall prohibit the employee from filing a complaint directly with the Federal

Equal Employment Opportunity Office or the Texas Human Rights Division.

Job Descriptions

All Village of Volente positions for employment are required to have up-to-date and approved job descriptions. These are attached for reference.