

# City of OVILLA City Council Agenda

Ralph G. Hall, Place One  
Larry Stevenson, Place Two  
David Griffin, Place Three

Richard Dormier, Mayor

Doug Hunt, Place Four  
Dean Oberg, Place Five  
Cyndy Powell, City Administrator

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, March 24, 2014

7:00 P.M.

First Baptist Church

Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, March 24, 2014 at 7:00 P.M. in the gymnasium of the First Baptist Church Ovilla, 3333 Ovilla Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

## I. CALL TO ORDER

- Invocation
- Pledge of Allegiance

## II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS

### ▪ Citizen Comments

The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.

### ▪ Department Activity Reports / Discussion

- Finance Department Accountant S. Jungman
  - Monthly financials
- Administration City Administrator C. Powell
  - Bi-weekly update activity report

## III. CONSENT AGENDA

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration.

- A. Minutes of the March 10, 2014 Regular Council Meeting

## IV. REGULAR AGENDA

- ITEM 1. **DISCUSSION - Review** and discuss revisions to the Employee Policies Handbook as presented.
- ITEM 2. **DISCUSSION/ACTION - Consideration** of and action on Resolution R2014-002 approving and adopting the Employee Policies Handbook.
- ITEM 3. **DISCUSSION/ACTION - Consideration** of and action to approve an appointment to the Economic Development Cooperation Board.

# City of Ovilla City Council Agenda

Ralph G. Hall, Place One  
Larry Stevenson, Place Two  
David Griffin, Place Three

Richard Dormier, Mayor

Doug Hunt, Place Four  
Dean Oberg, Place Five  
Cyndy Powell, City Administrator

## V. EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION  
NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

## VI. REQUESTS FOR FUTURE AGENDA ITEMS

## VII. ADJOURNMENT

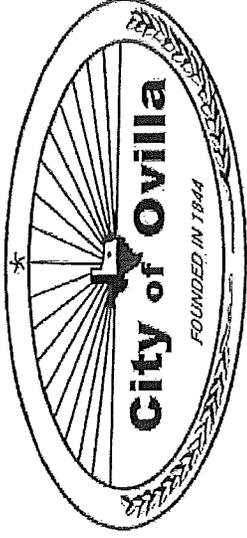
THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the March 24, 2014 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofovilla.org](http://www.cityofovilla.org), on the 21st day of March 2014 prior to 7:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall, City Secretary

DATE OF POSTING: 3.21.2014 TIME: 9:30  am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.



---

**DATE: 3-24-14**

**TO: Honorable Mayor and Council Members**

**FROM: Sharon Jungman**

**SUBJECT: Financial Statements  
Thru February 2014**

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14         | Oct '13 - Feb 14 | Budget           | \$ Over Budget  | % of Budget<br>Thru Feb. 42% |
|---|----------------|------------------|------------------|-----------------|------------------------------|
| <b>Resources</b>                            |                |                  |                  |                 |                              |
| 4000100 · Taxes                             |                |                  |                  |                 |                              |
| 4000105 · Ad Valorem, Current               | 103,734        | 1,187,842        | 1,220,608        | -32,766         | 97%                          |
| 4000110 · Ad Valorem, Delinquent            | 99             | 1,454            | 7,800            | -6,346          | 19%                          |
| 4000113 · Interest/Penalties - Prop Tax     | 998            | 1,322            | 6,700            | -5,378          | 20%                          |
| 4000120 · Sales Tax                         | 21,775         | 78,619           | 188,710          | -110,091        | 42%                          |
| 4000125 · Sales Tax - Street Improvement    | 5,444          | 19,655           | 46,800           | -27,145         | 42%                          |
| 4000130 · Franchise Tax                     | 10,096         | 21,475           | 150,000          | -128,525        | 14%                          |
| <b>Total 4000100 · Taxes</b>                | <b>142,146</b> | <b>1,310,367</b> | <b>1,620,618</b> | <b>-310,251</b> | <b>81%</b>                   |
| 4000200 · Licenses and Permits              |                |                  |                  |                 |                              |
| 4000208 · Building Permits                  |                |                  |                  |                 |                              |
| 4000210 · Residential Building Permits      | 8,288          | 37,849           | 24,000           | 13,849          | 158%                         |
| 4000213 · Fire Inspection Permits           | 900            | 3,900            | 1,800            | 2,100           | 217%                         |
| 4000214 · Misc Building Permits             | 763            | 5,115            | 11,000           | -5,885          | 47%                          |
| <b>Total 4000208 · Building Permits</b>     | <b>9,951</b>   | <b>46,864</b>    | <b>36,800</b>    | <b>10,064</b>   | <b>127%</b>                  |
| 4000230 · Plan Review Fee                   | 1,707          | 9,327            | 4,800            | 4,527           | 194%                         |
| 4000260 · Alarm Permits                     | 170            | 525              | 2,300            | -1,775          | 23%                          |
| 4000270 · Animal Tag Fees                   | 228            | 1,344            | 3,000            | -1,656          | 45%                          |
| 4000272 · Impound Fees                      | 375            | 1,520            | 1,200            | 320             | 127%                         |
| 4000290 · Misc Licenses and Permits         | 65             | 260              | 1,000            | -740            | 26%                          |
| <b>Total 4000200 · Licenses and Permits</b> | <b>12,496</b>  | <b>59,840</b>    | <b>49,100</b>    | <b>10,740</b>   | <b>122%</b>                  |
| 4000400 · Charges for Services              |                |                  |                  |                 |                              |
| 4000325 · ESD #2                            | 0              | 0                | 145,000          | -145,000        | 0%                           |
| 4000330 · ESD #4                            | 0              | 0                | 39,000           | -39,000         | 0%                           |
| 4000411 · Copies and Maps                   | 8              | 45               | 100              | -55             | 45%                          |
| 4000415 · Police Reports                    | 0              | 54               | 150              | -96             | 36%                          |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14        | Oct '13 - Feb 14 | Budget         | \$ Over Budget  | % of Budget<br>Thru Feb. 42% |
|--|---------------|------------------|----------------|-----------------|------------------------------|
| 4000420 · Park Lights                        | 0             | 0                | 350            | -350            | 0%                           |
| 4000440 · Oak Leaf Animal Control            | 0             | 0                | 800            | -800            | 0%                           |
| 4000450 · Subdivision Fees                   | 0             | 0                | 0              | 0               | 0%                           |
| 4000480 · Solid Waste (Garbage)              | 18,074        | 86,486           | 198,000        | -111,514        | 44%                          |
| 4000490 · Misc Charges for Services          | 125           | 743              | 2,500          | -1,757          | 30%                          |
| <b>Total 4000400 · Charges for Services</b>  | <b>18,207</b> | <b>87,328</b>    | <b>385,900</b> | <b>-298,572</b> | <b>23%</b>                   |
| 4000500 · Fines and Forfeitures              |               |                  |                |                 |                              |
| 4000535 · Omni Warrant Revenue               | 0             | 0                | 4,500          | -4,500          | 0%                           |
| 4000510 · Fines - Police                     | 4,223         | 28,044           | 85,500         | -57,456         | 33%                          |
| 4000520 · Fines - Animal Control             | 94            | 94               | 1,000          | -906            | 9%                           |
| 4000525 · Fines - Code Enforcement           | 174           | 1,093            | 2,000          | -907            | 55%                          |
| 4000590 · Misc Fines and Forfeitures         | 0             | 11               | 345            | -334            | 3%                           |
| <b>Total 4000500 · Fines and Forfeitures</b> | <b>4,491</b>  | <b>29,242</b>    | <b>93,345</b>  | <b>-64,103</b>  | <b>31%</b>                   |
| 4000800 · Other Revenue                      |               |                  |                |                 |                              |
| 4000810 · Heritage Day                       | 0             | 2,630            | 9,000          | -6,370          | 29%                          |
| 4000820 · Water Tower Lease                  | 27,406        | 48,666           | 92,000         | -43,334         | 53%                          |
| 4000840 · Interest Earned                    | 785           | 2,037            | 5,500          | -3,463          | 37%                          |
| 4000861 · ESD #2 Cert Grant                  | 0             | 0                | 0              | 0               | 0%                           |
| 4000867 · HB3667 TX.Forest Service Grant     | 0             | 0                | 0              | 0               | 0%                           |
| 4000870 · Insurance Proceeds                 | 0             | 564              | 0              | 564             | 100%                         |
| 4000885 · Proceeds from Sale of Assets       | 0             | 0                | 0              | 0               | 0%                           |
| 4000887 · HOA Revenue                        | 0             | 0                | 1,015          | -1,015          | 0%                           |
| 4000890 · Misc Other Revenue                 | 0             | 6,542            | 5,517          | 1,025           | 119%                         |
| <b>Total 4000800 · Other Revenue</b>         | <b>28,191</b> | <b>60,439</b>    | <b>113,032</b> | <b>-52,593</b>  | <b>53%</b>                   |
| 4000900 · Transfers In                       |               |                  |                |                 |                              |
| 4000925 · Admin.Rev. received from 4B-EDC    | 0             | 625              | 2,500          | -1,875          | 25%                          |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14         | Oct '13 - Feb 14 | Budget           | \$ Over Budget    | % of Budget<br>Thru Feb. 42% |
|---|----------------|------------------|------------------|-------------------|------------------------------|
| 4000930 · Admin. Rev. Rec. From W&S Fund    | 0              | 29,661           | 118,643          | -88,982           | 25%                          |
| 4000940 · Admin.Rev. Rec. from MDD Fund     | 0              | 125              | 500              | -375              | 25%                          |
| 4000990 · Reduction in Fund Balance         | 0              | 0                | 228,953          | -228,953          | 0%                           |
| <b>Total 4000900 · Transfers In</b>         | <b>0</b>       | <b>30,411</b>    | <b>350,596</b>   | <b>-320,185</b>   | <b>9%</b>                    |
| <b>Total Resources</b>                      | <b>205,531</b> | <b>1,577,627</b> | <b>2,612,591</b> | <b>-1,034,964</b> | <b>60%</b>                   |
| <b>Gross Profit</b>                         | <b>205,531</b> | <b>1,577,627</b> | <b>2,612,591</b> | <b>-1,034,964</b> | <b>60%</b>                   |
| <b>Expense</b>                              |                |                  |                  |                   |                              |
| 10 · Administration                         |                |                  |                  |                   |                              |
| 5101100 · Salaries & Wages                  |                |                  |                  |                   |                              |
| 5101110 · City Administrator                | 6,293          | 29,783           | 60,000           | -30,217           | 50%                          |
| 5101115 · City Secretary                    | 3,923          | 18,540           | 38,250           | -19,710           | 48%                          |
| 5101117 · City Accountant                   | 3,942          | 18,462           | 37,500           | -19,038           | 49%                          |
| 5101120 · Admin. Support                    | 2,061          | 9,081            | 19,500           | -10,419           | 47%                          |
| 5101180 · Merit Raises, Staff               | 0              | 0                | 4,000            | -4,000            | 0%                           |
| <b>Total 5101100 · Salaries &amp; Wages</b> | <b>16,219</b>  | <b>75,866</b>    | <b>159,250</b>   | <b>-83,384</b>    | <b>48%</b>                   |
| 5101400 · Support Staff                     |                |                  |                  |                   |                              |
| 5101490 · Overtime                          | 0              | 81               | 625              | -544              | 13%                          |
| <b>Total 5101400 · Support Staff</b>        | <b>0</b>       | <b>81</b>        | <b>625</b>       | <b>-544</b>       | <b>13%</b>                   |
| 5102100 · Employee Benefits                 |                |                  |                  |                   |                              |
| 5102112 · Affordable Health Care Act Fee    | 342            | 988              | 3,140            | -2,152            | 31%                          |
| 5102110 · Group Insurance                   | 1,653          | 9,963            | 19,900           | -9,937            | 50%                          |
| 5102115 · Corrected Tax on Benefits         | 0              | 0                | 0                | 0                 | 0%                           |
| 5102135 · TMRS                              | 925            | 5,140            | 10,400           | -5,260            | 49%                          |
| 5102160 · Worker's Compensation             | 0              | 220              | 440              | -220              | 50%                          |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|------------------------------|
| 5102170 · Payroll Taxes                     | 232          | 1,312            | 3,200         | -1,888         | 41%                          |
| 5102180 · Unemployment Taxes                | 0            | 1,071            | 1,000         | 71             | 107%                         |
| 5102196 · Indiv. Membership Dues            | 150          | 515              | 1,500         | -985           | 34%                          |
| <b>Total 5102100 · Employee Benefits</b>    | <b>3,302</b> | <b>19,209</b>    | <b>39,580</b> | <b>-20,371</b> | <b>49%</b>                   |
| <b>5102200 · Special Services</b>           |              |                  |               |                |                              |
| 5102210 · Tax Assessing & Collecting Fees   | 0            | 1,550            | 1,570         | -20            | 99%                          |
| 5102220 · Tax Appraisal Fee                 | 184          | 13,217           | 14,000        | -783           | 94%                          |
| 5102230 · Legal Fees                        | 0            | 4,808            | 33,000        | -28,192        | 15%                          |
| 5102240 · Audit                             | 5,050        | 7,420            | 7,420         | 0              | 100%                         |
| 5102250 · Accounting                        | 2,134        | 2,284            | 2,000         | 284            | 114%                         |
| 5102260 · Engineering Fees                  | 0            | 0                | 9,000         | -9,000         | 0%                           |
| <b>Total 5102200 · Special Services</b>     | <b>7,368</b> | <b>29,279</b>    | <b>66,990</b> | <b>-37,711</b> | <b>44%</b>                   |
| <b>5102300 · Contractual Services</b>       |              |                  |               |                |                              |
| 5102310 · Consultant Fees                   | 0            | 2,400            | 28,000        | -25,600        | 9%                           |
| <b>Total 5102300 · Contractual Services</b> | <b>0</b>     | <b>2,400</b>     | <b>28,000</b> | <b>-25,600</b> | <b>9%</b>                    |
| <b>5102500 · Operating Services</b>         |              |                  |               |                |                              |
| 5102530 · Custodial Service Contract        | 265          | 1,325            | 3,600         | -2,275         | 37%                          |
| <b>Total 5102500 · Operating Services</b>   | <b>265</b>   | <b>1,325</b>     | <b>3,600</b>  | <b>-2,275</b>  | <b>37%</b>                   |
| <b>5102600 · Special Expenses</b>           |              |                  |               |                |                              |
| 5102610 · Election - Payroll                | 0            | 0                | 850           | -850           | 0%                           |
| 5102620 · Election - Supplies               | 0            | 0                | 2,725         | -2,725         | 0%                           |
| 5102630 · Election Meeting Expense          | 0            | 0                | 100           | -100           | 0%                           |
| 5102650 · Codification Book Update          | 0            | 1,485            | 3,500         | -2,015         | 42%                          |
| <b>Total 5102600 · Special Expenses</b>     | <b>0</b>     | <b>1,485</b>     | <b>7,175</b>  | <b>-5,690</b>  | <b>21%</b>                   |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14     | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget Thru Feb. 42% |
|---|------------|------------------|---------------|----------------|---------------------------|
| 5103100 · General Supplies                          |            |                  |               |                |                           |
| 5103110 · Office Supplies                           | 261        | 3,331            | 6,000         | -2,669         | 56%                       |
| 5103140 · Uniforms                                  | 0          | 10               | 300           | -290           | 3%                        |
| <b>Total 5103100 · General Supplies</b>             | <b>261</b> | <b>3,341</b>     | <b>6,300</b>  | <b>-2,959</b>  | <b>53%</b>                |
| 5103400 · Maintenance Supplies / Parts              |            |                  |               |                |                           |
| 5103410 · Supplies - Custodial                      | 23         | 338              | 1,500         | -1,162         | 23%                       |
| 5103440 · Maintenance Agreement Expense             | 0          | 0                | 600           | -600           | 0%                        |
| 5103460 · Miscellaneous                             | 0          | 75               | 200           | -125           | 38%                       |
| <b>Total 5103400 · Maintenance Supplies / Parts</b> | <b>23</b>  | <b>413</b>       | <b>2,300</b>  | <b>-1,887</b>  | <b>18%</b>                |
| 5104200 · Travel Expenses                           |            |                  |               |                |                           |
| 5104210 · Travel - Local                            | 141        | 185              | 500           | -315           | 37%                       |
| 5104220 · Professional Development                  | 0          | 1,089            | 5,000         | -3,911         | 22%                       |
| 5104222 · Professional Develop - Council            | 0          | 25               | 1,200         | -1,175         | 2%                        |
| 5104225 · City Council Meal Expense                 | 0          | 354              | 1,800         | -1,446         | 20%                       |
| 5104230 · Professional Develop - In-House           | 0          | 0                | 100           | -100           | 0%                        |
| <b>Total 5104200 · Travel Expenses</b>              | <b>141</b> | <b>1,653</b>     | <b>8,600</b>  | <b>-6,947</b>  | <b>19%</b>                |
| 5105200 · Data Processing Expenses                  |            |                  |               |                |                           |
| 5105230 · Data Proc-Maintenance & Repair            | 171        | 1,378            | 6,000         | -4,622         | 23%                       |
| 5105240 · Data Processing - Software                | 400        | 3,850            | 10,000        | -6,150         | 39%                       |
| <b>Total 5105200 · Data Processing Expenses</b>     | <b>571</b> | <b>5,228</b>     | <b>16,000</b> | <b>-10,772</b> | <b>33%</b>                |
| 5105300 · Printing Expense                          |            |                  |               |                |                           |
| 5105310 · Copier Expense                            | 255        | 1,029            | 3,300         | -2,271         | 31%                       |
| 5105320 · Printing - Newsletters                    | 0          | 752              | 3,300         | -2,548         | 23%                       |
| 5105330 · Printing - Forms                          | 0          | 446              | 2,000         | -1,554         | 22%                       |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|  | Feb 14       | Oct '13 - Feb 14 | Budget       | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------------|------------------|--------------|----------------|------------------------------|
| 5105350 · Printing - Other                             | 0            | 167              | 500          | -333           | 33%                          |
| <b>Total 5105300 · Printing Expense</b>                | <b>255</b>   | <b>2,394</b>     | <b>9,100</b> | <b>-6,706</b>  | <b>26%</b>                   |
| <b>5105400 · Utilities</b>                             |              |                  |              |                |                              |
| 5105410 · Telephone                                    | 111          | 555              | 1,400        | -845           | 40%                          |
| 5105415 · Cellular Phone                               | 217          | 1,085            | 2,680        | -1,595         | 40%                          |
| 5105417 · Internet                                     | 69           | 343              | 840          | -497           | 41%                          |
| 5105420 · Wireless Cards                               | 114          | 684              | 500          | 184            | 137%                         |
| 5105450 · Electricity                                  | 574          | 1,661            | 4,500        | -2,839         | 37%                          |
| <b>Total 5105400 · Utilities</b>                       | <b>1,085</b> | <b>4,328</b>     | <b>9,920</b> | <b>-5,592</b>  | <b>44%</b>                   |
| <b>5105500 · Repairs &amp; Bldg Improvements</b>       |              |                  |              |                |                              |
| 5105520 · Repairs - Buildings                          | 145          | 753              | 6,000        | -5,247         | 13%                          |
| 5105540 · Repairs - Machinery & Equipment              | 0            | 0                | 1,000        | -1,000         | 0%                           |
| 5105590 · Repairs - Other                              | 0            | 135              | 500          | -365           | 27%                          |
| <b>Total 5105500 · Repairs &amp; Bldg Improvements</b> | <b>145</b>   | <b>888</b>       | <b>7,500</b> | <b>-6,612</b>  | <b>12%</b>                   |
| <b>5105600 · Insurance</b>                             |              |                  |              |                |                              |
| 5105610 · Insurance - Property                         | 0            | 562              | 1,250        | -688           | 45%                          |
| 5105620 · Insurance - Liability                        | 0            | 430              | 865          | -435           | 50%                          |
| 5105630 · Insurance - Fidelity Bond                    | 0            | 300              | 250          | 50             | 120%                         |
| 5105635 · Public Officials Surety Bonds                | 0            | 0                | 900          | -900           | 0%                           |
| <b>Total 5105600 · Insurance</b>                       | <b>0</b>     | <b>1,292</b>     | <b>3,265</b> | <b>-1,973</b>  | <b>40%</b>                   |
| <b>5105700 · Other Expenses</b>                        |              |                  |              |                |                              |
| 5105705 · Postage                                      | 325          | 1,663            | 5,000        | -3,337         | 33%                          |
| 5105710 · Cash - Over/Short                            | 0            | 0                | 10           | -10            | 0%                           |
| 5105725 · Records Management Expense                   | 0            | 0                | 300          | -300           | 0%                           |
| 5105730 · City - Memberships                           | 0            | 1,580            | 2,100        | -520           | 75%                          |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14        | Oct '13 - Feb 14 | Budget         | \$ Over Budget  | % of Budget Thru Feb. 42% |
|---|---------------|------------------|----------------|-----------------|---------------------------|
| 5105740 · Legal Notices/Advertisement       | 0             | 361              | 4,000          | -3,639          | 9%                        |
| 5105752 · Employment Screening              | 0             | 0                | 400            | -400            | 0%                        |
| 5105760 · Bank Service Charge               | 6             | 18               | 25             | -7              | 72%                       |
| 5105764 · Filing Fees                       | 0             | 0                | 500            | -500            | 0%                        |
| 5105765 · Miscellaneous                     | 16            | 1,248            | 2,000          | -752            | 62%                       |
| <b>Total 5105700 · Other Expenses</b>       | <b>347</b>    | <b>4,870</b>     | <b>14,335</b>  | <b>-9,465</b>   | <b>34%</b>                |
| 5106400 · Minor Capital Outlay              |               |                  |                |                 |                           |
| 5106440 · Machinery & Equipment             | 0             | 0                | 5,000          | -5,000          | 0%                        |
| 5106465 · Furniture                         | 120           | 390              | 1,000          | -610            | 39%                       |
| 5106470 · Audio & Visual Equipment          | 0             | 0                | 1,000          | -1,000          | 0%                        |
| <b>Total 5106400 · Minor Capital Outlay</b> | <b>120</b>    | <b>390</b>       | <b>7,000</b>   | <b>-6,610</b>   | <b>6%</b>                 |
| 5107400 · Capitalized Assets                |               |                  |                |                 |                           |
| 5107420 · Buildings                         | 0             | 0                | 0              | 0               | 0%                        |
| 5107425 · Land                              | 0             | 0                | 0              | 0               | 0%                        |
| <b>Total 5107400 · Capitalized Assets</b>   | <b>0</b>      | <b>0</b>         | <b>0</b>       | <b>0</b>        | <b>0%</b>                 |
| 5109000 · Reserves                          |               |                  |                |                 |                           |
| 5109001 · Reserve for Contingency           | 0             | 0                | 16,450         | -16,450         | 0%                        |
| <b>Total 5109000 · Reserves</b>             | <b>0</b>      | <b>0</b>         | <b>16,450</b>  | <b>-16,450</b>  | <b>0%</b>                 |
| <b>Total 10 · Administration</b>            | <b>30,102</b> | <b>154,442</b>   | <b>405,990</b> | <b>-251,548</b> | <b>38%</b>                |
| 20 · Police                                 |               |                  |                |                 |                           |
| 5201100 · Salaries & Wages                  |               |                  |                |                 |                           |
| 5201120 · Police Chief                      | 4,896         | 26,928           | 61,795         | -34,867         | 44%                       |
| 5201143 · Command Staff                     | 3,830         | 21,065           | 48,358         | -27,293         | 44%                       |
| 5201150 · Certification Pay                 | 185           | 1,017            | 2,400          | -1,383          | 42%                       |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14 | Oct '13 - Feb 14 | Budget  | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------|------------------|---------|----------------|------------------------------|
| 5201180 · Merit Raises - Staff              | 0      | 0                | 3,310   | -3,310         | 0%                           |
| <b>Total 5201100 · Salaries &amp; Wages</b> | 8,911  | 49,010           | 115,863 | -66,853        | 42%                          |
| <b>5201400 · Support Salaries</b>           |        |                  |         |                |                              |
| 5201405 · Support Staff                     | 1,480  | 8,809            | 21,660  | -12,851        | 41%                          |
| 5201410 · Patrol                            | 19,096 | 86,199           | 243,500 | -157,301       | 35%                          |
| 5201415 · Certification Pay                 | 69     | 519              | 5,500   | -4,981         | 9%                           |
| 5201480 · Merit Raises                      | 0      | 0                | 7,875   | -7,875         | 0%                           |
| 5201490 · Overtime                          | 1,721  | 9,061            | 6,600   | 2,461          | 137%                         |
| <b>Total 5201400 · Support Salaries</b>     | 22,366 | 104,588          | 285,135 | -180,547       | 37%                          |
| <b>5202100 · Employee Benefits</b>          |        |                  |         |                |                              |
| 5202110 · Group Insurance                   | 3,858  | 20,787           | 66,150  | -45,363        | 31%                          |
| 5202135 · TMRS                              | 1,948  | 8,945            | 21,450  | -12,505        | 42%                          |
| 5202160 · Worker's Compensation             | 0      | 4,244            | 8,550   | -4,306         | 50%                          |
| 5202170 · Payroll Taxes                     | 424    | 2,105            | 5,445   | -3,340         | 39%                          |
| 5202196 · Membership Dues                   | 150    | 285              | 315     | -30            | 90%                          |
| <b>Total 5202100 · Employee Benefits</b>    | 6,380  | 36,366           | 101,910 | -65,544        | 36%                          |
| <b>5202300 · Contractual Services</b>       |        |                  |         |                |                              |
| 5202355 · Contract Labor - Individual       | 0      | 0                | 500     | -500           | 0%                           |
| 5202356 · Gingerbread House                 | 0      | 1,000            | 1,000   | 0              | 100%                         |
| 5202380 · Dispatch                          | 0      | 6,568            | 13,875  | -7,307         | 47%                          |
| 5202385 · Jail Expense                      | 0      | 1,000            | 2,000   | -1,000         | 50%                          |
| <b>Total 5202300 · Contractual Services</b> | 0      | 8,568            | 17,375  | -8,807         | 49%                          |
| <b>5202500 · Operating Services</b>         |        |                  |         |                |                              |
| 5202540 · Computer Maintenance              | 0      | 657              | 700     | -43            | 94%                          |
| 5202560 · Internet Subscriptions            | 0      | 0                | 1,450   | -1,450         | 0%                           |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget Thru Feb. 42% |
|--|--------|------------------|--------|----------------|---------------------------|
| Total 5202500 · Operating Services           | 0      | 657              | 2,150  | -1,493         | 31%                       |
| 5202600 · Special Expenses                   |        |                  |        |                |                           |
| 5202675 · National Night Out                 | 0      | 350              | 500    | -150           | 70%                       |
| Total 5202600 · Special Expenses             | 0      | 350              | 500    | -150           | 70%                       |
| 5203100 · General Supplies                   |        |                  |        |                |                           |
| 5203110 · Office Supplies                    | 0      | 761              | 1,500  | -739           | 51%                       |
| 5203140 · Uniforms                           | 498    | 1,899            | 2,500  | -601           | 76%                       |
| 5203170 · Evidence Gathering                 | 0      | 243              | 700    | -457           | 35%                       |
| Total 5203100 · General Supplies             | 498    | 2,903            | 4,700  | -1,797         | 62%                       |
| 5203400 · Maintenance Supplies & Parts       |        |                  |        |                |                           |
| 5203410 · Supplies - Custodial               | 28     | 146              | 600    | -454           | 24%                       |
| Total 5203400 · Maintenance Supplies & Parts | 28     | 146              | 600    | -454           | 24%                       |
| 5204200 · Travel Expenses                    |        |                  |        |                |                           |
| 5204210 · Travel - Local                     | 0      | 0                | 300    | -300           | 0%                        |
| 5204220 · Professional Development           | 0      | 846              | 2,000  | -1,154         | 42%                       |
| 5204270 · Vehicle Expenses                   | 1,622  | 7,818            | 24,000 | -16,182        | 33%                       |
| Total 5204200 · Travel Expenses              | 1,622  | 8,664            | 26,300 | -17,636        | 33%                       |
| 5205200 · Data Processing Expenses           |        |                  |        |                |                           |
| 5205220 · Data Proc - Equipment Rental       | 0      | 0                | 400    | -400           | 0%                        |
| 5205240 · Data Processing - Software         | 0      | 16,543           | 17,500 | -957           | 95%                       |
| Total 5205200 · Data Processing Expenses     | 0      | 16,543           | 17,900 | -1,357         | 92%                       |
| 5205300 · Printing Expenses                  |        |                  |        |                |                           |
| 5205310 · Copier Expense                     | 80     | 655              | 1,500  | -845           | 44%                       |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|  | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------------|------------------|---------------|----------------|------------------------------|
| 5205330 · Printing - Forms                                 | 0            | 222              | 300           | -78            | 74%                          |
| 5205350 · Printing - Other                                 | 0            | 47               | 400           | -353           | 12%                          |
| <b>Total 5205300 · Printing Expenses</b>                   | <b>80</b>    | <b>924</b>       | <b>2,200</b>  | <b>-1,276</b>  | <b>42%</b>                   |
| <b>5205400 · Utilities</b>                                 |              |                  |               |                |                              |
| 5205410 · Telephone  | 120          | 598              | 1,600         | -1,002         | 37%                          |
| 5205415 · Cellular Phone                                   | 106          | 530              | 1,350         | -820           | 39%                          |
| 5205417 · Internet - PD                                    | 86           | 428              | 1,475         | -1,047         | 29%                          |
| 5205420 · Wireless Cards                                   | 228          | 1,140            | 2,350         | -1,210         | 49%                          |
| 5205450 · Electricity                                      | 746          | 1,841            | 4,000         | -2,159         | 46%                          |
| <b>Total 5205400 · Utilities</b>                           | <b>1,286</b> | <b>4,537</b>     | <b>10,775</b> | <b>-6,238</b>  | <b>42%</b>                   |
| <b>5205500 · Repairs &amp; Building Improvements</b>       |              |                  |               |                |                              |
| 5205520 · Repairs - Building                               | 0            | 481              | 481           | 0              | 100%                         |
| 5205540 · Repairs- Machinery & Equipment                   | 0            | 1,046            | 1,200         | -154           | 87%                          |
| 5205550 · Repairs - Vehicles                               | 293          | 1,138            | 7,500         | -6,362         | 15%                          |
| <b>Total 5205500 · Repairs &amp; Building Improvements</b> | <b>293</b>   | <b>2,665</b>     | <b>9,181</b>  | <b>-6,516</b>  | <b>29%</b>                   |
| <b>5205600 · Insurance</b>                                 |              |                  |               |                |                              |
| 5205610 · Insurance - Property                             | 0            | 800              | 1,600         | -800           | 50%                          |
| 5205620 · Insurance - Liability                            | 0            | 2,412            | 4,900         | -2,488         | 49%                          |
| 5205640 · Insurance - Vehicle                              | 0            | 1,316            | 2,700         | -1,384         | 49%                          |
| <b>Total 5205600 · Insurance</b>                           | <b>0</b>     | <b>4,528</b>     | <b>9,200</b>  | <b>-4,672</b>  | <b>49%</b>                   |
| <b>5205700 · Other Expenses</b>                            |              |                  |               |                |                              |
| 5205742 · Public Relations                                 | 0            | 0                | 100           | -100           | 0%                           |
| 5205752 · Employment Screening                             | 0            | 360              | 1,000         | -640           | 36%                          |
| 5205765 · Miscellaneous                                    | 31           | 379              | 1,619         | -1,240         | 23%                          |
| <b>Total 5205700 · Other Expenses</b>                      | <b>31</b>    | <b>739</b>       | <b>2,719</b>  | <b>-1,980</b>  | <b>27%</b>                   |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14        | Oct '13 - Feb 14 | Budget         | \$ Over Budget  | % of Budget<br>Thru Feb. 42% |
|---|---------------|------------------|----------------|-----------------|------------------------------|
| 5206400 · Minor Capital Outlay              |               |                  |                |                 |                              |
| 5206440 · Machinery & Equipment             | 0             | 0                | 2,667          | -2,667          | 0%                           |
| 5206445 · Personal Protective Equipment     | 0             | 730              | 2,000          | -1,270          | 37%                          |
| <b>Total 5206400 · Minor Capital Outlay</b> | <b>0</b>      | <b>730</b>       | <b>4,667</b>   | <b>-3,937</b>   | <b>16%</b>                   |
| <b>Total 20 · Police</b>                    | <b>41,495</b> | <b>241,918</b>   | <b>611,175</b> | <b>-369,257</b> | <b>40%</b>                   |
| <b>25 · Municipal Court</b>                 |               |                  |                |                 |                              |
| 5251100 · Salaries & Wages                  |               |                  |                |                 |                              |
| 5251140 · Municipal Judge                   | 440           | 2,200            | 6,000          | -3,800          | 37%                          |
| <b>Total 5251100 · Salaries &amp; Wages</b> | <b>440</b>    | <b>2,200</b>     | <b>6,000</b>   | <b>-3,800</b>   | <b>37%</b>                   |
| 5251400 · Support Staff                     |               |                  |                |                 |                              |
| 5251405 · Support Staff                     | 2,282         | 12,550           | 28,825         | -16,275         | 44%                          |
| 5251420 · Jury Fees                         | 0             | 36               | 200            | -164            | 18%                          |
| 5251425 · City Prosecutor                   | 554           | 2,852            | 8,500          | -5,648          | 34%                          |
| 5251480 · Merit Raises                      | 0             | 0                | 870            | -870            | 0%                           |
| 5251490 · Overtime                          | 0             | 566              | 1,200          | -634            | 47%                          |
| <b>Total 5251400 · Support Staff</b>        | <b>2,836</b>  | <b>16,004</b>    | <b>39,595</b>  | <b>-23,591</b>  | <b>40%</b>                   |
| 5252100 · Employee Benefits                 |               |                  |                |                 |                              |
| 5252110 · Group Insurance                   | 551           | 2,755            | 6,615          | -3,860          | 42%                          |
| 5252135 · TMRS                              | 130           | 748              | 1,725          | -977            | 43%                          |
| 5252160 · Worker's Compensation             | 0             | 56               | 110            | -54             | 51%                          |
| 5252170 · Payroll Taxes                     | 33            | 184              | 435            | -251            | 42%                          |
| 5252196 · Membership Dues                   | 0             | 0                | 0              | 0               | 0%                           |
| <b>Total 5252100 · Employee Benefits</b>    | <b>714</b>    | <b>3,743</b>     | <b>8,885</b>   | <b>-5,142</b>   | <b>42%</b>                   |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14   | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|----------|------------------|---------------|----------------|------------------------------|
| 5252300 · Contractual Services                  |          |                  |               |                |                              |
| 5252375 · Traffic Fines                         | 0        | 14,529           | 38,000        | -23,471        | 38%                          |
| <b>Total 5252300 · Contractual Services</b>     | <b>0</b> | <b>14,529</b>    | <b>38,000</b> | <b>-23,471</b> | <b>38%</b>                   |
| 5252500 · Operating Services                    |          |                  |               |                |                              |
| 5252540 · Computer Maintenance                  | 0        | 38               | 150           | -112           | 25%                          |
| <b>Total 5252500 · Operating Services</b>       | <b>0</b> | <b>38</b>        | <b>150</b>    | <b>-112</b>    | <b>25%</b>                   |
| 5253100 · General Supplies                      |          |                  |               |                |                              |
| 5253110 · Office Supplies                       | 0        | 58               | 250           | -192           | 23%                          |
| 5253140 · Uniforms                              | 0        | 0                | 50            | -50            | 0%                           |
| <b>Total 5253100 · General Supplies</b>         | <b>0</b> | <b>58</b>        | <b>300</b>    | <b>-242</b>    | <b>19%</b>                   |
| 5254200 · Travel Expenses                       |          |                  |               |                |                              |
| 5254210 · Travel - Local                        | 0        | 0                | 25            | -25            | 0%                           |
| 5254220 · Professional Development              | 0        | 0                | 24            | -24            | 0%                           |
| <b>Total 5254200 · Travel Expenses</b>          | <b>0</b> | <b>0</b>         | <b>49</b>     | <b>-49</b>     | <b>0%</b>                    |
| 5255200 · Data Processing Expenses              |          |                  |               |                |                              |
| 5255240 · Data Processing - SW Maint.           | 0        | 1,771            | 1,775         | -4             | 100%                         |
| <b>Total 5255200 · Data Processing Expenses</b> | <b>0</b> | <b>1,771</b>     | <b>1,775</b>  | <b>-4</b>      | <b>100%</b>                  |
| 5255300 · Printing Expense                      |          |                  |               |                |                              |
| 5255350 · Printing - Other                      | 0        | 0                | 300           | -300           | 0%                           |
| <b>Total 5255300 · Printing Expense</b>         | <b>0</b> | <b>0</b>         | <b>300</b>    | <b>-300</b>    | <b>0%</b>                    |
| 5255600 · Insurance                             |          |                  |               |                |                              |
| 5255620 · Insurance - Liability                 | 0        | 144              | 300           | -156           | 48%                          |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14 | Oct '13 - Feb 14 | Budget  | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------|------------------|---------|----------------|------------------------------|
| 5255630 · Insurance - Fidelity Bond     | 0      | 0                | 0       | 0              | 0%                           |
| Total 5255600 · Insurance               | 0      | 144              | 300     | -156           | 48%                          |
| 5255700 · Other Expenses                |        |                  |         |                |                              |
| 5255752 · Employment Screening          | 0      | 0                | 75      | -75            | 0%                           |
| 5255765 · Miscellaneous                 | 0      | 0                | 75      | -75            | 0%                           |
| 5255770 · Warrant Fee State Comptroller | 0      | 0                | 3,000   | -3,000         | 0%                           |
| 5255772 · Warrant Fee - Omni            | 0      | 0                | 900     | -900           | 0%                           |
| Total 5255700 · Other Expenses          | 0      | 0                | 4,050   | -4,050         | 0%                           |
| Total 25 · Municipal Court              | 3,990  | 38,487           | 99,404  | -60,917        | 39%                          |
| 30 · Fire                               |        |                  |         |                |                              |
| 5301100 · Salaries & Wages              |        |                  |         |                |                              |
| 5301125 · Fire Chief                    | 3,182  | 17,502           | 40,170  | -22,668        | 44%                          |
| 5301130 · Asst. Fire Chief              | 0      | 0                | 0       | 0              | 0%                           |
| 5301140 · Fire Captains                 | 3,867  | 27,790           | 97,790  | -70,000        | 28%                          |
| 5301180 · Merit Raises - Staff          | 0      | 0                | 4,100   | -4,100         | 0%                           |
| Total 5301100 · Salaries & Wages        | 7,049  | 45,292           | 142,060 | -96,768        | 32%                          |
| 5301400 · Support Salaries              |        |                  |         |                |                              |
| 5301440 · Firefighters                  | 17,720 | 96,044           | 202,000 | -105,956       | 48%                          |
| 5301480 · Merit Raises                  | 0      | 0                | 5,900   | -5,900         | 0%                           |
| 5301485 · Volunteer Incentive Program   | 1,190  | 6,741            | 15,600  | -8,859         | 43%                          |
| Total 5301400 · Support Salaries        | 18,910 | 102,785          | 223,500 | -120,715       | 46%                          |
| 5302100 · Employee Benefits             |        |                  |         |                |                              |
| 5302110 · Group Insurance               | 0      | 0                | 0       | 0              | 0%                           |
| 5302135 · TMRS                          | 181    | 1,014            | 2,400   | -1,386         | 42%                          |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|------------------------------|
| 5302137 · Volunteer Retirement              | 0            | 108              | 1,300         | -1,192         | 8%                           |
| 5302160 · Worker's Compensation             | 0            | 6,400            | 15,700        | -9,300         | 41%                          |
| 5302170 · Payroll Taxes                     | 1,697        | 9,724            | 24,200        | -14,476        | 40%                          |
| 5302196 · Membership Dues                   | 285          | 1,109            | 1,900         | -791           | 58%                          |
| <b>Total 5302100 · Employee Benefits</b>    | <b>2,163</b> | <b>18,355</b>    | <b>45,500</b> | <b>-27,145</b> | <b>40%</b>                   |
| <b>5302300 · Contractual Services</b>       |              |                  |               |                |                              |
| 5302310 · Consultant Fees                   | 1,500        | 1,500            | 1,500         | 0              | 100%                         |
| 5302380 · Dispatch                          | 0            | 6,568            | 13,875        | -7,307         | 47%                          |
| 5302385 · Emergency Transport Service       | 0            | 31,780           | 63,560        | -31,780        | 50%                          |
| <b>Total 5302300 · Contractual Services</b> | <b>1,500</b> | <b>39,848</b>    | <b>78,935</b> | <b>-39,087</b> | <b>50%</b>                   |
| <b>5302500 · Operating Services</b>         |              |                  |               |                |                              |
| 5302510 · Maintenance Agreements            | 0            | 4,679            | 10,505        | -5,826         | 45%                          |
| 5302540 · Computer Maintenance              | 0            | 627              | 1,500         | -873           | 42%                          |
| 5302570 · Warning System Maintenance        | 0            | 780              | 780           | 0              | 100%                         |
| 5302580 · Generator Maintenance             | 0            | 0                | 2,120         | -2,120         | 0%                           |
| <b>Total 5302500 · Operating Services</b>   | <b>0</b>     | <b>6,086</b>     | <b>14,905</b> | <b>-8,819</b>  | <b>41%</b>                   |
| <b>5302600 · Special Expenses</b>           |              |                  |               |                |                              |
| 5302675 · National Night Out                | 0            | 0                | 500           | -500           | 0%                           |
| <b>Total 5302600 · Special Expenses</b>     | <b>0</b>     | <b>0</b>         | <b>500</b>    | <b>-500</b>    | <b>0%</b>                    |
| <b>5303100 · General Supplies</b>           |              |                  |               |                |                              |
| 5303110 · Office Supplies                   | 76           | 858              | 1,400         | -542           | 61%                          |
| 5303140 · Uniforms                          | 440          | 863              | 4,400         | -3,537         | 20%                          |
| 5303160 · Medical Supplies                  | 46           | 1,787            | 5,000         | -3,213         | 36%                          |
| 5303165 · Medical Support                   | 28           | 109              | 500           | -391           | 22%                          |
| 5303170 · Evidence Gathering                | 0            | 0                | 50            | -50            | 0%                           |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|------------------------------|
| 5303175 · Education Aids                                | 0            | 0                | 50            | -50            | 0%                           |
| <b>Total 5303100 · General Supplies</b>                 | <b>590</b>   | <b>3,617</b>     | <b>11,400</b> | <b>-7,783</b>  | <b>32%</b>                   |
| <b>5303400 · Maintenance Supplies &amp; Parts</b>       |              |                  |               |                |                              |
| 5303410 · Supplies - Custodial                          | 0            | 279              | 2,400         | -2,121         | 12%                          |
| 5303420 · Building Alarm Maintenance                    | 0            | 0                | 420           | -420           | 0%                           |
| <b>Total 5303400 · Maintenance Supplies &amp; Parts</b> | <b>0</b>     | <b>279</b>       | <b>2,820</b>  | <b>-2,541</b>  | <b>10%</b>                   |
| <b>5304200 · Travel Expenses</b>                        |              |                  |               |                |                              |
| 5304220 · Professional Development                      | 150          | 608              | 1,300         | -692           | 47%                          |
| 5304270 · Vehicle Expenses                              | 861          | 3,296            | 10,000        | -6,704         | 33%                          |
| <b>Total 5304200 · Travel Expenses</b>                  | <b>1,011</b> | <b>3,904</b>     | <b>11,300</b> | <b>-7,396</b>  | <b>35%</b>                   |
| <b>5305200 · Data Processing Expenses</b>               |              |                  |               |                |                              |
| 5305230 · Data Proc-Maintenance & Repair                | 0            | 0                | 1,000         | -1,000         | 0%                           |
| 5305240 · Data Processing - Software                    | 0            | 104              | 2,850         | -2,746         | 4%                           |
| <b>Total 5305200 · Data Processing Expenses</b>         | <b>0</b>     | <b>104</b>       | <b>3,850</b>  | <b>-3,746</b>  | <b>3%</b>                    |
| <b>5305300 · Printing Expense</b>                       |              |                  |               |                |                              |
| 5305310 · Copier Expense                                | 393          | 1,414            | 3,100         | -1,686         | 46%                          |
| 5305330 · Printing - Forms                              | 0            | 0                | 100           | -100           | 0%                           |
| <b>Total 5305300 · Printing Expense</b>                 | <b>393</b>   | <b>1,414</b>     | <b>3,200</b>  | <b>-1,786</b>  | <b>44%</b>                   |
| <b>5305400 · Utilities</b>                              |              |                  |               |                |                              |
| 5305410 · Telephone                                     | 233          | 1,025            | 2,350         | -1,325         | 44%                          |
| 5305415 · Cellular Phone                                | 0            | 127              | 525           | -398           | 24%                          |
| 5305417 · Internet - Fire Dept.                         | 420          | 1,949            | 3,100         | -1,151         | 63%                          |
| 5305430 · Natural Gas                                   | 359          | 1,521            | 1,650         | -129           | 92%                          |
| 5305450 · Electricity                                   | 751          | 2,172            | 5,400         | -3,228         | 40%                          |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------|------------------|--------|----------------|------------------------------|
| <b>Total 5305400 - Utilities</b>                       | 1,763  | 6,794            | 13,025 | -6,231         | 52%                          |
| <b>5305500 - Repairs &amp; Bldg Improvements</b>       |        |                  |        |                |                              |
| 5305520 - Repairs - Building                           | -2     | 132              | 4,000  | -3,868         | 3%                           |
| 5305540 - Repairs - Machinery & Equipment              | 1,251  | 2,443            | 19,000 | -16,557        | 13%                          |
| 5305545 - Repairs - Apparatus                          | 398    | 3,320            | 12,000 | -8,680         | 28%                          |
| 5305550 - Repairs - Vehicles                           | 96     | 121              | 3,500  | -3,379         | 3%                           |
| <b>Total 5305500 - Repairs &amp; Bldg Improvements</b> | 1,743  | 6,016            | 38,500 | -32,484        | 16%                          |
| <b>5305600 - Insurance</b>                             |        |                  |        |                |                              |
| 5305610 - Insurance - Property                         | 0      | 0                | 0      | 0              | 0%                           |
| 5305620 - Insurance - Liability                        | 0      | 4,535            | 6,500  | -1,965         | 70%                          |
| 5305640 - Insurance - Vehicle                          | 0      | 4,924            | 10,000 | -5,076         | 49%                          |
| <b>Total 5305600 - Insurance</b>                       | 0      | 9,459            | 16,500 | -7,041         | 57%                          |
| <b>5305700 - Other Expenses</b>                        |        |                  |        |                |                              |
| 5305705 - Postage                                      | 0      | 0                | 150    | -150           | 0%                           |
| 5305752 - Employment Screening                         | 0      | 103              | 0      | 103            | 100%                         |
| 5305765 - Flags & Miscellaneous                        | 0      | 0                | 700    | -700           | 0%                           |
| 5305770 - Matching Fire Grant Expense                  | 0      | 0                | 0      | 0              | 0%                           |
| <b>Total 5305700 - Other Expenses</b>                  | 0      | 103              | 850    | -747           | 12%                          |
| <b>5306400 - Minor Capital Outlay</b>                  |        |                  |        |                |                              |
| 5306440 - Machinery & Equipment                        | 0      | 1,940            | 10,300 | -8,360         | 19%                          |
| 5306445 - Personal Protective Equipment                | 0      | 206              | 20,500 | -20,294        | 1%                           |
| <b>Total 5306400 - Minor Capital Outlay</b>            | 0      | 2,146            | 30,800 | -28,654        | 7%                           |
| <b>5307400 - Capitalized Assets</b>                    |        |                  |        |                |                              |
| 5307440 - Machinery & Equipment                        | 0      | 0                | 0      | 0              | 0%                           |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14 | Oct '13 - Feb 14 | Budget  | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------|------------------|---------|----------------|------------------------------|
| 5307450 · Vehicles                          | 0      | 0                | 0       | 0              | 0%                           |
| Total 5307400 · Capitalized Assets          | 0      | 0                | 0       | 0              | 0%                           |
| <b>Total 30 · Fire</b>                      | 35,122 | 246,202          | 637,645 | -391,443       | 39%                          |
| <b>40 · Community Services</b>              |        |                  |         |                |                              |
| 5401100 · Salaries & Wages                  |        |                  |         |                |                              |
| 5401135 · ACO/Code Enforcement Officer      | 2,780  | 15,249           | 35,100  | -19,851        | 43%                          |
| 5401180 · Merit Raises - Staff              | 0      | 0                | 1,055   | -1,055         | 0%                           |
| 5401190 · Overtime                          | 0      | 0                | 150     | -150           | 0%                           |
| <b>Total 5401100 · Salaries &amp; Wages</b> | 2,780  | 15,249           | 36,305  | -21,056        | 42%                          |
| 5402100 · Employee Benefits                 |        |                  |         |                |                              |
| 5402110 · Group Insurance                   | 0      | 1,750            | 6,620   | -4,870         | 26%                          |
| 5402135 · TMRS                              | 161    | 899              | 2,050   | -1,151         | 44%                          |
| 5402160 · Worker's Compensation             | 0      | 110              | 225     | -115           | 49%                          |
| 5402170 · Payroll Taxes                     | 41     | 250              | 550     | -300           | 45%                          |
| 5402190 · License                           | 150    | 175              | 325     | -150           | 54%                          |
| <b>Total 5402100 · Employee Benefits</b>    | 352    | 3,184            | 9,770   | -6,586         | 33%                          |
| 5402300 · Contractual Services              |        |                  |         |                |                              |
| 5402315 · Contract Building Inspections     | 6,353  | 26,465           | 18,000  | 8,465          | 147%                         |
| 5402325 · Fire Inspections                  | 0      | 0                | 1,800   | -1,800         | 0%                           |
| 5402370 · Impound Fees                      | 241    | 661              | 1,400   | -739           | 47%                          |
| <b>Total 5402300 · Contractual Services</b> | 6,594  | 27,126           | 21,200  | 5,926          | 128%                         |
| 5402600 · Special Expenses                  |        |                  |         |                |                              |
| 5402680 · Environmental Testing             | 0      | 0                | 2,300   | -2,300         | 0%                           |
| 5402685 · Clean up Day                      | 0      | 0                | 100     | -100           | 0%                           |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------|------------------|--------|----------------|------------------------------|
| Total 5402600 · Special Expenses             | 0      | 0                | 2,400  | -2,400         | 0%                           |
| 5403100 · General Supplies                   |        |                  |        |                |                              |
| 5403110 · Office Supplies                    | 0      | 0                | 50     | -50            | 0%                           |
| 5403120 · Animal Care                        | 0      | 0                | 150    | -150           | 0%                           |
| 5403122 · Pet Supplies                       | 11     | 166              | 500    | -334           | 33%                          |
| 5403140 · Uniforms                           | 0      | 120              | 350    | -230           | 34%                          |
| Total 5403100 · General Supplies             | 11     | 286              | 1,050  | -764           | 27%                          |
| 5403400 · Maintenance Supplies & Parts       |        |                  |        |                |                              |
| 5403460 · Miscellaneous                      | 0      | 82               | 100    | -18            | 82%                          |
| Total 5403400 · Maintenance Supplies & Parts | 0      | 82               | 100    | -18            | 82%                          |
| 5404200 · Travel Expenses                    |        |                  |        |                |                              |
| 5404210 · Travel - Local                     | 0      | 0                | 25     | -25            | 0%                           |
| 5404220 · Professional Development           | 0      | 125              | 200    | -75            | 63%                          |
| 5404270 · Vehicle Expenses                   | 174    | 577              | 2,200  | -1,623         | 26%                          |
| Total 5404200 · Travel Expenses              | 174    | 702              | 2,425  | -1,723         | 29%                          |
| 5405200 · Data Processing Expenses           |        |                  |        |                |                              |
| 5405230 · Data Proc-Maintenance & Repairs    | 0      | 0                | 200    | -200           | 0%                           |
| Total 5405200 · Data Processing Expenses     | 0      | 0                | 200    | -200           | 0%                           |
| 5405300 · Printing Expense                   |        |                  |        |                |                              |
| 5405330 · Printing - Forms                   | 0      | 0                | 150    | -150           | 0%                           |
| Total 5405300 · Printing Expense             | 0      | 0                | 150    | -150           | 0%                           |
| 5405400 · Utilities                          |        |                  |        |                |                              |
| 5405415 · Cellular Phone                     | 41     | 205              | 550    | -345           | 37%                          |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14 | Oct '13 - Feb 14 | Budget  | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------|------------------|---------|----------------|------------------------------|
| <b>Total 5405400 · Utilities</b>            | 41     | 205              | 550     | -345           | 37%                          |
| <b>5405600 · Insurance</b>                  |        |                  |         |                |                              |
| 5405610 · Insurance - Property              | 0      | 4                | 8       | -4             | 50%                          |
| 5405620 · Insurance - Liability             | 0      | 92               | 200     | -108           | 46%                          |
| 5405640 · Insurance - Vehicle               | 0      | 162              | 325     | -163           | 50%                          |
| <b>Total 5405600 · Insurance</b>            | 0      | 258              | 533     | -275           | 48%                          |
| <b>5405700 · Other Expenses</b>             |        |                  |         |                |                              |
| 5405765 · Miscellaneous                     | 0      | 0                | 100     | -100           | 0%                           |
| <b>Total 5405700 · Other Expenses</b>       | 0      | 0                | 100     | -100           | 0%                           |
| <b>5406400 · Minor Capital Outlay</b>       |        |                  |         |                |                              |
| 5406440 · Machinery & Equipment             | 0      | 271              | 800     | -529           | 34%                          |
| <b>Total 5406400 · Minor Capital Outlay</b> | 0      | 271              | 800     | -529           | 34%                          |
| <b>Total 40 · Community Services</b>        | 9,952  | 47,363           | 75,583  | -28,220        | 63%                          |
| <b>45 · Solid Waste</b>                     |        |                  |         |                |                              |
| <b>5455400 · Utilities</b>                  |        |                  |         |                |                              |
| 5455465 · Solidwaste Pickup (Garbage)       | 0      | 67,373           | 200,327 | -132,954       | 34%                          |
| 5455400 · Utilities - Other                 | 0      | 0                | 0       | 0              | 0%                           |
| <b>Total 5455400 · Utilities</b>            | 0      | 67,373           | 200,327 | -132,954       | 34%                          |
| <b>Total 45 · Solid Waste</b>               | 0      | 67,373           | 200,327 | -132,954       | 34%                          |
| <b>50 · Streets</b>                         |        |                  |         |                |                              |
| <b>5501400 · Support Staff</b>              |        |                  |         |                |                              |
| 5501415 · Maintenance Crew                  | 1,690  | 9,184            | 21,320  | -12,136        | 43%                          |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
**October 2013 through February 2014**

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|---------------------------|
| 5501480 · Merit Raises                            | 0            | 0                | 640           | -640           | 0%                        |
| 5501490 · Overtime                                | 95           | 550              | 1,500         | -950           | 37%                       |
| 5501500 · Streets - On Call                       | 50           | 200              | 700           | -500           | 29%                       |
| <b>Total 5501400 · Support Staff</b>              | <b>1,835</b> | <b>9,934</b>     | <b>24,160</b> | <b>-14,226</b> | <b>41%</b>                |
| <b>5502100 · Employee Benefits</b>                |              |                  |               |                |                           |
| 5502110 · Group Insurance                         | 551          | 2,755            | 6,620         | -3,865         | 42%                       |
| 5502135 · TWRS                                    | 105          | 576              | 1,265         | -689           | 46%                       |
| 5502160 · Worker's Compensation                   | 0            | 856              | 1,745         | -889           | 49%                       |
| 5502170 · Payroll Taxes                           | 26           | 138              | 325           | -187           | 42%                       |
| 5502190 · License                                 | 0            | 0                | 122           | -122           | 0%                        |
| <b>Total 5502100 · Employee Benefits</b>          | <b>682</b>   | <b>4,325</b>     | <b>10,077</b> | <b>-5,752</b>  | <b>43%</b>                |
| <b>5502200 · Special Services</b>                 |              |                  |               |                |                           |
| 5502280 · NCTCOG- SWMP Fees                       | 0            | 3,453            | 6,400         | -2,947         | 54%                       |
| <b>Total 5502200 · Special Services</b>           | <b>0</b>     | <b>3,453</b>     | <b>6,400</b>  | <b>-2,947</b>  | <b>54%</b>                |
| <b>5502600 · Special Expenses</b>                 |              |                  |               |                |                           |
| 5502620 · Emergency Clean Up                      | 0            | 0                | 2,250         | -2,250         | 0%                        |
| <b>Total 5502600 · Special Expenses</b>           | <b>0</b>     | <b>0</b>         | <b>2,250</b>  | <b>-2,250</b>  | <b>0%</b>                 |
| <b>5503100 · General Supplies</b>                 |              |                  |               |                |                           |
| 5503110 · Office Supplies                         | 0            | 0                | 100           | -100           | 0%                        |
| 5503140 · Uniforms                                | 0            | 297              | 500           | -203           | 59%                       |
| <b>Total 5503100 · General Supplies</b>           | <b>0</b>     | <b>297</b>       | <b>600</b>    | <b>-303</b>    | <b>50%</b>                |
| <b>5503400 · Maintenance Supplies &amp; Parts</b> |              |                  |               |                |                           |
| 5503405 · Drainage Maintenance                    | 0            | 0                | 500           | -500           | 0%                        |
| 5503420 · Supplies - Street Signs                 | 0            | 352              | 2,000         | -1,648         | 18%                       |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------|------------------|--------|----------------|------------------------------|
| 5503460 · Miscellaneous                      | 20     | 109              | 292    | -183           | 37%                          |
| Total 5503400 · Maintenance Supplies & Parts | 20     | 461              | 2,792  | -2,331         | 17%                          |
| 5504200 · Travel Expenses                    |        |                  |        |                |                              |
| 5504220 · Professional Development           | 0      | 0                | 250    | -250           | 0%                           |
| 5504270 · Vehicle Expenses                   | 335    | 1,646            | 6,500  | -4,854         | 25%                          |
| Total 5504200 · Travel Expenses              | 335    | 1,646            | 6,750  | -5,104         | 24%                          |
| 5505300 · Printing Expense                   |        |                  |        |                |                              |
| 5505350 · Printing - Other                   | 0      | 0                | 350    | -350           | 0%                           |
| Total 5505300 · Printing Expense             | 0      | 0                | 350    | -350           | 0%                           |
| 5505400 · Utilities                          |        |                  |        |                |                              |
| 5505450 · Electricity                        | 5,961  | 18,514           | 43,300 | -24,786        | 43%                          |
| Total 5505400 · Utilities                    | 5,961  | 18,514           | 43,300 | -24,786        | 43%                          |
| 5505500 · Repairs & Bldg Improvements        |        |                  |        |                |                              |
| 5405520 · Repairs - Building                 | 0      | 0                | 1,000  | -1,000         | 0%                           |
| 5505540 · Repairs - Machinery & Equipment    | 124    | 619              | 3,500  | -2,881         | 18%                          |
| 5505550 · Repairs - Vehicles                 | 30     | 244              | 2,400  | -2,156         | 10%                          |
| 5505560 · Repairs -Street Maint.& Repairs    | 2,775  | 4,177            | 51,625 | -47,448        | 8%                           |
| 5505565 · Repairs - Infrastruct Drainage     | 0      | 720              | 3,000  | -2,280         | 24%                          |
| 5505590 · Repairs - Other                    | 0      | 0                | 1,500  | -1,500         | 0%                           |
| Total 5505500 · Repairs & Bldg Improvements  | 2,929  | 5,760            | 63,025 | -57,265        | 9%                           |
| 5505600 · Insurance                          |        |                  |        |                |                              |
| 5505610 · Insurance - Property               | 0      | 0                | 0      | 0              | 0%                           |
| 5505620 · Insurance - Liability              | 0      | 492              | 1,000  | -508           | 49%                          |
| 5505640 · Insurance - Vehicle                | 0      | 1,666            | 3,400  | -1,734         | 49%                          |

**City of Ovilla General Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014**

|   | Feb 14 | Oct '13 - Feb 14 | Budget  | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------|------------------|---------|----------------|------------------------------|
| Total 5505600 · Insurance               | 0      | 2,158            | 4,400   | -2,242         | 49%                          |
| 5505700 · Other Expenses                |        |                  |         |                |                              |
| 5505752 · Employment Screening          | 0      | 0                | 100     | -100           | 0%                           |
| Total 5505700 · Other Expenses          | 0      | 0                | 100     | -100           | 0%                           |
| 5506400 · Minor Capital Outlay          |        |                  |         |                |                              |
| 5506440 · Machinery & Equipment         | 0      | 20               | 7,100   | -7,080         | 0%                           |
| 5506445 · Personal Protective Equipment | 0      | 0                | 300     | -300           | 0%                           |
| 5506490 · Other                         | 0      | 0                | 850     | -850           | 0%                           |
| Total 5506400 · Minor Capital Outlay    | 0      | 20               | 8,250   | -8,230         | 0%                           |
| 5507400 · Capitalized Assets            |        |                  |         |                |                              |
| 5507440 · Machinery & Equipment         | 0      | 0                | 7,000   | -7,000         | 0%                           |
| 5507460 · Infrastructure                | 0      | 28,500           | 376,953 | -348,453       | 8%                           |
| Total 5507400 · Capitalized Assets      | 0      | 28,500           | 383,953 | -355,453       | 7%                           |
| Total 50 · Streets                      | 11,762 | 75,068           | 556,407 | -481,339       | 13%                          |
| 60 · Parks                              |        |                  |         |                |                              |
| 5602400 · Rentals                       |        |                  |         |                |                              |
| 5602490 · Rental - Other                | 210    | 1,259            | 2,900   | -1,641         | 43%                          |
| Total 5602400 · Rentals                 | 210    | 1,259            | 2,900   | -1,641         | 43%                          |
| 5602600 · Special Expenses              |        |                  |         |                |                              |
| 5602680 · Heritage Day                  | 0      | 0                | 8,000   | -8,000         | 0%                           |
| Total 5602600 · Special Expenses        | 0      | 0                | 8,000   | -8,000         | 0%                           |
| 5603400 · Maintenance Supplies & Parts  |        |                  |         |                |                              |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget Thru Feb. 42% |
|--|--------|------------------|--------|----------------|---------------------------|
| 5603460 · Miscellaneous                      | 0      | 0                | 280    | -280           | 0%                        |
| Total 5603400 · Maintenance Supplies & Parts | 0      | 0                | 280    | -280           | 0%                        |
| 5605400 · Utilities                          |        |                  |        |                |                           |
| 5605450 · Electricity                        | 891    | 2,713            | 8,000  | -5,287         | 34%                       |
| Total 5605400 · Utilities                    | 891    | 2,713            | 8,000  | -5,287         | 34%                       |
| 5605500 · Repairs & Bldg Improvements        |        |                  |        |                |                           |
| 5605520 · Repairs - Building                 | 0      | 0                | 325    | -325           | 0%                        |
| 5605530 · REPAIRS-IMP OTHER THAN BLDGS       | 28     | 238              | 1,000  | -762           | 24%                       |
| Total 5605500 · Repairs & Bldg Improvements  | 28     | 238              | 1,325  | -1,087         | 18%                       |
| 5605600 · Insurance                          |        |                  |        |                |                           |
| 5605610 · Insurance - Property               | 0      | 56               | 115    | -59            | 49%                       |
| 5605620 · Insurance - Liability              | 0      | 218              | 500    | -282           | 44%                       |
| 5605640 · Insurance - Vehicle                | 0      | 110              | 240    | -130           | 46%                       |
| Total 5605600 · Insurance                    | 0      | 384              | 855    | -471           | 45%                       |
| 5605700 · Other Expenses                     |        |                  |        |                |                           |
| 5605765 · Miscellaneous                      | 0      | 64               | 200    | -136           | 32%                       |
| Total 5605700 · Other Expenses               | 0      | 64               | 200    | -136           | 32%                       |
| 5606400 · Minor Capital Outlay               |        |                  |        |                |                           |
| 5606410 · Land Improvements                  | 0      | 30               | 500    | -470           | 6%                        |
| 5606440 · Machinery & Equipment              | 0      | 0                | 500    | -500           | 0%                        |
| 5606490 · Other                              | 0      | 0                | 0      | 0              | 0%                        |
| Total 5606400 · Minor Capital Outlay         | 0      | 30               | 1,000  | -970           | 3%                        |
| 5607400 · Capitalized Assets                 |        |                  |        |                |                           |

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
 October 2013 through February 2014

|                                    | Feb 14  | Oct '13 - Feb 14 | Budget    | \$ Over Budget | % of Budget Thru Feb. 42% |
|------------------------------------|---------|------------------|-----------|----------------|---------------------------|
| 5607440 · Machinery & Equipment    | 0       | 0                | 3,500     | -3,500         | 0%                        |
| Total 5607400 · Capitalized Assets | 0       | 0                | 3,500     | -3,500         | 0%                        |
| <br>                               |         |                  |           |                |                           |
| Total 60 · Parks                   | 1,129   | 4,688            | 26,060    | -21,372        | 18%                       |
| <br>                               |         |                  |           |                |                           |
| 6560 · Payroll Expenses            | 0       | 0                |           |                |                           |
| Total Expense                      | 133,552 | 875,541          | 2,612,591 | -1,737,050     | 34%                       |
| <br>                               |         |                  |           |                |                           |
| Net Change in Fund Balance         | 71,979  | 702,086          | 0         | 702,086        | 100%                      |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14        | Oct '13 - Feb 14 | Budget           | \$ Over Budget  | % of Budget Thru Feb. 42% |
|---|---------------|------------------|------------------|-----------------|---------------------------|
| <b>Resources</b>                            |               |                  |                  |                 |                           |
| 4000400 · Charges for Services              |               |                  |                  |                 |                           |
| 4000460 · Water Sales                       | 43,807        | 384,009          | 985,000          | -600,991        | 39%                       |
| 4000461 · Sewer Service                     | 10,989        | 69,634           | 155,000          | -85,366         | 45%                       |
| 4000465 · Water & Sewer Penalties           | 982           | 8,156            | 18,000           | -9,844          | 45%                       |
| 4000471 · Reconnect Fees                    | 500           | 2,833            | 5,000            | -2,167          | 57%                       |
| 4000472 · Meters                            | 0             | 0                | 1,000            | -1,000          | 0%                        |
| 4000473 · Connect Fees                      | 150           | 607              | 2,000            | -1,393          | 30%                       |
| 4000478 · Infrastructure Improvement Fee    | 4,774         | 23,340           | 64,068           | -40,728         | 36%                       |
| 4000480 · Solid Waste Fees (Garbage)        | 0             | 0                | 0                | 0               | 0%                        |
| 4000490 · Misc Charges for Services         | 0             | 0                | 0                | 0               | 0%                        |
| <b>Total 4000400 · Charges for Services</b> | <b>61,202</b> | <b>488,579</b>   | <b>1,230,068</b> | <b>-741,489</b> | <b>40%</b>                |
| 4000800 · Other Revenue                     |               |                  |                  |                 |                           |
| 4000840 · Interest Earned                   | 231           | 1,241            | 2,600            | -1,359          | 48%                       |
| 4000890 · Misc Other Revenue                | 30,530        | 46,780           | 15,000           | 31,780          | 312%                      |
| <b>Total 4000800 · Other Revenue</b>        | <b>30,761</b> | <b>48,021</b>    | <b>17,600</b>    | <b>30,421</b>   | <b>273%</b>               |
| <b>Total Resources</b>                      | <b>91,963</b> | <b>536,600</b>   | <b>1,247,668</b> | <b>-711,068</b> | <b>43%</b>                |
| <b>Gross Profit</b>                         | <b>91,963</b> | <b>536,600</b>   | <b>1,247,668</b> | <b>-711,068</b> | <b>43%</b>                |
| <b>Expense</b>                              |               |                  |                  |                 |                           |
| 70 · Administration                         |               |                  |                  |                 |                           |
| 5701100 · Salaries & Wages                  |               |                  |                  |                 |                           |
| 5701110 · City Administrator                | 0             | 4,615            | 20,000           | -15,385         | 23%                       |
| 5701115 · City Secretary                    | 0             | 3,038            | 12,750           | -9,712          | 24%                       |
| 5701117 · Finance Accountant                | 0             | 3,219            | 12,500           | -9,281          | 26%                       |
| 5701120 · Part Time Admin. Support          | 0             | 1,825            | 6,500            | -4,675          | 28%                       |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
**October 2013 through February 2014**

|  | Feb 14       | Oct '13 - Feb 14 | Budget         | \$ Over Budget | % of Budget Thru Feb. 42% |
|--|--------------|------------------|----------------|----------------|---------------------------|
| 5701130 · Public Works Director                        | 3,759        | 20,619           | 47,445         | -26,826        | 43%                       |
| 5701180 · Merit Raises, Staff                          | 0            | 0                | 2,125          | -2,125         | 0%                        |
| <b>Total 5701100 · Salaries &amp; Wages</b>            | <b>3,759</b> | <b>33,316</b>    | <b>101,320</b> | <b>-68,004</b> | <b>33%</b>                |
| 5702100 · Employee Benefits                            |              |                  |                |                |                           |
| 5702110 · Group Insurance                              | 551          | 2,755            | 6,620          | -3,865         | 42%                       |
| 5702135 · TIMRS  | 217          | 1,211            | 2,730          | -1,519         | 44%                       |
| 5702160 · Worker's Compensation                        | 0            | 0                | 0              | 0              | 0%                        |
| 5702170 · Payroll Taxes                                | 55           | 301              | 800            | -499           | 38%                       |
| <b>Total 5702100 · Employee Benefits</b>               | <b>823</b>   | <b>4,267</b>     | <b>10,150</b>  | <b>-5,883</b>  | <b>42%</b>                |
| 5702200 · Special Services                             |              |                  |                |                |                           |
| 5702230 · Legal Fees                                   | 0            | 0                | 1,000          | -1,000         | 0%                        |
| 5702240 · Audit  | 0            | 5,780            | 5,780          | 0              | 100%                      |
| 5702250 · Accounting                                   | 0            | 100              | 1,500          | -1,400         | 7%                        |
| <b>Total 5702200 · Special Services</b>                | <b>0</b>     | <b>5,880</b>     | <b>8,280</b>   | <b>-2,400</b>  | <b>71%</b>                |
| 5702300 · Contractual Services /Personnel              |              |                  |                |                |                           |
| 5702310 · Consultant Fees                              | 0            | 0                | 2,000          | -2,000         | 0%                        |
| <b>Total 5702300 · Contractual Services /Personnel</b> | <b>0</b>     | <b>0</b>         | <b>2,000</b>   | <b>-2,000</b>  | <b>0%</b>                 |
| 5703100 · General Supplies                             |              |                  |                |                |                           |
| 5703110 · Office Supplies                              | 0            | 0                | 700            | -700           | 0%                        |
| <b>Total 5703100 · General Supplies</b>                | <b>0</b>     | <b>0</b>         | <b>700</b>     | <b>-700</b>    | <b>0%</b>                 |
| 5703400 · Maintenance Supplies / Parts                 |              |                  |                |                |                           |
| 5703410 · Supplies - Custodial                         | 0            | 7                | 200            | -193           | 4%                        |
| <b>Total 5703400 · Maintenance Supplies / Parts</b>    | <b>0</b>     | <b>7</b>         | <b>200</b>     | <b>-193</b>    | <b>4%</b>                 |

Ovilla W&S Utility Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget Thru Feb. 42% |
|--|--------|------------------|--------|----------------|---------------------------|
| 5704200 · Travel Expenses                |        |                  |        |                |                           |
| 5704210 · Travel - Local                 | 0      | 0                | 200    | -200           | 0%                        |
| 5704220 · Professional Development       | 0      | 0                | 750    | -750           | 0%                        |
| Total 5704200 · Travel Expenses          | 0      | 0                | 950    | -950           | 0%                        |
| 5705200 · Data Processing Expenses       |        |                  |        |                |                           |
| 5705240 · Data Processing - Software     | 0      | 0                | 400    | -400           | 0%                        |
| Total 5705200 · Data Processing Expenses | 0      | 0                | 400    | -400           | 0%                        |
| 5705300 · Printing Expense               |        |                  |        |                |                           |
| 5705350 · Printing - Other               | 0      | 0                | 250    | -250           | 0%                        |
| Total 5705300 · Printing Expense         | 0      | 0                | 250    | -250           | 0%                        |
| 5705400 · Utilities                      |        |                  |        |                |                           |
| 5705410 · Telephone                      | 111    | 555              | 1,350  | -795           | 41%                       |
| 5705415 · Cellular Phone                 | 36     | 180              | 450    | -270           | 40%                       |
| 5705417 · Internet                       | 69     | 343              | 825    | -482           | 42%                       |
| Total 5705400 · Utilities                | 216    | 1,078            | 2,625  | -1,547         | 41%                       |
| 5705700 · Other Expenses                 |        |                  |        |                |                           |
| 5705705 · Postage                        | 425    | 1,983            | 6,600  | -4,617         | 30%                       |
| 5705740 · Advertising                    | 0      | 0                | 300    | -300           | 0%                        |
| 5705760 · Bank Service Charge            | 18     | 66               | 200    | -134           | 33%                       |
| 5705765 · Miscellaneous                  | 0      | 0                | 100    | -100           | 0%                        |
| 5705775 · Credit Card Transaction Fee    | 232    | 1,679            | 3,000  | -1,321         | 56%                       |
| Total 5705700 · Other Expenses           | 675    | 3,728            | 10,200 | -6,472         | 37%                       |
| 5706400 · Minor Capital Outlay           |        |                  |        |                |                           |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14 | Oct '13 - Feb 14 | Budget  | \$ Over Budget | % of Budget Thru Feb. 42% |
|---|--------|------------------|---------|----------------|---------------------------|
| 5706440 · Machinery & Equipment         | 0      | 0                | 500     | -500           | 0%                        |
| Total 5706400 · Minor Capital Outlay    | 0      | 0                | 500     | -500           | 0%                        |
| 5709000 · Reserve                       |        |                  |         |                |                           |
| 5708215 · Admin. Exp. to General Fund   | 0      | 29,661           | 118,643 | -88,982        | 25%                       |
| 5708230 · Admin. Exp. to Debt Fund      | 0      | 0                | 0       | 0              | 0%                        |
| 5709002 · Capital Improv. Water Reserve | 0      | 0                | 44,340  | -44,340        | 0%                        |
| 5709003 · Capital Improv. Sewer Reserve | 0      | 0                | 25,665  | -25,665        | 0%                        |
| 5709010 · Administrative Reserves       | 0      | 0                | 1,775   | -1,775         | 0%                        |
| Total 5709000 · Reserve                 | 0      | 29,661           | 190,423 | -160,762       | 16%                       |
| Total 70 · Administration               | 5,473  | 77,937           | 327,998 | -250,061       | 24%                       |
| 75 · Water                              |        |                  |         |                |                           |
| 5751100 · Salaries & Wages              |        |                  |         |                |                           |
| 5751133 · Superintendent                | 3,457  | 18,964           | 43,700  | -24,736        | 43%                       |
| 5751180 · Merit Raises - Staff          | 0      | 0                | 1,325   | -1,325         | 0%                        |
| Total 5751100 · Salaries & Wages        | 3,457  | 18,964           | 45,025  | -26,061        | 42%                       |
| 5751400 · Support Salaries              |        |                  |         |                |                           |
| 5751405 · Support Staff                 | 2,886  | 13,385           | 27,400  | -14,015        | 49%                       |
| 5751415 · Maintenance Crew              | 3,789  | 20,726           | 49,000  | -28,274        | 42%                       |
| 5751430 · Seasonal Crew                 | 0      | 0                | 3,000   | -3,000         | 0%                        |
| 5751450 · Certification Pay             | 69     | 380              | 1,200   | -820           | 32%                       |
| 5751480 · Merit Raises                  | 0      | 0                | 3,600   | -3,600         | 0%                        |
| 5751490 · Overtime                      | 108    | 890              | 4,000   | -3,110         | 22%                       |
| 5751500 · Water - On Call               | 50     | 250              | 700     | -450           | 36%                       |
| Total 5751400 · Support Salaries        | 6,902  | 35,631           | 88,900  | -53,269        | 40%                       |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
**October 2013 through February 2014**

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|---------------------------|
| <b>5752100 · Employee Benefits</b>                    |              |                  |               |                |                           |
| 5752110 · Group Insurance                             | 551          | 8,005            | 24,810        | -16,805        | 32%                       |
| 5752135 · TMRS  | 589          | 3,316            | 7,050         | -3,734         | 47%                       |
| 5752160 · Worker's Compensation                       | 0            | 1,312            | 2,910         | -1,598         | 45%                       |
| 5752170 · Payroll Taxes                               | 147          | 893              | 2,000         | -1,107         | 45%                       |
| 5752190 · Licenses                                    | 0            | 0                | 222           | -222           | 0%                        |
| <b>Total 5752100 · Employee Benefits</b>              | <b>1,287</b> | <b>13,526</b>    | <b>36,992</b> | <b>-23,466</b> | <b>37%</b>                |
| <b>5752300 · Contractual Services/Personnel</b>       |              |                  |               |                |                           |
| 5752350 · Contract Labor - Company                    | 0            | 0                | 2,000         | -2,000         | 0%                        |
| 5752380 · Dispatch                                    | 0            | 4,615            | 9,750         | -5,135         | 47%                       |
| <b>Total 5752300 · Contractual Services/Personnel</b> | <b>0</b>     | <b>4,615</b>     | <b>11,750</b> | <b>-7,135</b>  | <b>39%</b>                |
| <b>5752400 · Rentals</b>                              |              |                  |               |                |                           |
| 5752420 · Rental - Machinery & Equipment              | 0            | 0                | 500           | -500           | 0%                        |
| 5752490 · Rental - Other                              | 0            | 0                | 200           | -200           | 0%                        |
| <b>Total 5752400 · Rentals</b>                        | <b>0</b>     | <b>0</b>         | <b>700</b>    | <b>-700</b>    | <b>0%</b>                 |
| <b>5752500 · Operating Services</b>                   |              |                  |               |                |                           |
| 5752580 · Water Testing                               | 58           | 697              | 4,000         | -3,303         | 17%                       |
| 5752590 · TCEQ Fees                                   | 0            | 2,614            | 3,000         | -386           | 87%                       |
| <b>Total 5752500 · Operating Services</b>             | <b>58</b>    | <b>3,311</b>     | <b>7,000</b>  | <b>-3,689</b>  | <b>47%</b>                |
| <b>5753100 · General Supplies</b>                     |              |                  |               |                |                           |
| 5753140 · Uniforms                                    | 0            | 1,472            | 1,500         | -28            | 98%                       |
| <b>Total 5753100 · General Supplies</b>               | <b>0</b>     | <b>1,472</b>     | <b>1,500</b>  | <b>-28</b>     | <b>98%</b>                |
| <b>5753400 · Maintenance Supplies &amp; Parts</b>     |              |                  |               |                |                           |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
**October 2013 through February 2014**

|   | Feb 14        | Oct '13 - Feb 14 | Budget         | \$ Over Budget  | % of Budget<br>Thru Feb. 42% |
|---|---------------|------------------|----------------|-----------------|------------------------------|
| 5753460 · Miscellaneous                                 | 11            | 235              | 300            | -65             | 78%                          |
| <b>Total 5753400 · Maintenance Supplies &amp; Parts</b> | <b>11</b>     | <b>235</b>       | <b>300</b>     | <b>-65</b>      | <b>78%</b>                   |
| 5754200 · Travel Expenses                               |               |                  |                |                 |                              |
| 5754220 · Professional Development                      | 0             | 0                | 1,000          | -1,000          | 0%                           |
| 5754270 · Vehicle Expenses                              | 640           | 3,081            | 10,000         | -6,919          | 31%                          |
| <b>Total 5754200 · Travel Expenses</b>                  | <b>640</b>    | <b>3,081</b>     | <b>11,000</b>  | <b>-7,919</b>   | <b>28%</b>                   |
| 5755200 · Data Processing Expenses                      |               |                  |                |                 |                              |
| 5755230 · Data Proc-Maintenance & Repairs               | 0             | 371              | 1,700          | -1,329          | 22%                          |
| 5755240 · Data Processing - Software                    | 0             | 3,434            | 3,800          | -366            | 90%                          |
| <b>Total 5755200 · Data Processing Expenses</b>         | <b>0</b>      | <b>3,805</b>     | <b>5,500</b>   | <b>-1,695</b>   | <b>69%</b>                   |
| 5755300 · Printing Expenses                             |               |                  |                |                 |                              |
| 5755310 · Copier Expense                                | 657           | 1,314            | 2,700          | -1,386          | 49%                          |
| 5755350 · Printing - Other                              | 0             | 0                | 3,200          | -3,200          | 0%                           |
| <b>Total 5755300 · Printing Expenses</b>                | <b>657</b>    | <b>1,314</b>     | <b>5,900</b>   | <b>-4,586</b>   | <b>22%</b>                   |
| 5755400 · Utilities                                     |               |                  |                |                 |                              |
| 5755415 · Cellular Phone                                | 106           | 400              | 1,500          | -1,100          | 27%                          |
| 5755450 · Electricity                                   | 3,837         | 10,475           | 22,000         | -11,525         | 48%                          |
| 5755460 · Water, wholesale                              | 17,102        | 73,974           | 350,000        | -276,026        | 21%                          |
| <b>Total 5755400 · Utilities</b>                        | <b>21,045</b> | <b>84,849</b>    | <b>373,500</b> | <b>-288,651</b> | <b>23%</b>                   |
| 5755500 · Repairs & Building Improvements               |               |                  |                |                 |                              |
| 5755530 · Improvements Other Than Bldgs                 | 0             | 165              | 500            | -335            | 33%                          |
| 5755540 · Repairs- Machinery & Equipment                | 35            | 1,370            | 7,300          | -5,930          | 19%                          |
| 5755550 · Repairs - Vehicles                            | 358           | 868              | 2,000          | -1,132          | 43%                          |
| 5755570 · Inventory Expense                             | 252           | 4,998            | 19,000         | -14,002         | 26%                          |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14        | Oct '13 - Feb 14 | Budget         | \$ Over Budget  | % of Budget Thru Feb. 42% |
|--|---------------|------------------|----------------|-----------------|---------------------------|
| 5755590 · Repairs - Other                                  | 15            | 327              | 4,500          | -4,173          | 7%                        |
| 5755500 · Repairs & Building Improvements - Other          | 6             | 6                |                |                 |                           |
| <b>Total 5755500 · Repairs &amp; Building Improvements</b> | <b>666</b>    | <b>7,734</b>     | <b>33,300</b>  | <b>-25,566</b>  | <b>23%</b>                |
| <b>5755600 · Insurance</b>                                 |               |                  |                |                 |                           |
| 5755610 · Insurance - Property                             | 0             | 1,296            | 2,600          | -1,304          | 50%                       |
| 5755620 · Insurance - Liability                            | 0             | 864              | 1,750          | -886            | 49%                       |
| 5755640 · Insurance - Vehicle                              | 0             | 754              | 1,600          | -846            | 47%                       |
| <b>Total 5755600 · Insurance</b>                           | <b>0</b>      | <b>2,914</b>     | <b>5,950</b>   | <b>-3,036</b>   | <b>49%</b>                |
| <b>5755700 · Other Expenses</b>                            |               |                  |                |                 |                           |
| 5755752 · Employment Screening                             | 0             | 65               | 200            | -135            | 33%                       |
| <b>Total 5755700 · Other Expenses</b>                      | <b>0</b>      | <b>65</b>        | <b>200</b>     | <b>-135</b>     | <b>33%</b>                |
| <b>5756400 · Minor Capital Outlay</b>                      |               |                  |                |                 |                           |
| 5756440 · Machinery & Equipment                            | 0             | 0                | 2,200          | -2,200          | 0%                        |
| 5756490 · Other  | 20            | 40               | 500            | -460            | 8%                        |
| <b>Total 5756400 · Minor Capital Outlay</b>                | <b>20</b>     | <b>40</b>        | <b>2,700</b>   | <b>-2,660</b>   | <b>1%</b>                 |
| <b>5757400 · Capitalized Assets</b>                        |               |                  |                |                 |                           |
| 5757470 · Infrastructure - Water                           | 0             | 0                | 5,000          | -5,000          | 0%                        |
| <b>Total 5757400 · Capitalized Assets</b>                  | <b>0</b>      | <b>0</b>         | <b>5,000</b>   | <b>-5,000</b>   | <b>0%</b>                 |
| <b>5757900 · Long-Term Debt</b>                            |               |                  |                |                 |                           |
| 5708225 · Transfer to I & S 02 Bond                        | 0             | 0                | 0              | 0               | 0%                        |
| 5758225 · Admin. Expense to Debt Fund                      | 0             | 30,900           | 123,600        | -92,700         | 25%                       |
| <b>Total 5757900 · Long-Term Debt</b>                      | <b>0</b>      | <b>30,900</b>    | <b>123,600</b> | <b>-92,700</b>  | <b>25%</b>                |
| <b>Total 75 · Water</b>                                    | <b>34,743</b> | <b>212,456</b>   | <b>758,817</b> | <b>-546,361</b> | <b>28%</b>                |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|---------------------------|
| <b>80 - Sewer</b>                                     |              |                  |               |                |                           |
| 5801400 - Support Salaries                            |              |                  |               |                |                           |
| 5801405 - Support Staff                               | 0            | 2,498            | 9,106         | -6,608         | 27%                       |
| 5801415 - Maintenance Crew                            | 2,325        | 18,766           | 51,730        | -32,964        | 36%                       |
| 5801450 - Certification Pay                           | 92           | 506              | 1,210         | -704           | 42%                       |
| 5801480 - Merit Raises                                | 0            | 0                | 1,900         | -1,900         | 0%                        |
| 5801490 - Overtime                                    | 196          | 1,429            | 2,500         | -1,071         | 57%                       |
| 5801500 - Sewer - On Call                             | 50           | 450              | 1,150         | -700           | 39%                       |
| <b>Total 5801400 - Support Salaries</b>               | <b>2,663</b> | <b>23,649</b>    | <b>67,596</b> | <b>-43,947</b> | <b>35%</b>                |
| 5802100 - Employee Benefits                           |              |                  |               |                |                           |
| 5802110 - Group Insurance                             | 551          | 3,857            | 14,900        | -11,043        | 26%                       |
| 5802135 - TMRS  | 148          | 1,209            | 3,200         | -1,991         | 38%                       |
| 5802160 - Worker's Compensation-Sewer                 | 0            | 1,312            | 2,700         | -1,388         | 49%                       |
| 5802170 - Payroll Taxes                               | 37           | 296              | 900           | -604           | 33%                       |
| 5802190 - Licenses                                    | 111          | 111              | 222           | -111           | 50%                       |
| <b>Total 5802100 - Employee Benefits</b>              | <b>847</b>   | <b>6,785</b>     | <b>21,922</b> | <b>-15,137</b> | <b>31%</b>                |
| 5802300 - Contractual Services/Personnel              |              |                  |               |                |                           |
| 5802350 - Contract Labor - Company                    | 0            | 0                | 1,000         | -1,000         | 0%                        |
| <b>Total 5802300 - Contractual Services/Personnel</b> | <b>0</b>     | <b>0</b>         | <b>1,000</b>  | <b>-1,000</b>  | <b>0%</b>                 |
| 5802500 - Operating Services                          |              |                  |               |                |                           |
| 5802515 - Sardis Collection Expense                   | 211          | 963              | 2,500         | -1,537         | 39%                       |
| 5802590 - TCEQ Fees - Sewer                           | 0            | 0                | 60            | -60            | 0%                        |
| <b>Total 5802500 - Operating Services</b>             | <b>211</b>   | <b>963</b>       | <b>2,560</b>  | <b>-1,597</b>  | <b>38%</b>                |
| 5803100 - General Supplies                            |              |                  |               |                |                           |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14       | Oct '13 - Feb 14 | Budget        | \$ Over Budget | % of Budget Thru Feb. 42% |
|---|--------------|------------------|---------------|----------------|---------------------------|
| 5803140 · Uniforms                                      | 0            | 779              | 1,000         | -221           | 78%                       |
| <b>Total 5803100 · General Supplies</b>                 | <b>0</b>     | <b>779</b>       | <b>1,000</b>  | <b>-221</b>    | <b>78%</b>                |
| 5803400 · Maintenance Supplies & Parts                  | 0            | 0                | 500           | -500           | 0%                        |
| 5803460 · Miscellaneous                                 | 0            | 0                | 500           | -500           | 0%                        |
| <b>Total 5803400 · Maintenance Supplies &amp; Parts</b> | <b>0</b>     | <b>0</b>         | <b>500</b>    | <b>-500</b>    | <b>0%</b>                 |
| 5804200 · Travel Expenses                               | 0            | 121              | 500           | -379           | 24%                       |
| 5804220 · Professional Development                      | 183          | 619              | 1,800         | -1,181         | 34%                       |
| 5804270 · Vehicle Expense                               | 183          | 740              | 2,300         | -1,560         | 32%                       |
| <b>Total 5804200 · Travel Expenses</b>                  | <b>264</b>   | <b>2,731</b>     | <b>2,700</b>  | <b>31</b>      | <b>101%</b>               |
| 5805400 · Utilities                                     | 3,921        | 18,304           | 47,000        | -28,696        | 39%                       |
| 5805450 · Electricity                                   | 4,185        | 21,035           | 49,700        | -28,665        | 42%                       |
| 5805463 · TRA Wastewater Treatment                      |              |                  |               |                |                           |
| <b>Total 5805400 · Utilities</b>                        | <b>4,185</b> | <b>21,035</b>    | <b>49,700</b> | <b>-28,665</b> | <b>42%</b>                |
| 5805500 · Repairs & Bldg Improvements                   | 0            | 0                | 300           | -300           | 0%                        |
| 5805510 · Repairs - Land Improvements                   | 0            | 3,351            | 6,100         | -2,749         | 55%                       |
| 5805540 · Repairs - Machinery & Equipment               | 0            | 0                | 0             | 0              | 0%                        |
| 5805550 · Repairs - Vehicles                            | 0            | 1,380            | 2,500         | -1,120         | 55%                       |
| 5805570 · Inventory Expense                             | 0            | 0                | 700           | -700           | 0%                        |
| 5805590 · Repairs - Other                               | 0            | 0                | 700           | -700           | 0%                        |
| <b>Total 5805500 · Repairs &amp; Bldg Improvements</b>  | <b>0</b>     | <b>4,731</b>     | <b>9,600</b>  | <b>-4,869</b>  | <b>49%</b>                |
| 5805600 · Insurance                                     | 0            | 28               | 75            | -47            | 37%                       |
| 5805610 · Insurance - Property                          | 0            | 168              | 350           | -182           | 48%                       |
| 5805620 · Insurance - Liability                         | 0            | 20               | 50            | -30            | 40%                       |
| 5805640 · Insurance - Vehicle                           |              |                  |               |                |                           |

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|                                    | Feb 14 | Oct '13 - Feb 14 | Budget    | \$ Over Budget | % of Budget Thru Feb. 42% |
|------------------------------------|--------|------------------|-----------|----------------|---------------------------|
| Total 5805600 · Insurance          | 0      | 216              | 475       | -259           | 45%                       |
| 5805700 · Other Expenses           |        |                  |           |                |                           |
| 5805752 · Employment Screening     | 0      | 0                | 200       | -200           | 0%                        |
| Total 5805700 · Other Expenses     | 0      | 0                | 200       | -200           | 0%                        |
| 5807400 · Capitalized Assets       |        |                  |           |                |                           |
| 5807440 · Machinery & Equipment    | 0      | 0                | 4,000     | -4,000         | 0%                        |
| Total 5807400 · Capitalized Assets | 0      | 0                | 4,000     | -4,000         | 0%                        |
| Total 80 · Sewer                   | 8,089  | 58,898           | 160,853   | -101,955       | 37%                       |
| Total Expense                      | 48,305 | 349,291          | 1,247,668 | -898,377       | 28%                       |
| Net Change in Fund Balance         | 43,658 | 187,309          | 0         | 187,309        | 100%                      |

**Ovilla Debt Service**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14         | Oct '13 - Feb 14 | Budget         | \$ Over Budget  | % of Budget<br>Thru Feb.<br>42% |
|--|----------------|------------------|----------------|-----------------|---------------------------------|
| <b>Resources</b>                         |                |                  |                |                 |                                 |
| 4000100 - Taxes                          |                |                  |                |                 |                                 |
| 4000107 - Ad Valorem, Current I & S      | 35,136         | 402,338          | 413,436        | -11,098         | 97%                             |
| 4000111 - Ad Valorem, Delinquent I & S   | 34             | 508              | 3,400          | -2,892          | 15%                             |
| 4000114 - Interest/Penalties - I & S     | 338            | 446              | 2,800          | -2,354          | 16%                             |
| <b>Total 4000100 - Taxes</b>             | <b>35,508</b>  | <b>403,292</b>   | <b>419,636</b> | <b>-16,344</b>  | <b>96%</b>                      |
| 4000800 - Other Revenue                  |                |                  |                |                 |                                 |
| 4000840 - Interest Earned                | 70             | 210              | 765            | -555            | 27%                             |
| 4000900 - Reduction of Reserve Fund Bal. | 0              | 0                | 28,924         | -28,924         | 0%                              |
| 4000930 - Admin.Rev.Rec.Fr Water & Sewer | 0              | 30,900           | 123,600        | -92,700         | 25%                             |
| <b>Total 4000800 - Other Revenue</b>     | <b>70</b>      | <b>31,110</b>    | <b>153,289</b> | <b>-122,179</b> | <b>20%</b>                      |
| 5158200 - Transfers                      |                |                  |                |                 |                                 |
| 5158225 - Transfer In - Water and Sewer  | 0              | 0                | 0              | 0               | 0%                              |
| <b>Total 5158200 - Transfers</b>         | <b>0</b>       | <b>0</b>         | <b>0</b>       | <b>0</b>        | <b>0%</b>                       |
| <b>Total Resources</b>                   | <b>35,578</b>  | <b>434,402</b>   | <b>572,925</b> | <b>-138,523</b> | <b>76%</b>                      |
| <b>Expense</b>                           |                |                  |                |                 |                                 |
| 5157900 - Long-Term Debt                 |                |                  |                |                 |                                 |
| 5157930 - Paying Agent Fees              | 0              | 0                | 500            | -500            | 0%                              |
| 5157935 - 2011 Bond Issue Principle      | 0              | 0                | 355,000        | -355,000        | 0%                              |
| 5157940 - 2011 Bond Issue Interest       | 108,713        | 108,713          | 217,425        | -108,712        | 50%                             |
| <b>Total 5157900 - Long-Term Debt</b>    | <b>108,713</b> | <b>108,713</b>   | <b>572,925</b> | <b>-464,212</b> | <b>19%</b>                      |
| 5159000 - Reserves                       |                |                  |                |                 |                                 |
| 5159015 - Debt Reserves                  | 0              | 0                | 0              | 0               | 0%                              |
| <b>Total 5159000 - Reserves</b>          | <b>0</b>       | <b>0</b>         | <b>0</b>       | <b>0</b>        | <b>0%</b>                       |
| <b>Total Expense</b>                     | <b>108,713</b> | <b>108,713</b>   | <b>572,925</b> | <b>-464,212</b> | <b>19%</b>                      |
| <b>Net Change in Fund Balance</b>        | <b>-73,135</b> | <b>325,689</b>   | <b>0</b>       | <b>325,689</b>  | <b>100%</b>                     |

**City of Ovilla Capital Projects Fund  
 Profit & Loss Budget vs. Actual  
 October 2013 through February 2014**

|  | Feb 14    | Oct '13 - Feb 14 | Budget     | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|-----------|------------------|------------|----------------|------------------------------|
| <b>Resources</b>                       |           |                  |            |                |                              |
| 4000800 - Other Revenue                |           |                  |            |                |                              |
| 4000845 - Interest Earned - Texstar    | 0         | 0                | 1          | -1             | 0%                           |
| 4000850 - Interest Earned - Prosperity | 20        | 107              | 255        | -148           | 42%                          |
| <b>Total 4000800 - Other Revenue</b>   | <b>20</b> | <b>107</b>       | <b>256</b> | <b>-149</b>    | <b>42%</b>                   |
| <b>Total Income</b>                    | <b>20</b> | <b>107</b>       | <b>256</b> | <b>-149</b>    | <b>42%</b>                   |
| <b>Expense</b>                         |           |                  |            |                |                              |
| 5879000 - Reserves                     |           |                  |            |                |                              |
| 5879010 - Admin Reserves               | 0         | 0                | 256        | -256           | 0%                           |
| <b>Total 5879000 - Reserves</b>        | <b>0</b>  | <b>0</b>         | <b>256</b> | <b>-256</b>    | <b>0%</b>                    |
| <b>Total Expense</b>                   | <b>0</b>  | <b>0</b>         | <b>256</b> | <b>-256</b>    | <b>0%</b>                    |
| <b>Net Change in Fund Balance</b>      | <b>20</b> | <b>107</b>       | <b>0</b>   | <b>107</b>     | <b>100%</b>                  |

**City of Ovilla - Park Impact Fund**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|   | Feb 14       | Oct '13 - Feb 14 | Budget       | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|--------------|------------------|--------------|----------------|------------------------------|
| <b>Resources</b>                            |              |                  |              |                |                              |
| 4000400 · Charges for Services              | 1,338        | 6,691            | 4,014        | 2,677          | 167%                         |
| 4000460 · Park Impact                       | 1,338        | 6,691            | 4,014        | 2,677          | 167%                         |
| <b>Total 4000400 · Charges for Services</b> |              |                  |              |                |                              |
| 4000800 · Other Revenue                     | 5            | 25               | 30           | -5             | 83%                          |
| 4000840 · Interest Earned                   | 0            | 0                | 0            | 0              | 0%                           |
| 4000900 · Reduction of Fund Balance         | 5            | 25               | 30           | -5             | 83%                          |
| <b>Total 4000800 · Other Revenue</b>        |              |                  |              |                |                              |
| <b>Total Resources</b>                      | <b>1,343</b> | <b>6,716</b>     | <b>4,044</b> | <b>2,672</b>   | <b>166%</b>                  |
| <b>Expense</b>                              |              |                  |              |                |                              |
| 5606400 · Minor Capital Outlay              | 0            | 0                | 500          | -500           | 0%                           |
| 5606410 · Land Improvements                 | 0            | 0                | 0            | 0              | 0%                           |
| 5606440 · Machinery and Equipment           | 0            | 0                | 0            | 0              | 0%                           |
| <b>Total 5606400 · Minor Capital Outlay</b> | <b>0</b>     | <b>0</b>         | <b>500</b>   | <b>-500</b>    | <b>0%</b>                    |
| 5607400 · Capitalized Assets                | 0            | 0                | 3,500        | -3,500         | 0%                           |
| 5607440 · Capital Machinery & Equipment     | 0            | 0                | 3,500        | -3,500         | 0%                           |
| <b>Total 5607400 · Capitalized Assets</b>   | <b>0</b>     | <b>0</b>         | <b>3,500</b> | <b>-3,500</b>  | <b>0%</b>                    |
| 5609000 · Reserves                          | 0            | 0                | 44           | -44            | 0%                           |
| 5609035 · Park Impact Reserves              | 0            | 0                | 44           | -44            | 0%                           |
| <b>Total 5609000 · Reserves</b>             | <b>0</b>     | <b>0</b>         | <b>44</b>    | <b>-44</b>     | <b>0%</b>                    |
| <b>Total Expense</b>                        | <b>0</b>     | <b>0</b>         | <b>4,044</b> | <b>-4,044</b>  | <b>0%</b>                    |
| <b>Net Change in Fund Balance</b>           | <b>1,343</b> | <b>6,716</b>     | <b>0</b>     | <b>6,716</b>   | <b>100%</b>                  |

**Ovilla W&S Impact Fee Fund**  
**Profit & Loss Budget vs. Actual**  
**October 2013 through February 2014**

|   | Feb 14     | Oct '13 - Feb 14 | Budget       | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|------------|------------------|--------------|----------------|------------------------------|
| <b>Resources</b>                            |            |                  |              |                |                              |
| 4000400 · Charges for Services              |            |                  |              |                |                              |
| 4000476 · Water Impact Fee                  | 0          | 0                | 0            | 0              | 0%                           |
| 4000477 · Sewer Impact Fee                  | 348        | 1,479            | 1,044        | 435            | 142%                         |
| <b>Total 4000400 · Charges for Services</b> | <b>348</b> | <b>1,479</b>     | <b>1,044</b> | <b>435</b>     | <b>142%</b>                  |
| 4000800 · Other Revenue                     |            |                  |              |                |                              |
| 4000840 · Interest Earned                   | 12         | 79               | 195          | (116)          | 41%                          |
| 4000990 · Reduction in Fund Balance         | 0          | 0                | 0            | 0              | 0%                           |
| <b>Total 4000800 · Other Revenue</b>        | <b>12</b>  | <b>79</b>        | <b>195</b>   | <b>(116)</b>   | <b>41%</b>                   |
| <b>Total Resources</b>                      | <b>360</b> | <b>1,558</b>     | <b>1,239</b> | <b>319</b>     | <b>126%</b>                  |
| <b>Expense</b>                              |            |                  |              |                |                              |
| 5102300 · Contractual Services              |            |                  |              |                |                              |
| 5102310 · Consultant Fees                   | 0          | 0                | 0            | 0              | 0%                           |
| <b>Total 5102300 · Contractual Services</b> | <b>0</b>   | <b>0</b>         | <b>0</b>     | <b>0</b>       | <b>0%</b>                    |
| 5859000 · Reserves                          |            |                  |              |                |                              |
| 5859020 · Water Impact Fees Reserve         | 0          | 0                | 0            | 0              | 0%                           |
| 5859030 · Sewer Impact Fees Reserve         | 0          | 0                | 1,239        | (1,239)        | 0%                           |
| <b>Total 5859000 · Reserves</b>             | <b>0</b>   | <b>0</b>         | <b>1,239</b> | <b>(1,239)</b> | <b>0%</b>                    |
| <b>Total Expense</b>                        | <b>0</b>   | <b>0</b>         | <b>1,239</b> | <b>(1,239)</b> | <b>0%</b>                    |
| <b>Net Change in Fund Balance</b>           | <b>360</b> | <b>1,558</b>     | <b>0</b>     | <b>1,558</b>   | <b>100%</b>                  |

**Ovilla 4B Economic Development Corporation**  
**Profit & Loss Budget vs. Actual**  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------|------------------|--------|----------------|------------------------------|
| <b>Resources</b>                           |        |                  |        |                |                              |
| 4000100 · Taxes                            |        |                  |        |                |                              |
| 4000120 · Sales tax                        | 10,888 | 39,311           | 90,000 | -50,689        | 44%                          |
| <b>Total 4000100 · Taxes</b>               | 10,888 | 39,311           | 90,000 | -50,689        | 44%                          |
| 4000800 · Other Revenue                    |        |                  |        |                |                              |
| 4000840 · Interest Income                  | 81     | 425              | 785    | -360           | 54%                          |
| <b>Total 4000800 · Other Revenue</b>       | 81     | 425              | 785    | -360           | 54%                          |
| <b>Total Resources</b>                     | 10,969 | 39,736           | 90,785 | -51,049        | 44%                          |
| <b>Expense</b>                             |        |                  |        |                |                              |
| 8102200 · Special Services                 |        |                  |        |                |                              |
| 8102220 · Website Support & Maintenance    | 0      | 0                | 1,000  | -1,000         | 0%                           |
| 8102230 · Legal Fees                       | 0      | 0                | 500    | -500           | 0%                           |
| 8102240 · Audit                            | 0      | 1,600            | 1,600  | 0              | 100%                         |
| 8102250 · Accounting                       | 0      | 0                | 0      | 0              | 0%                           |
| <b>Total 8102200 · Special Services</b>    | 0      | 1,600            | 3,100  | -1,500         | 52%                          |
| 8102300 · Consultant Services              |        |                  |        |                |                              |
| 8102310 · Consultant Fees                  | 0      | 7,554            | 15,000 | -7,446         | 50%                          |
| 8102350 · Contract Labor                   | 0      | 0                | 0      | 0              | 0%                           |
| <b>Total 8102300 · Consultant Services</b> | 0      | 7,554            | 15,000 | -7,446         | 50%                          |
| 8103100 · General Supplies                 |        |                  |        |                |                              |
| 8103110 · Office Supplies                  | 0      | 10               | 100    | -90            | 10%                          |
| <b>Total 8103100 · General Supplies</b>    | 0      | 10               | 100    | -90            | 10%                          |
| 8104200 · Travel Expense                   |        |                  |        |                |                              |
| 8104210 · Travel Expense                   | 0      | 0                | 1,000  | -1,000         | 0%                           |
| 8104220 · Professional Development         | 0      | 270              | 2,000  | -1,730         | 14%                          |
| <b>Total 8104200 · Travel Expense</b>      | 0      | 270              | 3,000  | -2,730         | 9%                           |

Ovilla 4B Economic Development Corporation  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget Thru Feb. 42% |
|--|--------|------------------|--------|----------------|---------------------------|
| 8105300 - - Printing                     |        |                  |        |                |                           |
| 8105320 - Printing Expense               | 0      | 177              | 2,500  | -2,323         | 7%                        |
| Total 8105300 - - Printing               | 0      | 177              | 2,500  | -2,323         | 7%                        |
| 8105500 - - Projects                     |        |                  |        |                |                           |
| 8105560 - Sewer Line                     | 0      | 0                | 45,000 | -45,000        | 0%                        |
| Total 8105500 - - Projects               | 0      | 0                | 45,000 | -45,000        | 0%                        |
| 8105600 - Insurance                      |        |                  |        |                |                           |
| 8105620 - Insurance - Liability          | 0      | 142              | 285    | -143           | 50%                       |
| Total 8105600 - Insurance                | 0      | 142              | 285    | -143           | 50%                       |
| 8105700 - Other Expenses                 |        |                  |        |                |                           |
| 8105705 - Postage                        | 0      | 0                | 100    | -100           | 0%                        |
| 8105740 - Advertising                    | 0      | 350              | 1,800  | -1,450         | 19%                       |
| 8105765 - Business Expense               | 0      | 0                | 100    | -100           | 0%                        |
| Total 8105700 - Other Expenses           | 0      | 350              | 2,000  | -1,650         | 18%                       |
| 8109000 - Reserves                       |        |                  |        |                |                           |
| 8109015 - Administrative Reserves        | 0      | 0                | 17,300 | -17,300        | 0%                        |
| 8109215 - Admin. Expense to General Fund | 0      | 625              | 2,500  | -1,875         | 25%                       |
| Total 8109000 - Reserves                 | 0      | 625              | 19,800 | -19,175        | 3%                        |
| Total Expense                            | 0      | 10,728           | 90,785 | -80,057        | 12%                       |
| Net Change in Fund Balance               | 10,969 | 29,008           | 0      | 29,008         | 100%                      |

## Ovilla Municipal Development District Profit & Loss Budget vs. Actual October 2013 through February 2014

|                                     | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|-------------------------------------|--------|------------------|--------|----------------|------------------------------|
| <b>Resources</b>                    |        |                  |        |                |                              |
| 4000100 · Taxes                     |        |                  |        |                |                              |
| 4000120 · Sales tax                 | 3,343  | 12,864           | 25,000 | -12,136        | 51%                          |
| Total 4000100 · Taxes               | 3,343  | 12,864           | 25,000 | -12,136        | 51%                          |
| 4000800 · Other Revenue             |        |                  |        |                |                              |
| 4000840 · Interest Income           | 18     | 94               | 135    | -41            | 70%                          |
| Total 4000800 · Other Revenue       | 18     | 94               | 135    | -41            | 70%                          |
| <b>Total Resources</b>              | 3,361  | 12,958           | 25,135 | -12,177        | 52%                          |
| <b>Expense</b>                      |        |                  |        |                |                              |
| 9102200 · Special Services          |        |                  |        |                |                              |
| 9102230 · Legal Fees                | 0      | 0                | 250    | -250           | 0%                           |
| 9102240 · Audit                     | 0      | 1,600            | 1,600  | 0              | 100%                         |
| 9102250 · Accounting                | 0      | 0                | 250    | -250           | 0%                           |
| Total 9102200 · Special Services    | 0      | 1,600            | 2,100  | -500           | 76%                          |
| 9102300 · Consultant Services       |        |                  |        |                |                              |
| 9102310 · Consultant Fees           | 0      | 0                | 500    | -500           | 0%                           |
| Total 9102300 · Consultant Services | 0      | 0                | 500    | -500           | 0%                           |
| 9103100 · General Supplies          |        |                  |        |                |                              |
| 9103110 · Office Supplies           | 0      | 0                | 100    | -100           | 0%                           |
| Total 9103100 · General Supplies    | 0      | 0                | 100    | -100           | 0%                           |
| 9104200 · Travel Expense            |        |                  |        |                |                              |
| 9104220 · Professional Development  | 0      | 0                | 250    | -250           | 0%                           |
| Total 9104200 · Travel Expense      | 0      | 0                | 250    | -250           | 0%                           |

Ovilla Municipal Development District  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|--------|------------------|--------|----------------|------------------------------|
| 9105600 - Insurance                      |        |                  |        |                |                              |
| 9105620 - Insurance - Liability          | 0      | 142              | 285    | -143           | 50%                          |
| Total 9105600 - Insurance                | 0      | 142              | 285    | -143           | 50%                          |
| 9105700 - Other Expenses                 |        |                  |        |                |                              |
| 9105705 - Postage                        | 0      | 0                | 25     | -25            | 0%                           |
| Total 9105700 - Other Expenses           | 0      | 0                | 25     | -25            | 0%                           |
| 9109000 - Reserves                       |        |                  |        |                |                              |
| 9109015 - Administrative Reserves        | 0      | 0                | 21,375 | -21,375        | 0%                           |
| 9109215 - Admin. Expense to General Fund | 0      | 125              | 500    | -375           | 25%                          |
| Total 9109000 - Reserves                 | 0      | 125              | 21,875 | -21,750        | 1%                           |
| Total Expense                            | 0      | 1,867            | 25,135 | -23,268        | 7%                           |
| Net Change in Fund Balance               | 3,361  | 11,091           | 0      | 11,091         | 100%                         |

Ovilla Police Department Special Fund  
Profit & Loss Budget vs. Actual  
October 2013 through February 2014

|  | Feb 14      | Oct '13 - Feb 14 | Budget       | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|--|-------------|------------------|--------------|----------------|------------------------------|
| <b>Resources</b>                                     |             |                  |              |                |                              |
| 4000800 - Other Revenue                              |             |                  |              |                |                              |
| 4000815 - Gifts                                      | 0           | 250              | 1,000        | -750           | 25%                          |
| 4000880 - Reduction of Fund Balance                  | 0           | 0                | 4,365        | -4,365         | 0%                           |
| <b>Total 4000800 - Other Revenue</b>                 | <b>0</b>    | <b>250</b>       | <b>5,365</b> | <b>-5,115</b>  | <b>5%</b>                    |
| <b>Total Resources</b>                               | <b>0</b>    | <b>250</b>       | <b>5,365</b> | <b>-5,115</b>  | <b>5%</b>                    |
| <b>Expense</b>                                       |             |                  |              |                |                              |
| 5232600 - Special Expenses                           |             |                  |              |                |                              |
| 5232690 - Special Expenses - Other                   | 390         | 515              | 2,265        | -1,750         | 23%                          |
| <b>Total 5232600 - Special Expenses</b>              | <b>390</b>  | <b>515</b>       | <b>2,265</b> | <b>-1,750</b>  | <b>23%</b>                   |
| 5235500 - Repairs and Bldg Improvements              |             |                  |              |                |                              |
| 5235540 - Repairs - Machinery & Equipment            | 0           | 0                | 100          | -100           | 0%                           |
| <b>Total 5235500 - Repairs and Bldg Improvements</b> | <b>0</b>    | <b>0</b>         | <b>100</b>   | <b>-100</b>    | <b>0%</b>                    |
| 5235700 - Other Expense                              |             |                  |              |                |                              |
| 5235735 - Official Functions                         | 0           | 0                | 1,000        | -1,000         | 0%                           |
| <b>Total 5235700 - Other Expense</b>                 | <b>0</b>    | <b>0</b>         | <b>1,000</b> | <b>-1,000</b>  | <b>0%</b>                    |
| 5236400 - Minor Capital Outlay                       |             |                  |              |                |                              |
| 5236440 - Machinery and Equipment                    | 572         | 908              | 2,000        | -1,092         | 45%                          |
| <b>Total 5236400 - Minor Capital Outlay</b>          | <b>572</b>  | <b>908</b>       | <b>2,000</b> | <b>-1,092</b>  | <b>45%</b>                   |
| 5239000 - Reserves                                   |             |                  |              |                |                              |
| 5239010 - Administrative Reserves                    | 0           | 0                | 0            | 0              | 0%                           |
| <b>Total 5239000 - Reserves</b>                      | <b>0</b>    | <b>0</b>         | <b>0</b>     | <b>0</b>       | <b>0%</b>                    |
| <b>Total Expense</b>                                 | <b>962</b>  | <b>1,423</b>     | <b>5,365</b> | <b>-3,942</b>  | <b>27%</b>                   |
| <b>Net Change in Fund Balance</b>                    | <b>-962</b> | <b>-1,173</b>    | <b>0</b>     | <b>-1,173</b>  | <b>100%</b>                  |

## Ovilla Fire Department Auxiliary Profit & Loss Budget vs. Actual October 2013 through February 2014

|   | Feb 14   | Oct '13 - Feb 14 | Budget       | \$ Over Budget | % of Budget<br>Thru Feb. 42% |
|---|----------|------------------|--------------|----------------|------------------------------|
| <b>Resources</b>                                      |          |                  |              |                |                              |
| 4000800 · Other Revenue                               |          |                  |              |                |                              |
| 4000815 · Gifts                                       | 0        | 3,000            | 7,500        | -4,500         | 40%                          |
| 4000830 · Vending Machines                            | 0        | 0                | 500          | -500           | 0%                           |
| 4000880 · Reduction in Fund Balance                   | 0        | 0                | 0            | 0              | 0%                           |
| <b>Total 4000800 · Other Revenue</b>                  | <b>0</b> | <b>3,000</b>     | <b>8,000</b> | <b>-5,000</b>  | <b>38%</b>                   |
| <b>Total Resources</b>                                | <b>0</b> | <b>3,000</b>     | <b>8,000</b> | <b>-5,000</b>  | <b>38%</b>                   |
| <b>Expense</b>  |          |                  |              |                |                              |
| 5332100 · Employee Benefits                           |          |                  |              |                |                              |
| 5332196 · Membership Dues                             | 0        | 0                | 100          | -100           | 0%                           |
| <b>Total 5332100 · Employee Benefits</b>              | <b>0</b> | <b>0</b>         | <b>100</b>   | <b>-100</b>    | <b>0%</b>                    |
| 5333400 · Maintenance Supplies and Parts              |          |                  |              |                |                              |
| 5333410 · Supplies - Custodial                        | 0        | 0                | 0            | 0              | 0%                           |
| 5333460 · Supplies - Miscellaneous                    | 0        | 68               | 1,750        | -1,682         | 4%                           |
| <b>Total 5333400 · Maintenance Supplies and Parts</b> | <b>0</b> | <b>68</b>        | <b>1,750</b> | <b>-1,682</b>  | <b>4%</b>                    |
| 5334200 · Travel Expenses                             |          |                  |              |                |                              |
| 5334220 · Professional Development                    | 0        | 0                | 150          | -150           | 0%                           |
| <b>Total 5334200 · Travel Expenses</b>                | <b>0</b> | <b>0</b>         | <b>150</b>   | <b>-150</b>    | <b>0%</b>                    |
| 5335700 · Other Expense                               |          |                  |              |                |                              |
| 5335735 · Official Functions                          | 0        | 375              | 3,000        | -2,625         | 13%                          |
| 5335765 · Miscellaneous                               | 0        | 0                | 3,000        | -3,000         | 0%                           |
| <b>Total 5335700 · Other Expense</b>                  | <b>0</b> | <b>375</b>       | <b>6,000</b> | <b>-5,625</b>  | <b>6%</b>                    |
| 5336400 · Minor Capital Outlay                        |          |                  |              |                |                              |

**Ovilla Fire Department Auxiliary  
 Profit & Loss Budget vs. Actual  
 October 2013 through February 2014**

|  | Feb 14 | Oct '13 - Feb 14 | Budget | \$ Over Budget | % of Budget Thru Feb. 42% |
|--|--------|------------------|--------|----------------|---------------------------|
| 5336440 - Machinery & Equipment              | 0      | 0                | 0      | 0              | 0%                        |
| Total 5336400 - Minor Capital Outlay         | 0      | 0                | 0      | 0              | 0%                        |
| 5337400 - 5337400 - Capitalized Assets       |        |                  |        |                |                           |
| 5337440 - Machinery & Equipment              | 0      | 0                | 0      | 0              | 0%                        |
| Total 5337400 - 5337400 - Capitalized Assets | 0      | 0                | 0      | 0              | 0%                        |
| 5339000 - Reserve                            |        |                  |        |                |                           |
| 5339010 - Admin Reserves                     | 0      | 0                | 0      | 0              | 0%                        |
| Total 5339000 - Reserve                      | 0      | 0                | 0      | 0              | 0%                        |
| Total Expense                                | 0      | 443              | 8,000  | -7,557         | 6%                        |
| Net Change in Fund Balance                   | 0      | 2,557            | 0      | 2,557          | 100%                      |



## **City Administrator Activity Report**

Cyndy Powell

March 10, 2014 - March 14, 2014

**Weekly staff meetings** – held Tuesdays at 9:00 a.m.

**Employee Policies Handbook** – Ms. Lee plans to present the final revised document for adoption at the March 24, 2014 regular Council meeting – following the Town Hall Meeting at First Baptist Ovilla.

**Cockrell Hill Road Repairs for FY 2014** – Brad is waiting to hear back from Kyle.

**Progressive Solid Waste and Recycling** –Spring Cleanup day for Saturday April 26<sup>th</sup> and May 3<sup>rd</sup> as the rain date.

**Planning and Zoning Commission** – There was no business before the P&Z in February.

**Five Year Staffing Plan** – The Committee (Oberger, Hall, Mayor) were provided job descriptions.

**Strategic Guide** – Town Hall Meeting is set for Monday, March 24 beginning at 6:00 p.m. at First Baptist Ovilla for citizens to have another opportunity to give feedback on the Strategic Guide. The Guide is on the City's web site and is available at City Hall.

**Economic Development Corporation** –Next meeting is March 17, 2014. An application for appointment will be presented to Council.

**Municipal Development District** – pending appointments.

**Main Street Sewer Project** – Brad and I will be meeting with property owners to discuss the plan of action and timeline next week. The contractor will begin work on Monday, March 24, 2014.

**ESD#4 Board Meeting** – The ESD will meet Monday, April 07, 2014.

**Bureau Veritas** –Bureau Veritas (BV) will inspect for storm water compliance and on-site trash receptacles. We made changes to the permit application requiring sidewalk inspections. BV does not inspect sidewalks in the meantime city staff will verify design requirements are met.

**Best Southwest Partnership** –Regional Economic Development 2014 Showcase. Thursday, March 27, 2014. 11:00 a.m. Hilton Garden Inn 800 N. Main, Duncanville.

**Dallas Water Utilities** – we received notice of intent to raise the flat rate charged for treated water 2.5% effective October 1, 2014.

**Bryson Development 113 acres** - Brad and I met with two groups this week interested in developing the Bryson tract.

**MISD** - Brad and I met with civil engineers regarding the process for annexation of the parcel into the City.

# CITY OF OVILLA MINUTES

*Monday, March 10, 2014*

*Regular City Council Meeting*

*105 S. Cockrell Hill Road, Ovilla, TX 75154*

---

Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 7:03 P.M. The following City Council Members were present:

|                 |                        |
|-----------------|------------------------|
| Ralph Hall      | Mayor Pro Tem, Place 1 |
| Larry Stevenson | Council Member Place 2 |
| David Griffin   | Council Member Place 3 |
| Doug Hunt       | Council Member Place 4 |
| Dean Oberg      | Council Member Place 5 |

Mayor Dormier announced all Councilmen present, thus constituting a quorum. Various department-heads and staff were also present.

PL2 Stevenson gave the Invocation and PL3 Griffin led the recitation of the Pledge of Allegiance.

## **COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

### ▪ **Citizens Comments / Citizens Forum:**

I. Mr. Charlie Morton addressed Council regarding two issues:

- a. Controversy of e-cigarettes
- b. Ellis County will be having a run-off election. Ovilla voters will vote at the First Baptist Church of Ovilla.

### ▪ **Department Activity Reports / Discussion**

- Police Department Police Chief M. Moon
  - Monthly Report – received LEOSE Funds for police training.
  - Commendation letter
- Fire Department Fire Chief P. Brancato
  - Monthly Report- completed NIMS 200 & 300 training
- Public Works Public Works Director B. Piland
  - Monthly Report-completed NIMS 200 & 300 training
- Administration City Administrator C. Powell
  - Bi-weekly update activity report-State Comptroller Leadership Circle Application was filed.
  - Monthly Municipal Court Report City Secretary P. Woodall
- Code Enforcement/Animal Control Code/A/C Officer M. Dooly
  - Monthly Reports- discussed sidewalk inspections in new developments

## **CONSENT ITEMS**

- A. Financial Transactions
- B. Minutes of the February 24, 2014 Council Meeting

Mayor Pro Tem Hall moved that Council approve the consent items as presented, seconded by PL4 Hunt. *No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0.**

**I. REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Resolution R2014-011 authorizing the Mayor to execute the Main Street Sewer Line Project Development Agreement.

City staff held discussions with the property owners consisting of John Sims, Stephen Fiedler, Bill Crouch and Jimmie Wade, known as the “Developer” in this project. At the December 09, 2013 Council meeting, Council approved a contribution amount not to exceed \$9,900. City Attorney Ron MacFarlane reviewed and approved the presented Development Agreement.

PL2 Stevenson moved that Council approve Resolution R2014-011 authorizing the Mayor to execute the Main Street Sewer Line Project Development Agreement, seconded by PL3 Griffin. PL4 Hunt voted in opposition. *No abstentions.*

**VOTE: The motion carried 4 in favor, 1 opposed.**

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on the appointment of a City Council Scholarship Committee and setting a date, time, and location to review the applications.

The Best Southwest Partnership (BSW) Education Committee submitted scholarship applications to independent school districts, private schools, and charter schools in the twelve cities in the Best Southwest Partnership’s region. The City Council Scholarship Committee, consisting of the Mayor and two volunteering City Councilors, shall be responsible for the review of applications and selection process.

Mayor Pro Tem Hall moved that Council establish a City Council Scholarship Committee appointing the Mayor, PL2 Stevenson and PL3 Griffin, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0.**

Mayor Pro Tem Hall moved that Council set April 28 at 6:00 p.m., located at City Hall for the City Council Scholarship committee to review scholarship applications for the Best Southwest Partnership Education Committee’s scholarship program, seconded by PL5 Oberg. *No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0.**

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on projected increase to sewer rates in response to the Trinity River Authority wastewater flow data for City sewer customers.

Staff presented preliminary projections and estimated data for discussion with Council since receiving notification from TRA confirming discrepancies in wastewater flow and the amount invoiced to the City due to TRA’s new flow meters. A base rate of \$8.22 per 1,000 gallons, plus a flat rate of \$25 was discussed. The City Accountant prepared a projected sewer rate increase impact analysis on the City’s revenue and expenses. Council debated how much Fund Balance for back payments could be used and/or would be necessary to lighten the financial burden to the homeowners on sewer. Staff would return with additional and various projections.

**No Action.**

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Resolution R2014-012, authorizing the Mayor to execute an Agreement with Birkhoff, Hendricks and Carter, LLP, Consulting Engineers, for an Updated Sewer Rate Study for a cost not to exceed \$6,500.00

Staff presented Resolution R2014-012 authorizing an update of the 2011 Water & Sewer Rate Study to evaluate the City’s existing sewer (only) rates since receiving the new flow data reports from TRA. The Study

would provide professional projections from Birkhoff, Hendricks & Carter, LLP, which had prepared the City's 2011 Water & Sewer Rate Study. Council's consensus was to wait and review staff projections first.

**No Action.**

**ITEM 5. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2014-005 Amending Chapter 1, Article 1.08, Section 1.08.035 of the Ovilla Code of Ordinances, providing for the appointment of the City Secretary as the Custodian of Public Records of the City of Ovilla, providing a savings clause; providing a severance clause, providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

PL4 Hunt moved that Council approve Ordinance 2014-005 providing for the appointment of the City Secretary as the Custodian of Public Records of the City of Ovilla as presented, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0.**

**REQUESTS FOR FUTURE AGENDA ITEMS**

- |                       |  |
|-----------------------|--|
| 1. Mayor Pro Tem Hall | Review the Purchasing Policy & Procedures Guidelines |
| 2. PL2 Stevenson      | None   |
| 3. PL3 Griffin        | None   |
| 4. PL4 Hunt           | None   |
| 5. PL5 Oberg          | None   |
| 6. Mayor              | None   |

**ADJOURNMENT**

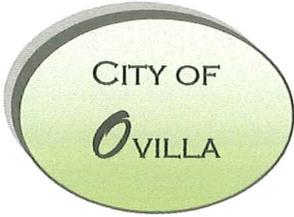
There being no further business, Mayor Dormier adjourned the meeting at 8:40 p.m.

\_\_\_\_\_  
Richard Dormier, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Woodall, City Secretary

**Approved March 24, 2014**



AGENDA ITEM REPORT

Item(s): 1 (City Secretary use only)

Meeting Date: March 24, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

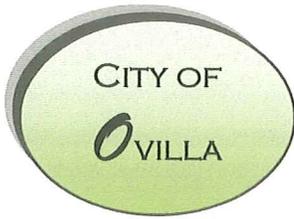
Submitted By: Staff

Amount: \$N/A

|  |
|--|
| <b>Attachments:</b>  |
| 1. Revisions sheet<br>2. Revised Handbook - See Item 2 for the Handbook  |
| <b>Agenda Item / Topic:</b>  |
| ITEM 1. <i>DISCUSSION - Review</i> and discuss revisions to the Employee Policies Handbook as presented.   |
| <b>Discussion / Justification:</b>   |
| The City contracted with Texas First Group for the consultation services of Ms. Jacqueline Lee to provide a thorough revision of the City's Employee Policies Handbook. Following months of discussions and multiple workshops with Council and staff to complete the revisions based on Council's recommendations, Ms. Lee has finalized the Employee Policies Handbook and is presenting said Handbook for Council's review. |
| <b>Recommendation / Staff Comments:</b>  |
|  |
| <b>Sample Motion(s):</b>   |
| <i>No Motion.</i>  |

City of Ovilla  
Employee Policies Handbook  
Revisions - Council Meeting January 27, 2014

| Policy / Procedure Location                 | Council Revision Request   | Recommended Revised Policy Wording  |
|---|--|---|
| Degree Transcript Validity (4.6 - Page 26)  | Require proof of degree and transcript validity from an accredited source for all applicants prior to hiring.  | Background checks may include, but are not necessarily limited to, review of criminal conviction record; verification of educational degree, and related transcript by an accredited institution or firm; license, or certificate required for the position; review of driving record; drug testing, outstanding warrant check; and credit history.                                   |
| Probationary Period (4.11 - Page 33)        | Probationary Period and base salary increase; discontinue and change the practice of 5% salary base increase after successful completion of probationary period. | Upon successful completion of the Probationary Period, there is no guarantee of any base salary increase.   |
| Rehire Eligibility (5.3 - Page 37)          | Limit eligibility for rehire to 1 time.  | Employees who leave the City's employment but are rehired within six months will not have a break in service for purposes of vacation and sick leave accrual. An employee is only eligible for a one time rehire.   |
| Travel and Reimbursement (5.7 - Page 40)    | Include in the Policies what source/standard will be utilized for Reimbursement Rates for mileage and per diem on City business.                                 | When a City vehicle is not furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile. When City business requires an employee to travel, the employee's meal expenses will be reimbursed at the current IRS reimbursement per diem rate.   |
| Overtime, Compensatory (6.3 - Page 45)      | Specify the time in which exempt employees must take Compensatory time.  | Earned compensatory time for exempt employees must be taken within ninety (90) days from the day earned.  |
| Bereavement Leave (8.5 - Page 59)           | Reduce days allowed for Bereavement Leave from 5 to 3.   | Upon approval of the Department Head, up to three (3) working days of paid leave per fiscal year may be provided to regular full and regular part-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member. City Administrator approval is required if additional time is necessitated. |
| Safety and Risk Management (10.6 - Page 99) | Add to Policies that under no circumstances shall an employee bring his/her own tools.   | Under no circumstances shall an employee bring their own personal work tools to the worksite for use in the performance of job duties.  |



AGENDA ITEM REPORT

Item(s): 2 (City Secretary use only)

Meeting Date: March 24, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Staff

Amount: \$N/A

|   |   |
|---|---|
| <b>Attachments:</b>   |   |
| 1. Resolution 2014-002  |   |
| 2. Personnel Employee Policies Handbook   |   |
| <b>Agenda Item / Topic:</b>   |   |
| ITEM 2.   | <i>DISCUSSION/ACTION</i> - Consideration of and action on Resolution R2014-002 approving and adopting the Personnel Employee Policies Handbook. |
| <b>Discussion / Justification:</b>  |   |
| This item is to consider approval of Resolution 2014-002, adopting the revised Employee Policies Handbook.              |   |
| <b>Recommendation / Staff Comments:</b>   |   |
| Staff recommends approval.  |   |
| <b>Sample Motion(s):</b>  |   |
| <i>I move that Council approve Resolution 2014-002, adopting the Personnel Employee Policies Handbook as presented.</i> |   |

**RESOLUTION NO. R2014-002**

**A RESOLUTION ADOPTING A REVISED EMPLOYEE POLICIES HANDBOOK; PROVIDING FOR THE REPEAL OF ALL PREVIOUS EMPLOYEE POLICIES HANDBOOKS; PROVIDING FOR DISTRIBUTION OF THE REVISED EMPLOYEE HANDBOOK TO ALL CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has determined that the personnel policies for employees of the City of Ovilla required revision in order to conform more fully with current laws and policies; and

**WHEREAS**, the City Council has reviewed the revised Employee Policies Handbook, as attached, and determined that it more adequately meets the needs of the City of Ovilla.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:**

**SECTION 1.**

That the City Council hereby approves and adopts the "Employee Policies Handbook" which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

**SECTION 2.**

This Resolution shall supersede and repeal any previous ordinance and/or resolution including Resolution 2010-014 of the City Council regarding an employee handbook, to the extent there is any conflict.

**SECTION 3.**

The City Administrator is hereby directed to distribute a copy of the Employee Policies Handbook to each employee of the City of Ovilla.

**SECTION 4.**

That this Resolution shall take effect immediately and it is so Resolved.

***PASSED AND APPROVED*** on this 24th day of March 2014.

\_\_\_\_\_  
Richard A. Dormier, MAYOR

ATTEST:

\_\_\_\_\_  
Pamela Woodall, CITY SECRETARY

## WELCOME AND INTRODUCTIONS

To the Employees of the City of Ovilla:

Whether you have just joined our staff or have been an employee at the City of Ovilla for a while, we are confident that you will find our organization a rewarding place to work, and we look forward to a productive and successful association. We consider employees of the City to be one of our most valuable resources and therefore, strive to maintain an environment of respect, dignity, and open communication. We appreciate our current employees and their contributions to our City, and appreciate you, our new employees for joining our organization. By all of us working together to achieve our goals we can be successful.

This Handbook has been written to serve as the guide for our employer and employee relationship. There are several things to keep in mind about this Employee Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific concerns or questions to the Human Resources designee. Neither this Handbook nor any other company document confers any contractual right, either expressed or implied, to remain in the company's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will with or without cause and without prior notice by the City of Ovilla, or you may resign for any reason at any time.

The procedures, practices, policies and benefits described in this Handbook may be modified or discontinued from time to time. We will try to inform you of any changes as they occur. Some subjects described in this Handbook are covered in detail in other official documents. Refer to these documents for specific information because the Handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other document.

City Administrator

City of Ovilla

**RESOLUTION NUMBER R2014-002**

A RESOLUTION ADOPTING A REVISED EMPLOYEE HANDBOOK; PROVIDING FOR THE REPEAL OF ALL PREVIOUS EMPLOYEE HANDBOOKS; PROVIDING FOR DISTRIBUTION OF THE REVISED EMPLOYEE HANDBOOK TO ALL CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has determined that the personnel policy for employees of the City of Ovilla required revision in order to conform more fully with current laws and policies and practices; and

WHEREAS, the City Council has reviewed the revised Employee Handbook, as attached, and determined that it more adequately meets the needs of the City of Ovilla.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:*

SECTION 1.

That the City Council hereby approves and adopts the "Employee Handbook" which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

SECTION 2.

This Resolution shall supersede and repeal any previous ordinance or resolution of the City Council regarding personnel policy, to the extent there is any conflict.

SECTION 3.

The City Administrator is hereby directed to distribute a copy of the Employee Handbook to each employee of the City of Ovilla.

SECTION 4.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED ON THIS \_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Richard Dormier, MAYOR

ATTEST:

\_\_\_\_\_  
Pamela Woodall, CITY SECRETARY

**Employee Policies Handbook Acknowledgment and Receipt**

I have received my copy of the City of Ovilla Employee Handbook.

The Employee Handbook describes important information about the City of Ovilla, and I understand that I should consult my Department Head or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Ovilla voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Ovilla can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.

I understand and agree that, other than the chief administrative officer of this organization, no manager, supervisor or representative of the City of Ovilla has any authority to enter into any agreement for employment other than at will; only the chief administrative officer of this organization has the authority to make any such agreement and then only in writing signed by the chief administrative officer of the City of Ovilla.

This Handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the City of Ovilla. By distributing this Handbook, the organization expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by the City of Ovilla, and the organization reserves the right to change my hours, wages and working conditions at any time. I understand that revised information may supersede, modify or eliminate existing policies. Only the chief administrative officer of the City of Ovilla, with City Council approval, has the ability to adopt any revisions to the policies in this Handbook.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at the City of Ovilla is employment-at-will, which may be terminated at the will of either the City of Ovilla or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by the City of Ovilla or me.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name (Print)

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

**CITY OF OVILLA**  
**EMPLOYEE POLICIES HANDBOOK**

**WELCOME AND INTRODUCTIONS**

**COUNCIL RESOLUTION - APPROVAL OF POLICIES HANDBOOK**

**EMPLOYEE POLICIES HANDBOOK ACKNOWLEDGMENT AND RECEIPT FORM**

**TABLE OF CONTENTS**

|                         |   |           |
|-------------------------|---|-----------|
| <b><u>SECTION 1</u></b> | <b><u>Key Policies</u></b>  | <b>12</b> |
| 1.0                     | Policy and Resolution   | 12        |
| 1.1                     | Employment At-Will Policy   | 12        |
| 1.2                     | Equal Employment Opportunity Policy                                       | 13        |
| 1.3                     | Objectives and Applicability  | 13        |
| 1.4                     | Departmental Polices, General Orders<br>and Standard Operating Procedures | 13        |
| 1.5                     | Penalty   | 13        |
| 1.6                     | Definitions   | 14        |
| <b><u>SECTION 2</u></b> | <b><u>City Overview</u></b>   | <b>20</b> |
| 2.0                     | Ovilla City Government  | 20        |
| 2.1                     | City Administration   | 20        |
| 2.2                     | General Law City  | 20        |
| 2.3                     | Employees Role in Achieving Strategic Plan                                | 20        |
| <b><u>SECTION 3</u></b> | <b><u>Federal, State and City Regulatory Guidelines</u></b>               | <b>21</b> |
| 3.0                     | Major Laws Impacting the Hiring Process                                   | 21        |
| 3.1                     | Personnel Records   | 22        |

|  |  |           |
|--|--|-----------|
| <b><u>SECTION 4</u></b>  | <b><u>Employment Policies</u></b>            | <b>24</b> |
| 4.0  | Job Descriptions                             | 24        |
| 4.1  | Job Vacancies                                | 24        |
| 4.2  | Applications                                 | 24        |
| 4.3  | Applicant Disqualifications                  | 25        |
| 4.4  | Basic Employment Qualifications              | 25        |
| 4.5  | Proof of Employment Eligibility and Identity | 26        |
| 4.6  | Background and Reference Checks              | 26        |
| 4.7  | City Driver Requirements                     | 26        |
| 4.8  | Appointments                                 | 27        |
| 4.9  | Employment Classification Categories         | 27        |
| 4.10   | Nepotism/Employment of Relatives             | 29        |
| 4.11   | Probationary Employees                       | 32        |
| 4.12   | Medical Examination/Fitness for Duty         | 33        |
| 4.13   | Other or Outside Employment                  | 35        |
| 4.14   | Emergency Closing                            | 35        |
| <b><u>Section 5 Promotions, Transfer, Demotion, Rehiring, Hiring Freeze,</u></b> |  | <b>37</b> |
| <b><u>Training, Purchasing, Travel and Memberships</u></b>                       |  |           |
| 5.0  | Promotion From Within                        | 37        |
| 5.1  | Transfer                                     | 37        |
| 5.2  | Demotion                                     | 37        |
| 5.3  | Rehires Within Six Months                    | 37        |
| 5.4  | Hiring Freeze                                | 37        |
| 5.5  | Training                                     | 38        |
| 5.6  | Purchasing Procedures                        | 38        |
| 5.7  | Travel and Reimbursement                     | 39        |

|   |   |           |
|---|---|-----------|
| 5.8   | Professional Memberships and Subscriptions          | 40        |
| <b><u>Section 6 Compensation and Pay Policies</u></b> |   | <b>42</b> |
| 6.0   | Employee Compensation Plan                          | 42        |
| 6.1   | Pay Schedule  | 42        |
| 6.2   | Basis for Annual Compensation                       | 42        |
| 6.3   | Overtime, Compensatory Time and Time Management     | 43        |
| 6.4   | Payroll Deductions                                  | 46        |
| 6.5   | Automatic Bank Deposits                             | 46        |
| 6.6   | Time Keeping  | 46        |
| 6.7   | On-Call & Call Back Compensation                    | 47        |
| 6.8   | Interim Temporary Assignment Pay                    | 48        |
| <b><u>Section 7 Attendance and Work Hours</u></b>     |   | <b>49</b> |
| 7.0   | Regular Work Hours                                  | 49        |
| 7.1   | Adjustment to Work Hours and Flexible Work Schedule | 49        |
| 7.2   | Meal Periods and Breaks                             | 50        |
| 7.3   | Attendance Records                                  | 51        |
| 7.4   | Attendance and Punctuality                          | 51        |
| 7.5   | Work Hours for Public Safety Employees              | 52        |
| <b><u>Section 8 Employee Benefits</u></b>             |   | <b>54</b> |
| 8.0   | Employee Benefits – Overview                        | 54        |
|   | A. Employee Benefits/Time Away From Work Leave      |           |
| 8.1   | Paid Vacation                                       | 55        |
| 8.2   | Holidays  | 56        |
| 8.3   | Sick Leave  | 58        |
| 8.4   | Long Term Sick Leave                                | 59        |
| 8.5   | Bereavement   | 59        |

|      |  |           |
|------|--|-----------|
| 8.6  | Jury Duty Leave  | 60        |
| 8.7  | Court and Witness Duty Leave                                 | 60        |
| 8.8  | Time Off to Vote   | 60        |
| 8.9  | Military Leave   | 61        |
| 8.10 | Authorized Leave Without Pay                                 | 64        |
| 8.11 | On-The-Job Injury  | 66        |
| 8.12 | Family and Medical Leave Act                                 | 66        |
| 8.13 | Short-Term Unpaid Leave                                      | 70        |
|      | <b>B. Employee Benefits/Insurance</b>                        |           |
| 8.14 | On-The Job Injuries/Workers' Compensation Benefits           | 71        |
| 8.15 | Employee Group Insurance Benefits                            | 73        |
| 8.16 | Unemployment insurance Benefits                              | 74        |
|      | <b>C. Employment Benefits Retirements</b>                    |           |
| 8.17 | Texas Municipal Retirement System                            | 74        |
| 8.18 | Social Security  | 74        |
|      | <b>D. Employment Benefits/Miscellaneous</b>                  |           |
| 8.19 | Light Duty   | 74        |
| 8.20 | Cafeteria Plan   | 75        |
|      | <b><u>Section 9 Employer and Employee Communications</u></b> | <b>76</b> |
| 9.0  | Employee Relations   | 76        |
| 9.1  | Public Relations   | 76        |
| 9.2  | Staff Meetings   | 77        |
| 9.3  | Bulletin Boards  | 77        |
| 9.4  | Computer, Internet, E-Mail, Voice Mail, Fax Policies         | 77        |
| 9.5  | Social Networking  | 79        |
| 9.6  | Confidential Information                                     | 82        |

|   |  |     |
|---|--|-----|
| 9.7   | Mail   | 83  |
| 9.8   | Noise/Radio  | 83  |
| 9.9   | Solicitation   | 83  |
| 9.10  | Telephones   | 83  |
| 9.11  | Personal Cell Phone Use  | 84  |
| 9.12  | News Releases  | 84  |
| 9.13  | Performance Appraisals (Employees)                                   | 85  |
| 9.14  | Performance Appraisals (Council Appointed Personnel)                 | 87  |
| <u>Section 10 Employee Conduct and Work Rules</u> |  | 89  |
| 10.0  | Employee Conduct and Work Rules/Disciplinary Action                  | 89  |
| 10.1  | Eligibility to Complain or Appeal                                    | 93  |
| 10.2  | Personal Appearance  | 96  |
| 10.3  | Uniforms   | 98  |
| 10.4  | Unauthorized or Improper Use of Official Uniform, Badge or Authority | 98  |
| 10.5  | Housekeeping Duties  | 99  |
| 10.6  | Safety & Risk Management   | 99  |
| 10.7  | Searches   | 101 |
| 10.8  | Smoking and Tobacco Products   | 101 |
| 10.9  | Use of City Equipment  | 102 |
| 10.10   | Use of City Vehicles   | 103 |
| 10.11   | Security and Loss Prevention   | 105 |
| 10.12   | Weapons Ban and Violence Prevention Policy                           | 106 |
| 10.13   | Conflict of Interests  | 107 |
| 10.14   | Political Activities   | 109 |
| 10.15   | Illegal Discrimination and Harassment Policy                         | 110 |

|                                   |   |            |
|-----------------------------------|---|------------|
| <b>Section 11</b>                 | <b>Drugs and Alcohol</b>                                      | <b>114</b> |
| 11.0                              | Drug and Alcohol Use  | 114        |
| 11.1                              | Drug and Alcohol Testing/Pre and Post Employment Drug Testing | 117        |
| <b>Section 12</b>                 | <b><u>Resignation, Termination and Retirement</u></b>         | <b>121</b> |
| 12.0                              | Resignation   | 121        |
| 12.1                              | Job Abandonment   | 121        |
| 12.2                              | Return of City Property                                       | 121        |
| 12.3                              | Exit Interviews   | 121        |
| 12.4                              | References  | 122        |
| 12.5                              | Separation Pay  | 122        |
| 12.6                              | Death of Employee   | 122        |
| 12.7                              | Texas Municipal Retirement System (TMRS)                      | 123        |
| 12.8                              | Long Term Absence/Termination                                 | 123        |
| 12.9                              | Reduction-In-Force  | 123        |
| 12.10                             | Rehire  | 123        |
| 12.11                             | Ban From Employment   | 123        |
| <b>Appendix &amp; Attachments</b> |   | <b>124</b> |
| o                                 | Employee Acknowledgement Form of Employee Policies Handbook   | I          |
| o                                 | Employee Information Form                                     | II         |
| o                                 | Pay Authority/Salary Change                                   | III        |
| o                                 | Direct Deposit Authorization Agreement                        | IV         |
| o                                 | Time Off/Overtime Request                                     | V          |
| o                                 | Public Access To information                                  | VI         |

## Appendix & Attachments continued

|   |       |
|---|-------|
| ○ Employee Performance Evaluation                                   | VII   |
| ○ Employee Counseling Notes   | VIII  |
| ○ Employee Disciplinary Notice                                      | IX    |
| ○ Employee Complaint Form   | X     |
| ○ Secondary Employment Request                                      | XI    |
| ○ Performance Assessment Report                                     | XII   |
| ○ Performance Improvement Plan                                      | XIII  |
| ○ Employee Credit Card Cardholder Agreement                         | XIV   |
| ○ Employee Confidentiality Agreement                                | XV    |
| ○ New Staffing Request Form   | XVI   |
| ○ Staffing Change Request Form                                      | XVII  |
| ○ Substance Abuse Policy – Consent to Testing                       |       |
| ○ Acknowledgment of Anti-Harassment and Sexual Harassment<br>Policy | XVIII |
| ○ Accident Report   | XIX   |
| ○ Employee Separation Report  | XX    |
| ○ Exit Interview  | XXI   |
| ○ COBRA Continuation Coverage                                       | XXII  |

## **Section 1 Key Policies**

### **1.0 Policy and Resolution**

This Employee Handbook has been approved by the City Council of the City Ovilla by Resolution and upon enactment and effective date shall repeal all conflicting ordinances and resolutions relative to personnel.

Amendments of substance to the Handbook require approval by the City Council of Ovilla by Resolution. The City Administrator is responsible for the implementation of the personnel policies. General and final authority for personnel administration rests with the City Administrator, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act in the City Administrators' behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Administrator. Operational changes to any policy, practice, or process will require approval by the City Administrator.

No City of Ovilla department head, manager or supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

### **1.1 Employment At-Will Policy**

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

Although adherence to these polices is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

## **1.2 Equal Employment Opportunity Policy**

The City of Ovilla provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. The City of Ovilla complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. The policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer leaves of absence, compensation and training.

The City of Ovilla expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of the City employees to perform their expected job duties is absolutely not tolerated.

## **1.3 Objectives and Applicability**

The policies contained in this Handbook are established by the City Council. No Handbook can encompass every law, regulation, or personnel issue. The City reserves the authority to modify, revoke, interpret or terminate any or all of the policies specified in this Handbook, in whole or in part, at any time, with or without notice.

A current copy of the Resolution and related document can be obtained from the City Secretary.

## **1.4 Departmental Policies, General Orders, and Standard Operating Procedures**

Due to the variety of services performed by the City, it may be necessary for individual departments and divisions to establish codes of conduct, regulations, policies and procedures related to their specific departmental responsibilities. All such departmental or divisional policies must be approved by the City Administrator, shall not conflict with the policies of this Handbook, may be more restrictive but not less restrictive than what the Handbook provides.

## **1.5 Penalty**

An employee who fails to comply with this Handbook, related policies, procedures or applicable law, City Ordinances, or departmental or divisional regulations, or who violates one or more of the rules of conduct set forth herein is subject to disciplinary action, up to and including termination.

## 1.6 Definitions

For the purposes of this Handbook:

**AFFINITY WITHIN THE SECOND DEGREE** includes an employee's spouse, step-parent, father-in-law, mother-in-law, spouse's grandparents, spouse's grandchildren, brother-in law, sister-in-law, son-in-law and daughter-in-law.

**ALCOHOLIC BEVERAGES** means alcohol, or any substance containing more than one-half of one percent of alcohol-by-volume that is capable of use for beverage purposes alone or when diluted.

**AMERICANS WITH DISABILITIES ACT OF 1990** means Title 42 U.S.C. §12101, *et seq.*, as amended.

**APPLICANT** means a person who has completed a written application form for an open position and provided any clarification information requested.

**BENEFIT** means an employer-sponsored program that includes, but is not limited to, holidays, vacation leave, sick leave, and health and life insurance, but does not include salary, service credit, or seniority.

**CAFETERIA PLAN** means an employee benefits program designed to take advantage of Section 125 of the Internal Revenue Code; which allows employees to pay certain qualified health related premiums on pre-tax bases, thereby reducing the total taxable income and increasing spendable/take-home income.

**CALL BACK** means the unscheduled return to work outside of normal hours on a holiday or day off at the request of a supervisor. It does not include overtime or holiday work scheduled in advance.

**CHILD** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- (A) under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

**CITY** means the City of Ovilla, Texas.

**CITY ADMINISTRATOR** means the City Administrator of the City or the City Administrator's designee.

**CONSANGUINITY WITHIN THE THIRD DEGREE** includes an employee's great grandparents, grandparents, parents, children, grandchildren, great-grandchildren, brother, sister, nieces, nephews, and half-nieces and nephews.

**DEMOTION** means the movement of an employee to a different classification having a lower maximum rate of pay, but not including a reclassification.

**DEPARTMENT HEAD** means a person appointed by the City Administrator who is responsible for the administration of a department, or the Department Head's designee.

**DISMISSAL** or **DISCHARGE** means involuntary termination of employment with the City.

**DRUG PARAPHERNALIA** means equipment, products, or materials, as defined in Chapters 481, 484 or 485 of the Texas Health and Safety Code that may be used to facilitate the use of controlled substances or inhalants.

**DRUG AND ALCOHOL TEST** means the entire process of testing an individual for the presence of illegal drugs or alcoholic beverages, beginning with the collection of a specimen, and continuing through the conclusion of laboratory testing of a specimen.

**EMPLOYEE** means a person employed and paid a salary by the City and includes a person working part-time, but does not include an independent contractor, volunteer, or City Council member.

**EXEMPT EMPLOYEE** means an employee who occupies executive, administrative or professional positions as defined in the Fair Labor Standards Act.

**FAIR LABOR STANDARDS ACT** means Title 29 U.S.C. §201, et seq., as amended.

**FLEXIBLE WORK SCHEDULE** means modified working hours that enable employees to choose their working hours within core designated hours to improve customer service delivery with supervisory authorization.

**FMLA** means the Family and Medical Leave Act of 1993, which allows an employee to take up to 12 weeks of job-protected paid or unpaid leave due to a serious health condition that makes the employee unable to perform his or her job, to care for a sick immediate family member (spouse, child, parent) or to care for a new child (including by birth, adoption of foster care.)

**GRIEVANCE** means an issue raised by an employee relating to the employee's benefits or conditions of employment.

**HARASSMENT** means a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American with Disabilities Act of 1990, or Chapter 21 of the Texas Labor Code, Petty slights, annoyances, and isolated incidents (unless extremely serious) normally do not rise to the level of illegality.

**HEALTH CARE PROVIDER** means:

- (A) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;
- (B) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice;
- (C) Nurse practitioners, nurse-mid-wives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice;
- (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- (E) Any health care provider from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**HUMAN RESOURCES DEPARTMENT** means an employee, designated by the City Administrator, to handle the administrative duties of Human Resources Management. This includes, but is not limited to, benefits coordination, employment applications and processing, payroll, personnel files management, and keeping updated with laws pertaining to Human Resources Management.

**ILLEGAL DRUG** means a controlled substance, as defined in Chapter 481 of the Texas Health and Safety Code, or inhalant, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

**IMMEDIATE FAMILY** means the employee's spouse, child, brother, sister, mother, father, grandparents, grandchildren, stepparents, and shall include the spouse's immediate family. A legal guardian may be considered as immediate family, so may a relative designated above by marriage rather than blood ("step" relatives).

**IMPAIRED** or **IMPAIRMENT** means the inability of an employee to perform duties safely and competently due to use of alcohol, illegal drugs, prescription drugs or over the counter drugs.

**INTERIM ASSIGNMENT** means a temporary assignment of a fulltime employee to another position or duties other than those of their current regular position.

**JOB** (see POSITION)

**LEGAL GUARDIAN** means a person appointed by a court to guard the interests of a child who is a ward.

**NON-EXEMPT EMPLOYEE** means an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

**PARENT** means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

**POSITION** means a collection of tasks, duties, and responsibilities regularly assigned to and performed by one person. The term "job" is synonymous with "position" when it is performed by one person.

**PROMOTION** means the change of an employee from a lower classification to a higher classification with a resulting increase in salary. A temporary or interim assignment to a higher classification, even with a temporary increase in salary, does not constitute a promotion.

**REAPPOINTMENT** means employment of a person who has previously been employed by the City.

**REASONABLE SUSPICION** means a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee may be under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job may be impaired or so the employee's ability to perform the job safely may be reduced.

**REINSTATEMENT** means the reappointment of an employee who was reduced in classification or separated from employment as a result of a position being vacated or abolished by the City council.

**REINSTATEMENT LIST** means a list of individuals, who have been reduced or separated from a particular classification as a result of positions being vacated or abolished by the City Council, ranked in the order of seniority.

**REPRIMAND** means a statement to an employee by a supervisor describing deficiencies in the employee's performance or acts of the employee that are in violation of the standards of conduct and describes corrective measures which the employee should take. A reprimand is formal if it is in writing.

**SEPARATION** means any termination of employment with the City.

**SERIOUS HEALTH CONDITION** means an illness, injury, impairment, or physical or mental condition that involves:

- (A) In-patient care in a hospital, hospice, or residential medical care facility; or
- (B) Continuing treatment by a health care provider, including one or more of the following:
  - (i) period of incapacity of more than three consecutive calendar days that requires:
    - (a) treatment two or more times by a health care provider or by a provider of health care services under the orders of a health care provider; or
    - (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
  - (ii) any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;
  - (iii) any period of incapacity or treatment for incapacity due to a chronic serious health condition even if no treatment is received during the absence;
  - (iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
  - (v) any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

(Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and

periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for indefinite leave of absence.)

**SPOUSE** means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

**SUSPENSION** means an involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

**SWORN EMPLOYEE** means an employee of the Police Department who is certified by the State Commission on Law Enforcement Officer Standards and Education or the State Commission.

**TERMINATION** means cessation of employment with the City.

**TRANSFER** means a change from one position to another in which departmental or classification lines, or both, may be crossed, but which does not result in either promotion or demotion.

**UNDULY DISRUPTIVE** means that to grant an employee leave would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

**WORKDAY** means one shift during which a department is open for business or for which an employee is scheduled to work.

**WORKING HOURS** means the time during which an employee is on duty, including regular time, overtime, and emergency duty.

**WORK PERIOD** means a regularly recurring designated period of work which is used in accordance with the Fair Labor Standards Act to determine when a nonexempt employee is entitled to overtime compensation.

**WORK WEEK** means the number of hours an employee is regularly scheduled to work during a seven-day work period.

## **Section 2**

### **City Overview**

#### **2.0 Ovilla City Government**

The City of Ovilla is a General Law Type A municipality. All the powers of the City are vested in and exercised by an elective City Council, which enacts legislation, adopts budgets, determines polices, appoints the City Administrator, the City Secretary, the City Attorney, and the Municipal Judge who shall execute the laws and administer the government of the City.

The Council is composed of a Mayor and five councilpersons. The members of the City Council of Ovilla shall only be elective offices of the City and shall run for office by place and be elected from the city at-large for a term of two years or until their successors are duly elected and qualified.

#### **2.1 City Administration**

The City Administrator is the chief administrative and executive officer of the City of Ovilla. With the exception of matters reserved to the City Council, the final authority for any personnel matters rest with the City Administrator, who may delegate such authority as the City Administrator deems necessary and proper.

#### **2.2 General Law City**

A General Law City means that the city's powers are defined and limited by the specific authority granted by Texas statutes, and is restricted to do what the legislature, through laws, direct or permit them to do.

#### **2.3 Employees Role in Achieving Strategic Plan**

Through the City's Strategic Plan, continuous evaluation occurs in the areas of customer service delivery and accountability, internal organizational strengths, weaknesses, challenges and opportunities. Strategic goals, objectives, action plans, and timeframes are developed.

As an employee, you should be familiar with the strategic goals of the City and how your role impacts the City's overall achievement of the Strategic Plan. A copy of the Plan can be obtained from the City Administrator's or City Secretary's Office.

## Section 3

### Federal, State and City Regulatory Guidelines

#### 3.0 Major Laws Impacting the Hiring Process

The main thrust of all employment discrimination laws is to make it illegal for employers to treat employees or applicants adversely on the basis of something about themselves that they cannot change, or should not be expected to change. Below is a listing of the most important Federal and Texas statutes relating to employment discrimination.

##### Federal

- Civil Rights Act of 1964, Title VII – covers employers with at least 15 employees – protects against discrimination based upon race, color, gender, national origin, and religion – this law also started the EEOC
- Pregnancy Discrimination Act of 1978 (PDA) – incorporated by amendment into the Title VII statute, the PDA clarifies that pregnancy and related conditions are considered to be a subset of "gender" for discrimination law purposes; the law prohibits employers from treating women with pregnancy or related conditions any less favorably than other employees who have medical conditions that place a similar limitation on their ability to or availability for work
- Age Discrimination in Employment Act of 1967 (ADEA) – covers employers with at least 20 employees – protects against discrimination based upon age against people who are age 40 or older
- Americans with Disabilities Act of 1990 (ADA) – covers employers with at least 15 employees – protects against discrimination based upon disabilities, the perception of disabilities, or association with people with disabilities.
- Genetic Information Non-discrimination Act of 2009 – covers employers with at least 15 employees – prohibits discrimination on the basis of genetic information, as well as the use, gathering, and disclosure of genetic information in the context of employment relationships
- Immigration Reform and Control Act of 1986 (IRCA) – discrimination protection provisions cover employers with at least 4 employees – protects against discrimination based upon national origin or citizenship – this law also started the I-9 process

- U.S. Bankruptcy Code – Section 525 – covers any employer – prohibits discrimination based upon bankruptcy history.

## **State**

Texas has the following anti-discrimination statutes:

- Texas Labor Code, Chapter 21 (formerly known as the Texas Commission on Human Rights Act) – covers employers with at least 15 employees – protects against discrimination based upon race, color, gender, national origin, religion, age, and disability
- Texas Workers' Compensation Act – anti-discrimination provisions cover all employers – protects against discrimination based upon workers' compensation claim history - although the Texas Supreme Court has ruled that this statute applies only to employees, not to applicants, discriminating against applicants based upon workers' compensation claim history will generally be viewed by the EEOC as a violation of disability discrimination laws.

### **3.1 PERSONNEL RECORDS**

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file. Performance reviews, change of status records, commendations, disciplinary actions, and educational and professional attainment records are examples of records maintained in your file.

Employees must promptly inform the Human Resources Department of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation), and name and addresses of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information will result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee's personnel files may be subject to disclosure in accordance with the Texas Public Information Act.

Personnel records kept in a separate file, apart from the regular personnel files, are:

- I-9 Records are kept in a separate I-9 file to defend against a national origin or citizenship discrimination claim.
- Medical Information (including FMLA and workers compensation records) because the Americans with Disabilities Act require that any medical records pertaining to employees are kept in separate confidential medical files.
- Safety Records because they might contain documentation relating to an employee's participation or involvement in an OSHA claim or investigation.
- Grievance and Investigation Records because they contain confidential or extremely private information.

The Human Resources designee is responsible for developing a security file access and cross referencing system/procedures for the various personnel files. The procedures are to ensure that only those who have the need to see certain records can ever see them. The City Administrator is responsible for approval of the system/procedures.

## **Section 4**

### **Employment Policies**

#### **4.0 JOB DESCRIPTIONS**

Each Department Head is responsible for creating and updating written job descriptions for each position within the Department, and providing a copy of each job description to the City Administrator or his/her designee. All job descriptions must be written in a standard format adopted and approved by the City Administrator. The City Administrator will periodically review the duties and responsibilities of each position within the City and set pay levels commensurate with the duties and responsibilities, skill and educational requirements and experience level associated with each position. Copies of all job descriptions are filed with the Human Resources Department.

#### **4.1 Job Vacancies**

All Department Heads shall notify the Human Resources designee of their anticipated job vacancies, as far in advance as is reasonably possible, to permit sufficient time for the recruitment and selection of qualified candidates on an objective basis.

All recruitment activity will be initiated by the appropriate Department Head and coordinated by the Human Resources Department. Only those vacancies allocated in the annual budget and specifically authorized by the City Administrator may be filled.

When a vacancy occurs, a job opening notice will be posted internally only for a period of five (5) working days. During that five day period applications may be taken from current employees.

If vacancy is not filled from within or no applications are received from City staff, the Human Resources designee may consider applications already on file and/or publicly advertise the Vacancy by available means.

If deemed necessary, and with the approval of the City Administrator, the Human Resources designee may waive the five day internal posting period and immediately seek candidates.

#### **4.2 Applications**

Anyone seeking employment, promotion, transfer, or reinstatement with the City must complete and submit an application for the position desired. City applications officially

received in the normal prescribed manner will be considered. All information set forth on an application is subject to verification. Applications will be considered active for a period of thirty days, unless the application is being retained as part of an eligibility list for six months.

Applications for employment will be considered only when an employment vacancy exists, or when establishing an eligibility list.

### **4.3 Applicant Disqualifications**

Applicants will be disqualified from consideration for reasons including, but not limited to the following:

- (A) Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- (B) False statements or material omissions on the application or during the application process;
- (C) Committing or attempting to commit a fraudulent act at any stage of the selection process;
- (D) Not legally permitted to work in the United States;
- (E) Is unable to perform the essential functions of the job applied for with or without a reasonable accommodation.

### **4.4 BASIC EMPLOYMENT QUALIFICATIONS**

In addition to the qualifications applicable to each position, an applicant for employment with the City must:

- (A) Be at least 18 years of age or meet special age requirements for the Police and Fire departments and for seasonal positions and internships.
- (B) Be of good moral character;
- (C) Have a social security number;
- (D) Be a citizen of the United States or possess a valid resident alien work card;
- (E) Agree to be fingerprinted when applicable to the position
- (F) Not be addicted to the use of narcotics or alcohol;

(G) Not have been discharged from the armed forces under conditions other than honorable or general;

(H) Must pass a background and drug test.

#### **4.5 PROOF OF EMPLOYMENT ELIGIBILITY AND IDENTITY**

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. Failure to provide the necessary documentation within 3 days will result in termination of employment. Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

#### **4.6 BACKGROUND AND REFERENCE CHECKS**

The City will perform background and reference checks on all applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, review of criminal conviction record; verification of educational degree, and related transcript, by an accredited institution or firm; license, or certificate required for the position; review of driving record; drug testing; outstanding warrant check; and credit history. The extent of the background check will be consistent with the employee's position and duties. The City may also conduct periodic background checks on existing employees. As a condition of employment or continued employment, applicants and employees are required to give the City the necessary authorization to perform such checks.

#### **4.7 CITY DRIVER REQUIREMENTS**

**Information Required.** Before hiring an applicant for a position that requires the driving of a City vehicle, through the request of the Human Resource Department, the Police Department will verify the applicant's driving record from the Texas Department of Public Safety to determine whether the applicant qualifies for employment under this section. The City may re-verify the validity of an employee's driver's license record.

**Disqualification.** A person shall not be hired for or allowed to retain a position that requires the driving of a City vehicle if within the immediately preceding 36 months, the person has:

- (A) A conviction for driving while intoxicated;
- (B) A conviction for driving under the influence of drugs; or
- (C) Three or more accidents, three or more convictions for moving violations, or a combination thereof.

#### 4.8 APPOINTMENTS

The appointment of all City Employees shall be subject to the approval of the City Administrator, except where City Ordinances or the City Charter provisions state otherwise.

Employees who are classified as regular full-time shall receive all benefits as set forth herein. Regular part-time are regularly scheduled for duty less than 1000 hours annually. Employees classified as regular part-time, or temporary full-time or temporary part-time shall not be eligible for benefits and TMRS participation but shall be entitled only the appropriate salary for their hours of work.

#### 4.9 EMPLOYMENT CLASSIFICATION CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently, if their classification changes for any reason. The City Administrator will receive written notification of any change in an employee's status as exempt or nonexempt.

**Nonexempt Employees.** Nonexempt employees are subject to the overtime provisions of the Fair Labor Standards Act. Nonexempt employees (other than certain police department employees) are generally entitled to overtime pay for all hours actually worked in excess of 40 in a 7- day work period, under the specific provisions of federal and state laws.

**Exempt Employees.** Exempt employees are those who are not covered by applicable wage and hour laws found in the Fair Labor Standards Act. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the number of hours necessary to complete their assignments in a timely and quality basis.

In addition to the above categories, each employee will belong to one of the following employment categories:

**Regular Full-Time Employees.** Regular full-time employees are employees who have completed their probationary period, are not in a temporary or part-time status, and who are regularly scheduled to work 40 hours or more per week. Generally, regular full-time employees are eligible for the City's benefit package including annual leave, sick leave and holiday pay, subject to the terms, conditions, limitations, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

**Regular Part-Time Employees.** Regular part-time employees are employees who have completed their probationary period, are not assigned to a temporary status, and are scheduled to work not more than thirty-five (35) hours per workweek or less than 1,000 annually hours. Regular part-time employees do not accrue vacation or sick leave. If Regular part-time employees are normally scheduled to work a holiday, they will receive regular pay.

**Temporary Employees.** Temporary employees are employees whose employment is scheduled to last less than six months; who hold seasonal positions, even though the employment may last more than six months; hold a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force; or are in a position scheduled to work 40 hours per week but on a temporary basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the City Administrator or his/her designee. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City's other benefit programs. In addition, temporary employees have no right to appeal disciplinary action. Temporary employees who are placed with the City, but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

### **Volunteers**

Volunteers are not employed by the City in any capacity. Volunteers chose to donate their time and services for the benefit of the community without any expectation of compensation or benefits.

Per-screening for volunteers will include an application submission, background and reference checks and drug testing. Volunteers will be required to sign a release and waiver of liability prior to start of services.

**Compensated Volunteers** relate to Fire Department Only as defined in Section 7.5.

#### 4.10 NEPOTISM/EMPLOYMENT OF RELATIVES

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

##### Section 1.01 (A) Applicants

- An applicant related to the City Administrator by blood or marriage within the second degree according to common law shall not be employed by the City.
- An applicant related by blood or marriage within the second degree according to common law to any member of the City Council law shall not be employed by the City.
- Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. Immediate family includes spouse, parents, children, brother or sister.

##### First Degree:

Mother

Father

Sister

Brother

Son

Daughter

(or) in-law

**Second Degree:** Uncle

Aunt

Nephew

Niece

Grandfather

Grandmother

Granddaughter

Grandson

1<sup>st</sup> Cousin

(or) in-law

**(B) Promotion**

In the event of a proposed promotion to any of the positions as defined in Section 1.01, any employed family member of a person considered for promotion to any of the positions identified in Section 1.01 must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

**(C) Reorganization**

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign employment. If both employees are of an equal rank, one of them will be required to immediately resign employment. In the event that the employees do not decide which will resign the employee with the least seniority will be deemed to have resigned. Normally, any such resignation will not be effective until ninety (90) days after the engagement, reorganization, etc., occurs.

**(D) Other Restrictions**

The following restrictions apply on the employment of any relative, including those defined as family members under this policy:

- No employee in the relationship will supervise, review or process the work of the other;
- The employees' relationship must not create a conflict between employees/ City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives, beyond the immediate family, and 1<sup>st</sup> or 2<sup>nd</sup> degree of consanguinity (blood) or affinity (marriage) will not normally be permitted to work in the same department with each other without prior written authorization from the City Administrator (or designee). In addition, written authorization must also be obtained from the City Administrator (or designee) to employ any relative of a current City employee.

**(E) Marriage of Current Employees**

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by subsection (b) of this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of subsection (b) of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

**(F) Grandfather Clause**

The City is aware that, as of the above revision date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City as long as the requirements set out in subsection (b) of this policy are met. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

**(G) Periodic Review**

Periodically, the City Administrator (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in subsection (b). If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of subsection (b) of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.

**(H) Application of Policy**

This policy applies to all full-time, part-time and temporary seasonal employees of the City.

**4.11 PROBATIONARY EMPLOYEES**

All newly hired or rehired employees hired to fill a regular position and employees who have been promoted must satisfactorily complete a probationary period. During an employee's probationary period, the employee has no appeal rights *for disciplinary actions*. Temporary employees do not serve a probationary period and have no appeal rights. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. If an employee successfully completes his/her probationary period he/she is still employed at the will of the City; the employee will, however, have a right to appeal disciplinary action, as set forth in the City's Employee Appeals policy.

**Probationary Periods.**

Probationary periods are as follows:

Ninety (90) days probationary period will apply for all newly hired or promoted employees. Probationary period for Police personnel is one (1) year and have separate sick and vacation accruals, as defined by the General Orders of the Police Department. Vacation accruals cannot be used or taken during probationary periods. Upon termination during probationary period, all accruals will be forfeited. Insurance benefits will begin after 30-days employment. A probationary employee is ineligible for a pay increase and probationary employee has no right to appeal disciplinary actions.

The probationary period may be extended an additional ninety (90) days if the employee's performance has been marginal and/or if the employee has missed a substantial amount of work time during the probationary period due to extenuating

circumstances. Any extensions to a probationary period must be approved jointly by the Department Head and the City Administrator.

Employees are required to successfully complete their probationary period (and any extensions thereof) before they are eligible for transfer or promotion unless otherwise approved by the City Administrator. An employee who is re-employed, demoted, or transferred to another position as part of a disciplinary action is required to satisfactorily complete an additional probationary period of not less than 90-days. During this time period, the employee has no right to appeal disciplinary actions.

Upon successful completion of the Probationary Period, there is no guarantee of any base salary increase.

**Disciplinary Probation.** Probationary employees may also be placed on a period of disciplinary probation for up to 60 days. In addition, full-time regular employees who have completed the probationary period, and receive a below standards annual performance evaluation will be automatically placed on disciplinary probation for 90 days. Employees on disciplinary probation are ineligible for a pay increase, and do not have a right to appeal the disciplinary probation decision.

**Failure of Probation.** An employee will fail probation if, in the judgment of the Department Head, the employee's performance is unacceptable. Failure of probation can occur at any time within the probationary period. Department heads are responsible for ensuring adequate documentation of all cases of failure of probation as well as counseling, training and other efforts to help employees improve their performance during their probationary period.

#### **4.12 MEDICAL EXAMINATIONS/FITNESS FOR DUTY**

The City 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 his or her position, either with or without a reasonable accommodation.

**Conditional Employment.** In accordance with the Americans with Disabilities Act, the City may condition employment on an individual's providing certain medical history and/or successful completion of a medical examination. The Human Resources Department, working with Department Heads, designates those positions requiring medical history, a physical examination and/or a psychological examination.

**Medical Exams for Current Employees.** A Department Head will require a current employee to undergo a medical examination to determine fitness for continued employment following an injury or accident. With the prior approval of the City Administrator, a Department Head may require a current employee to undergo a

medical examination to determine fitness for continued employment for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; and as otherwise permitted in accordance with federal and state law.

With the prior approval of the City Administrator, a Department Head may require a current employee to undergo a psychological evaluation as part of an administrative action for an employee showing behavioral signs of distress or impairment or when mental instability is reasonably suspected. The signs should indicate that the behavior of the employee:

- (A) Poses a threat to self and others; or
- (B) Produces a significant negative impact on the employee's ability to perform his or her job; and/or
- (C) Produces a significant negative impact on the operations of the City.

All medical or psychological inquiries will be job-related, consistent with business necessity, and conducted in accordance with the Americans with Disabilities Act, and other federal and state law.

**Reasonable Accommodations.** The City will provide reasonable accommodations to disabled applicants and employees as required by law.

**Medical Records.** The City is firmly committed to protecting the privacy rights of its employees. In an effort to ensure that employees' privacy rights are protected, the following is intended to provide guidelines for the appropriate handling of medical records.

Medical related information (i.e., results of medical examinations and post-offer inquiries, workers compensation disability reports, the physician's portion must be kept in a locked file separate from the personnel files. The Human Resources Department will develop a secure file access procedure to ensure that only those who need to see certain records can ever see or have access to the medical file. An employee's medical related information must be kept confidential and only those individuals having a business need to know will be informed of medical related information for an appropriate business/management purpose. Officials who have access to such information are required to maintain the confidentiality of the information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with medical conditions should strictly observe applicable privacy and confidentiality requirements.

Should a department have a need to request additional information from a physician concerning an employee's medical condition and the impact upon the employee's ability to perform the essential job functions, this request should be made in writing to the employee. Essential job functions forms are available from the Human Resources Department.

Email should not be used to communicate regarding confidential personnel matters including medical/health related matters.

#### **4.13 OTHER OR OUTSIDE EMPLOYMENT**

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in most instances. Employees will not be permitted to hold another job (including self-employment and volunteer work) that might discredit the City, result in a conflict of interest (or potential conflict of interest) or result in anything less than a satisfactory performance of the employee's regular and normal duties on behalf of the City. Other outside activities that similarly distract from an employee's ability to satisfactorily perform his or her job with the City are also discouraged. Before engaging in self-employment or accepting employment with another employer, with the intent to continue current employment with the City, the employee must obtain the written authorization of their Department Head or the City Administrator. A copy of the authorization will also be filed with the Human Resources Department to be maintained in the employee's personnel file.

Under no circumstances may an employee on leave, sick leave, disability leave, or workers' compensation leave, work another job (whether for pay, as a volunteer or as self-employment), unless expressly authorized in writing by the Department Head and the City Administrator.

#### **4.14 EMERGENCY CLOSING**

Except for extraordinary circumstances City offices do not close because of bad weather or other emergency. In the event of inclement weather, employees are expected to use their good judgment and are asked not to take unnecessary risks. If you feel that you are unable to travel due to weather conditions or are otherwise unable to get to work because of the weather, or you determine that the weather conditions constitute a danger to life and/or property, you must call your supervisor. (You must make this call no later than the time you would normally leave home for your commute to work, or as otherwise directed by your Department.) The City may then make arrangements to provide you with alternate transportation to transport you to and from work.

Under certain circumstances, the City Administrator may close certain departments, or various operations within a department. If the City Administrator makes the decision to close City offices, affected employees will have an excused absence with pay. If the employee's department is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for the day(s) missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date. If a nonexempt employee has no accrued vacation or compensatory time available, he or she will not be paid for the time missed.

Many City departments provide essential services and employees are required to report to work regardless of adverse weather or other conditions. Essential personnel are designated by the City Administrator and/or Department Head. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment. Police, Fire, or other essential personnel will be required to report to work when other City departments are officially closed due to weather or other type of extraordinary circumstances.

## **SECTION 5**

### **PROMOTION, TRANSFER, DEMOTION, REHIRING, HIRING FREEZE, TRAINING, PURCHASING, TRAVEL AND MEMBERSHIPS**

#### **5.0 PROMOTION FROM WITHIN**

It is the City's policy to promote from within whenever management believes a current employee has the requisite skill and ability to perform effectively in a vacant position. The City may, however, in its sole discretion, elect to look outside the City to fill a particular position without considering current employees. Employees who desire a change of position should discuss the matter with their Department Head and submit an application to the Human Resources Department. Effective Date of Promotion: All promotion actions will be effective at the beginning of the first pay period after the promotion action is signed by the City Administrator.

#### **5.1 TRANSFER**

Under certain circumstances, non-promotional reassignments ("lateral transfers") may be approved if determined by management to be in the best interests of the City and/or the employee. Transfers may be initiated by either the employee or the City and normally occur in response to the business needs of the City and/or other extenuating circumstances. Lateral transfers are usually reassignments from one position to another of comparable duties and salary.

#### **5.2 DEMOTION**

An employee may be demoted from a position in one classification range to a position of another classification range. A demotion may result from an unfavorable performance evaluation, a transfer, or as a result of a disciplinary action.

#### **5.3 REHIRES WITHIN SIX MONTHS**

Employees who leave the City's employment but are rehired within six months will not have a break in service for purposes of vacation and sick leave accrual. An employee is only eligible for a one time rehire.

#### **5.4 HIRING FREEZE**

The City Administrator, at any time, with notification and approval of Council, may place a freeze or halt on any and all vacant positions as deemed necessary. Any designated hiring freeze shall be communicated to employees at both its commencement and termination.

## **5.5 TRAINING**

From time to time, the City offers training to its employees to enhance or acquire new skills for the performance of their jobs or future advancement. Training may include seminars, institutes, in-house training, and courses offered for credit at local colleges/universities. Department Heads or supervisors may require employees to participate in appropriate training from time to time. Employees may also request that they be allowed to participate in appropriate training. Work load, training topic and appropriateness to job duties, budget constraints, cost of training, and other factors will be considered by the City in determining if requested training will be approved.

**Time Spent in Training.** Time spent by nonexempt employees attending mandatory training will be considered work time and employees will be compensated. Attendance at training, lectures, meetings, etc., will not be counted as working time if:

- (A) Attendance is voluntary; or
- (B) The employee's Department Head did not approve the training, prior to the employee's attendance.

**Prior Authorization.** All requests for outside training must be approved in advance by your Department Head.

## **5.6 PURCHASING PROCEDURES**

When an employee's position authorizes and requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit. This includes the personal use of the City's assets such as tools, equipment and computers, for example.

Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City purchasing procedures or as approved by the City Administrator.

## 5.7 TRAVEL AND REIMBURSEMENT

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business, in accordance with this policy.

**Request to Travel.** When an employee travels on behalf of the City, the appropriate form must be completed by the employee and submitted for approval to the Department Head; Department Heads must obtain approval for their own travel from the City Administrator. The travel request must be submitted as soon as the need to travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred.

**Request for Advance Funds.** Employees are typically provided with a City-issued purchasing card to pay for expenses associated with City travel. In instances where a purchasing card is not made available, an employee needing an advance of funds must, except under extenuating circumstances, complete and submit a written request for an advance of funds at least ten business days before the advance is needed. All advancement of fund requests and deviations from the above policy must be approved by the City Administrator.

**Request For Reimbursement.** A request for reimbursement form and substantiating receipts must be submitted to the Department Head (or, in cases of travel by a Department Head, to the City Administrator) within five business days after completion of travel. (Refer to Forms in back of book.)

**Approving Authority.** All travel and meeting documents, requests for travel, requests for advance of funds, and requests for reimbursements (with supporting receipts), must be approved as follows:

- (A) The Department Heads shall be responsible for approving their employees' travel. The City Administrator is the final approving authority for Department Heads' travel.
- (B) All travel documents must be submitted to the employee's Department Head or the City Administrator, as applicable.
- (C) All spouse and/or family member's travel expenses must be paid by the employee.

- (D) Only the actual cost of reasonable and necessary business related expenses incurred by the employee on behalf of the City will be reimbursed.

**Transportation.** The City has the option of requiring that travel be made in a City-owned vehicle. When a City vehicle is not furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile or the cost of a round-trip coach/economy airline ticket, whichever is appropriate, plus other stated costs (*i.e.*, parking at airport and ground transportation at destination). A receipt(s) is required for reimbursement.

**Hotel/Motel Reimbursement.** Employees will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the particular meeting or purpose of the trip. A receipt(s) is required for reimbursement. The room rate must be pre-approved by the employee's Department Head, or in the case of a Department Head, approved by the City Administrator. Overnight stays will only be authorized for travel to destinations in excess of 60 miles from the City, unless otherwise approved in writing by the City Administrator.

**Meal Reimbursement.** When City business requires an employee to travel the employee's meal expenses will be reimbursed at the current IRS reimbursement per diem rate, if the employee does not have a City-issued purchasing card. The City will not pay for alcoholic beverages.

Subject to the above restrictions, Department Heads and other City employees who have a City-issued purchasing card should charge their transportation, lodging and meals when traveling, to the extent possible. Employees who use a City-issued purchasing card should provide receipts for all charges in accordance with the City's purchasing card policy.

At the end of the trip employees must fill out a Travel Expense Form and attach all receipts. Travel Expense Form can be obtained from the Human Resources Department. Employees are expected to use good judgment when accruing travel expenses such as meals, hotels and transportation. Abuse of meals, hotels, and transportation will result in disciplinary action, up to and including termination of employment.

**Compliance.** Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

## **5.8 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS**

The City may elect to pay for all or a portion of an employee's professional memberships and subscriptions. Requests for payment (or reimbursement) of such expenses (subject to

Budget approval) must be submitted on forms provided by the City and approved by the City Administrator. Approval must be obtained in advance and will be based on such factors as available funds, the relationship of the membership and/or subscription to the employee's job duties and the number and/or cost of other memberships and subscriptions paid by the City for the employee.

## SECTION 6

### COMPENSATION AND PAY POLICIES

#### 6.0 EMPLOYEE COMPENSATION PLAN

The City's Compensation Plan establishes pay ranges for each position based on a scale that is recommended by the City Administrator and approved by City Council.

Pay scale and salary ranges are based on external input as market trends and analysis and internal input such as budgetary limitations and organizational equity for each position.

Employees who feel that their job duties and qualifications are not accurately reflected in the current Compensation Plan may request a job audit. Current positions may be audited at any time either at the request of the employee, department director, Human Resources Designee, or City Administrator. If it is determined that a position has been misclassified by salary grade, duties performed, or required qualifications, the position may be reallocated to an existing salary class or by development of a new class where no existing class property describes the job being performed.

Any newly created or modified positions, titles, or grades must be presented to and approved by City Council.

#### 6.1 PAY SCHEDULE

The City has 26 pay periods each year and employees will normally be paid every other Friday. Employees will normally be paid on the preceding workday if the current payday falls on a recognized holiday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

No pay advances or loans will be made by the City to any employee for any reason.

#### 6.2 BASIS FOR ANNUAL COMPENSATION

In most instances, employee salaries are based on a forty-hour workweek for fifty-two weeks each year (2080 hours per year). Where regular employment is less than full time (less than 35 hours per week), the employee's salary will be based on the actual number of hours worked times the hourly rate of pay established for that position.

## 6.3 OVERTIME, COMPENSATORY TIME AND TIME MANAGEMENT

### NON-EXEMPT EMPLOYEES.

When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

**Prior Authorization Required Before Working Overtime.** All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees will not be paid for working through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

**Overtime Rate.** Generally, except for Fire Department shift employees, and certain Police Department personnel, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. The City's workweek is a recurring seven-day period beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday. An employee's regular hourly rate includes all pay incentives. Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

Paid holiday leave is included as hours worked for purposes of determining eligibility for overtime pay. However, time off on account of paid vacation leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

**Compensatory (Comp) Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Public safety -- i.e., police officers and fire fighters are subject to a 40 hour cap on accrual of compensatory time. Other employees are also subject to a cap of 40 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of one and an half (1 ½) hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or the entire employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

**Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or comp time, under non-exempt overtime and comp time procedures. Likewise, an employee who is promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate.

**Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints or extenuating work situations, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Authorization for flex-time must receive prior approval from the City Administrator. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

## **EXEMPT EMPLOYEES**

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. However, in situations where exempt employees are working excessive hours beyond the normal scope of their job duties compensatory time may be allowable with the City Administrator's authorization. Further guidelines are defined below.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by the City Administrator.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee, who believes an improper pay deduction has been made, must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

## **NON-STATUTORY COMPENSATORY TIME FOR EXEMPT EMPLOYEES**

Exempt employees receive an annual salary for the performance of services regardless of the number of hours worked. The City has no legal obligation to pay its exempt employees overtime or to provide them with "comp time." The City Administrator may, however, from time to time, approve non-statutory compensatory time off when exceptional circumstances require an exempt employee to put in a significant amount of time in excess of 40 hours in a workweek. If these instances, equivalent time off on a straight time basis may be permitted, but only if the work schedule permits and such time is approved in advance by the City Administrator and the employee's Department Head.

Non-statutory compensatory time should not be authorized for additional hours worked that are typical, expected, and frequently required for all managerial and professional jobs in order to meet responsibilities. It should not be authorized for occasional overtime work or for extended but clearly limited periods or additional work that are common to most departments. Nor should it be authorized if an employee chooses to work through lunch periods, to come in early or to leave late, either occasionally or consistently.

Compensatory time in lieu of overtime pay is equivalent time off on a straight time basis for every hour of overtime put in. Therefore, the City Administrator and/or the Department

Head will monitor the accumulation of compensatory time to prevent excessive accrual. Earned compensatory time for exempt employees must be taken within ninety (90) days from the day earned.

#### **6.4 PAYROLL DEDUCTIONS**

In addition to their paycheck, employees will receive a statement showing gross pay, deductions and net pay. Some payroll deductions are required by law, e.g., federal income tax withholding, and court ordered child support. Employees may elect to have certain other deductions made from their pay (e.g., insurance premiums) if they authorize the deductions in writing. Deductions other than those specifically authorized by the City Administrator and Department Head are not permitted.

In the unlikely event that there is an error in the amount of a deduction, or any other payroll error, you should let your supervisor know as soon as possible. At the end of each calendar year, you will be given a Wage and Tax Statement Form (W-2). This statement summarizes your income and deductions for the year.

#### **6.5 AUTOMATIC BANK DEPOSITS**

All City employees are encouraged to have automatic bank deposit for efficiency of processing payroll. If the employee does not have a bank account that has this service, the employee will receive their payroll check from their Department Head on the scheduled payroll date. If you have any questions or trouble with this process, contact the Human Resources Department.

#### **6.6 TIME KEEPING**

Federal and State laws require the City to keep an accurate record of the time worked by all nonexempt employees. Accordingly, accurately recording time worked is the responsibility of every employee. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their workday, as well as the beginning and ending time of each meal period. Nonexempt employees may not begin working prior to their scheduled start time without prior approval from their supervisor. They must also record the beginning and ending time of any split shift, break or departure from work for personal reasons. Overtime work must always be approved before it is performed.

It is the employee's responsibility to sign his or her time sheet each pay period to certify the accuracy of all time recorded. The employee's supervisor will review and then initial the time record before submitting it for payroll processing. If corrections or modifications need to be made to an employee's time record, the employee and his/her supervisor must

verify the accuracy of the changes and initial the time record. Altering, falsifying, tampering with time records, or recording another employee in or out will result in immediate disciplinary action, up to and including termination of employment.

## **6.7 ON-CALL & CALL BACK**

### **ON-CALL & CALL BACK COMPENSATION**

#### **Nonexempt Employees**

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each Department where on-call personnel are utilized.

**Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

**Compensation.** On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back, excluding designated Public Works personnel who will be paid fifty dollars (\$50.00) for each week they are on call. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. 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 overtime requirements are met. Continuing work on a call-back that extends beyond the 2 hour minimum and into a day off does not entitle the employee to additional premium pay.

Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

**Departmental Policies.** Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

## **6.8 INTERIM TEMPORARY ASSIGNMENT PAY**

Employees temporarily assigned to perform duties of a higher-level position for the purpose of learning the position or as on-the-job training, will not be compensated at a higher rate of pay. However, when designated by a Department Head or the City Administrator, employees temporarily directed to perform the additional duties and responsibilities of a higher-level position for more than one pay period will be paid at the base rate of the higher level position or five percent (5%) above their current salary, whichever is greater.

A payroll status change form must be completed for all employees designated to serve in a Temporary Assignment position and approved by the appropriate supervisor and forwarded to the Human Resources Department for processing.

### **(A) Continuity of Service – Exceptions.**

- (1) Continuity of service in the City's employee shall not be interrupted because of absence due to compulsory military service or due to voluntary military service in the armed forces of the United States of America in accordance with personnel policies and procedures, and all such time spent in the armed forces of the United States of America shall apply toward accrued service for longevity pay.
- (2) Continuity of service in the City's employ shall not be interrupted because of absence when such absence shall have been granted in accordance with the appropriate personnel procedures (i.e. worker's comp injury). None of such time on an approved leave without pay shall apply toward the employee's service credit for determining longevity pay unless the absence was for military leave as provided in subsection A above.

**(B) Separation from Service.** In the event any eligible officer or employee dies, retires, or is separated from the service of the City in good standing on any day other than the date on which longevity pay is distributed, he/she is not entitled to receive longevity pay.

**(C)** The provisions of this policy and the payments authorized hereby shall apply prospectively only.

## SECTION 7

### ATTENDANCE AND WORK HOURS

#### 7.0 REGULAR WORK HOURS

Employees of the City normally work 40 hours in a five-day work week (Monday-Friday). The regular workday begins at 8:00 a.m. and ends at 4:30 p.m., although employees in some departments may have different work hours. Employees are expected to report for work at such time necessary to ensure that work activities commence at the appointed work start time.

Regular Work Hours. Nonexempt employees of the City, except for Fire Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. For nonexempt employees the workweek is a recurring seven-day period beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday. In times of disaster or emergency, working hours shall be determined by the City Administrator, in consultation with the Mayor.

#### 7.1 ADJUSTMENT TO WORK HOURS AND FLEXIBLE WORK SCHEDULE

In order to assure the continuity of customer related City services, it may be necessary for Department Heads to establish other operating hours or flexible work schedules for their departments and employees. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Your acceptance of work with the City is your agreement that this will not create an undue hardship on you or your family and that you will be available to do such work.

A Flexible Work Schedule is an alternative to arrange for employees to work non-traditional hours and/or days and is an agreement between the supervisor and the employee. It is the responsibility of each supervisor to assure that policy and operating guidelines are understood and are being met within their respective work unit, and time records are accurately recorded.

Any adjustment to standard operating hours or flexible work hours must be approved by the City Administrator.

## 7.2 MEAL PERIODS AND BREAKS

### MEAL PERIOD PROCEDURES.

Full-time employees (excluding most Police and Fire Department employees) are normally provided a one half-hour unpaid meal breaks near the middle of the workday. Meal periods may be staggered by your Department Head in order to minimize departmental interruption. The supervisor will provide employees with the starting and ending time for their specific meal period. Employees will be relieved from work responsibilities during unpaid meal breaks.

Full time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two short, paid work breaks each day, one during the first part of the work day and the other during the latter part of the work day. Each such break may not exceed fifteen minutes in length.

### BREAK PERIOD PROCEDURES.

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions: As authorized, by the supervisor and depending on individual departmental work assignments and work schedules, full time employees are allowed to take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

**Lactation Breaks:** Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child as long as providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

**Supervisor Responsibility:** Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

**Practices Not Permitted:** The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;

- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day;  
or
- requesting compensatory time off or overtime pay for work performed during rest period time.

### **7.3 ATTENDANCE RECORDS**

Nonexempt employees are required to record the number of hours worked each day. It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The Department Head or City Administrator will review and initial prior to submitting it for payroll processing. In the event of an error in reporting time, immediately report the problem to the responsible Department Head.

### **7.4 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on your co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In the rare instance when an employee you cannot avoid being late to work or are unable to work as scheduled the employee must personally notify your supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to your supervisor the reason for the absence or tardiness and the date/time of your anticipated arrival and whether the absence or tardiness is approved Family Medical Leave. For absences of a day or more the employee must personally notify his/her supervisor on each day of absence unless his/her supervisor expressly waives this requirement. If an employee is unable to contact his/her supervisor, the employee should notify the Human Resources designee giving a phone number where the employee can be reached, the name of his/her supervisor, the reason for the absence, and the probable time that he/she will report to work. Police and Fire Department personnel must report their tardiness or absence in accordance with their Departmental rules and regulations.

In most instances, an employee who fails to properly notify his or her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. If an employee is absent from work for three (3) or more

consecutive work days without making proper notification, this absence will be considered a voluntary resignation. If such a situation occurs, and the employee later returns to work with documentation proving that such absence was totally beyond his/her control and it was impossible to provide the necessary notification, then reinstatement may be considered.

## **7.5 WORK HOURS FOR PUBLIC SAFETY EMPLOYEES**

### **Police Department**

#### **Work Period and Work Hours**

For purposes of the Fair Labor Standards Act, as amended, the work period for a nonexempt sworn employee of the Police Department is twenty-eight days. The standard work day or shift for a sworn police employee is eight hours.

#### **Weekly Overtime**

A non-exempt and exempt sworn employee of the Police Department will be paid overtime hourly rate of 1-1/2 times the employee's regular rate of pay for all hours worked over 40 in any work week, or be granted compensatory leave

If an officer takes leave on an accrued holiday and works overtime hours during the same work week then they receive compensation for the hours of overtime. This does not apply to vacation, comp time, or sick time taken during a work week.

#### **Paid Leave**

Any sworn employee of the police department is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. Authorized vacation leave, holiday leave, court leave, military leave, mandatory city leave, and bereavement leave with pay, as defined by Section 8, compensatory leave, pursuant to Section 6, will be counted as work time for purposes of computing overtime or compensatory leave.

#### **Call Backs**

A non-exempt and exempt employee of the Police Department who is called back to work and reports back to work outside of the employee's scheduled work hours must be paid a minimum of two (2) hours worked, if the call back does not merge with the employee's scheduled start time.

### **Meal Periods**

Each non-exempt employee is allowed a thirty minute lunch break, unless it is interrupted by an emergency.

### **Rest Breaks**

Non-exempt employees are allowed two fifteen minute rest breaks during a work day, unless interrupted by an emergency. The rest breaks cannot be concurrent with each other nor can they be concurrent with meal breaks.

### **Compensatory Leave**

Compensatory Leave in lieu of overtime pay may be granted a nonexempt sworn employee of the Police Department, as defined by Section 6.3, and is subject to supervisory approval. Compensatory leave is earned at the rate of 1-1/2 hours for each hour worked.

### **Fire Department**

#### **Work Hours**

Fire fighters, rescue and paramedical personnel are all classified as part-time employees and do not work beyond 1,000 hours annually. Because fire staff/officers are only part-time employees in the Fire Department there is no overtime compensation.

The Department's shift coverage is two 24 hour firefighters and paramedics 7 days a week, and one firefighter/EMT-B Paramedic 8 hours per day Monday thru Friday.

Official City holidays are paid at a differential per hour increase per shift. Only the shift crew on duty for the Holiday receives the compensation.

Volunteer firefighter personnel are compensated for one per night shift coverage.

#### **Call Backs**

Call backs are based on the availability of employees and compensation at the hourly rate from call back notification to return to the station.

**Section 8**  
**Employee Benefits**

**8.0 EMPLOYEE BENEFITS – OVERVIEW**

**A. Employee Benefits/Time Away From Work Leave**

Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. Generally, however, regular full-time employees are eligible for most benefits, and regular part-time employees are eligible for certain benefits on a pro-rata basis. Part-time and temporary employees are generally not eligible for City benefits. Fulltime employees are eligible to participate in a Cafeteria Benefit Plan. Contact your supervisor, Department Head or the Human Resources designee to obtain information regarding the benefits for which you may be eligible.

Benefit programs available to eligible employees include, but are not limited to:

|                         |                               |
|-------------------------|-------------------------------|
| Paid Holidays           | Deferred Compensation         |
| Bereavement Leave       | Military Leave                |
| Paid Witness Duty Leave | Workers' Compensation Benefit |
| Paid Sick Leave         | TMRS Contributions            |
| Paid Vacation Leave     | Time Off to Vote              |

Group Insurance

Group Life and Accident Insurance (Thru Texas Municipal League)

Group Health Insurance (Subject to exact dollar amount for employee only)

Group Dental Insurance (Employee paid)

While the City pays the full cost of most of these benefits, some of the benefit programs require contributions from participating employees.

## 8.1 PAID VACATION LEAVE

Full-time employees accrue vacation leave for each pay period that an eligible employee is in a pay status for at least half the standard number of paid days for that pay period.

**Accrual Rate** Regular employees begin accruing paid vacation leave during the first full pay-period, however, the employee is not entitled to use any time until after the probationary period of employment. Regular full-time employees accrue vacation leave as follows:

| <u>Years of Service</u> | <u>Rate of Accrual</u>                         |
|-------------------------|--|
| 1 -5                    | 80 hours per year (3.08 hours per pay period)  |
| 6- 10                   | 120 hours per year (4.62 hours per pay period) |
| 11+                     | 160 hours per year (6.15 hours per pay period) |

Regular part-time employees and temporary and seasonal employees do not accrue vacation leave. An employee's "Years of Service" may be adjusted for any significant leave of absence, except military leave.

**Maximum Accruals.** It is the policy of the City that vacation should be taken annually in the year earned. If vacation leave is not taken, all accrued vacation leave in excess of 240 hours will be forfeited. As of September 01, the city will buy-back employees having excess of 200 vacations hours on the final pay-period in September. However, no employee shall lose accrued vacation leave because of "work urgency". "Work urgency" is defined as the Department's need to have the employee at work to perform duty assignments for a specified period of time.

If an employee has reached the maximum allowed unused balance and is unable to take vacation leave due to work urgency, injury, extended medical leave, or special or pre-scheduled authorized leave, the Department Head will approve an extension of time to allow the employee a period not to exceed six months to use accrued vacation leave in excess of the maximum allowed unused balance. Documentation of the approval will be placed in the employee's personnel file.

**Scheduling Annual Vacation Leave.** For each vacation hour used, one hour will be deducted from the employee's accrued vacation leave. Vacation leave must be taken in minimum increments of 4-hours/half day. Department Heads are responsible for scheduling annual vacation leave for employees under their authority. Department Head vacations require City Administrator approval. Whenever possible, vacation leave will be

scheduled at the convenience of employees. However, Department Heads must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

**Compensation For Vacation Leave Time.** Vacation leave is paid at the employee's base pay rate at the time of vacation. Vacation leave will be paid only for time that the employee would ordinarily have worked. Vacation leave is not considered time worked for purposes of calculating overtime payments. To ensure proper payment of vacation leave pay, employees must make sure they have an approved written vacation request on file before leaving for vacation.

Employees may not "borrow" unearned vacation time, *nor will the city buyback vacation time from an employee.* However, upon termination of employment, employees in good standing (as defined in Section 12) having accrued but unused vacation leave will be paid for that vacation time, up to 160 hours, at their regular hourly rate at the time of termination.

**Probationary Employees.** Although probationary employees accrue vacation hours during the probationary period, employees are not eligible to take the accrued vacation time until completion of probation. The City Administrator has the discretion to allow accrued vacation leave to be taken due to an extenuating situation.

## **8.2 HOLIDAYS**

It is the City's policy to permit as many employees as possible to enjoy a day off without loss of pay on holidays. However, any or all employees may be required to work on a holiday.

**Official Holidays.** The City usually observes the holidays listed below, plus one personal holiday. When a holiday falls on a Saturday or Sunday, the holiday will normally be observed by the City on the day designated by the federal government (i.e., the Friday before or the Monday following).

- New Year's Day (January 1)
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day
- Veterans Day

- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve Day (December 24)
- Christmas (December 25)

**Personal Holiday.** Only regular full-time employees who have completed their probationary period are eligible for paid personal holiday. The day will be used from October 1 thru September of each fiscal year and will not accrue annually.

**Maximum Accruals.** It is the policy of the City that personal holiday should be taken annually in the year earned with no accrual.

**Scheduling Annual Personal Holiday** Personal leave must be taken in minimum increments of one hour. Department Heads are responsible for scheduling the annual personal holiday leave for employees under their authority. Department Head personal holidays require City Administrator approval. Whenever possible, personal holidays will be scheduled at the convenience of employees. However, Department Heads must be certain that personal holidays do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal holiday schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

**Holidays During Vacation Leave.** Employees taking vacation that includes an authorized holiday during their paid time off will be paid for the holiday without that day being charged against the employee's paid vacation time.

**Holiday Rate of Pay.** Nonexempt employees who work on a holiday will be paid eight hours of holiday pay at their regular rate, for each hour actually worked. If working on a holiday causes an employee to work overtime for that work week or work cycle, the employee will be paid the overtime rate if they exceed the 40 hours in a work week. Exempt employees who work on a holiday will receive a day off with pay at a later date. Regular full-time employees who do not work on a holiday are paid for the number of hours they normally work on the day of the week on which the holiday falls. Regular part-time employees who do not work on a holiday receive holiday pay equal to the number of hours they normally work each day if they are normally scheduled to work on the day of the week on which the holiday falls.

Paid time off for holidays will be counted as hours worked for purposes of determining overtime.

**Eligibility.** Only regular full-time and part-time employees are eligible for paid holidays. To be eligible for holiday pay, nonexempt employees must work their regular schedule immediately before and after the holiday, unless otherwise approved by their Department

Head. Employees on a leave of absence without pay the work day before a holiday are ineligible for holiday pay.

**Non-Scheduled Religious Holidays.** You may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. Time off for such absences may be taken as vacation, compensatory time, a personal holiday, an excused absence without pay, or may be exchanged for working on one of the City's designated holidays without receiving holiday pay.

### **8.3 SICK LEAVE**

**Eligibility.** All regular full-time employees begin accruing paid sick leave after their probationary period of employment. Part-time, Temporary and seasonal employees do not accrue sick leave. Employees who have not yet completed 90-days probationary-period are ineligible to use accrued sick leave.

**Accrual Rate.** For full-time regular employees, sick leave typically accrues based on an 8-hour day, at the rate of 3.08 hours per pay period. Sick leave does not accrue when an employee is in a leave without pay status for more than half the pay period or when an employee receives workers' compensation pay benefits for the full pay period. In the event that an employee works a work period based on something other than 8-hour days the accrual rate will be determined on an individual basis by the City administrator. Regular part-time employees accrue sick leave on a pro rata basis.

**Authorized Use of Sick Leave.** Accrued sick leave may be used for absences due to the employee's personal illness, accident or injury, or absences when the employee is needed to care for a member of his or her immediate family who is ill and who resides in the employee's house. Sick leave may also be used by employees for doctor and dentist appointments.

Employees who are unable to work due to illness or injury must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Sick leave must be taken in minimum one-hour increments.

Sick leave may not be used if the illness, accident or injury is acquired as a result of other employment.

**Failure to Report Absence/Abuse of Sick Leave.** Abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, will likely result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness or injury may be disqualified from using sick

leave for their absence. Employees on sick leave, whether paid or unpaid, may not work a second job (whether paid or voluntary) during the period of leave.

**Use of Other Leave.** If approved by the Department Head (and in the case of Department Heads, by the City Administrator), accrued vacation leave, compensatory time off, other accrued paid leave, or leave of absence without pay may be used if an employee has no accrued sick leave time.

Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a holiday under the City's Holiday Policy.

An employee who qualifies for use of sick leave during a scheduled vacation leave may be permitted to use sick leave instead of vacation leave for a qualifying absence. In such an instance, the employee must notify his or her supervisor immediately rather than waiting until the employee returns to work. Supporting documentation will be required in such cases.

**Abuse of Sick Leave.** Employees are encouraged to use their sick leave when they are ill. This ensures the employees recover and also prevents the spread of germs in the work place. Employees are also encouraged to use good judgment when taking sick leave. An employee may be required to present satisfactory proof of illness/injury whenever he/she uses sick leave if the supervisor feels sick leave is being over used or there is reason to believe sick leave is not being used properly. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

#### **8.4 LONG TERM SICK LEAVE**

Any absence which extends beyond two weeks qualifies as long term and will be treated the same as regular sick leave.

#### **8.5 BEREAVEMENT LEAVE**

Upon approval of the Department Head, up to three (3) working days of paid leave per fiscal year may be provided to regular full and regular part-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member. City Administrator approval is required if additional time is necessitated.

An employee who wishes to take bereavement leave must notify his or her supervisor as soon as possible so that arrangements can be made to accommodate the employee's

absence. Employees may, with their supervisor's approval, use any available paid vacation leave and/or compensatory time for additional time off as necessary.

The City will require proof of death/funeral in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

#### **8.6 JURY DUTY LEAVE**

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Accordingly, regular full-time will be paid their normal earnings for time spent serving on a jury for the duration of duty. Jury duty leave is paid at the employee's base pay rate at the time of jury duty and does not include overtime. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime.

Employees must show their jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. The employee may keep any jury fees paid for jury duty. Employees are expected to report to work whenever the court's schedule permits.

#### **8.7 COURT AND WITNESS DUTY LEAVE**

The City encourages employees to comply with all subpoenas and court orders to appear as witnesses in court or at depositions. If employees have been subpoenaed or otherwise ordered to testify as witnesses by the City, it will be considered part of their job duties and treated as hours worked.

When employees are requested or subpoenaed to testify in court by a party other than the City, or for other than City related matters, they may use any available paid vacation, holiday or compensatory leave for this absence. If the employee has no available vacation, holiday or compensatory leave time, any time off for witness duty will be unpaid.

A subpoena for witness duty must be shown to the employee's supervisor immediately after it is received so that employee staffing can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court's schedule permits.

#### **8.8 TIME OFF TO VOTE**

Employees are encouraged to exercise their right and responsibility to vote in national, state or municipal elections; however, employees are expected to vote during their non-

working hours. If an employee needs additional time to vote, up to two hours paid leave may be authorized at the beginning or end of the work day. An employee is not eligible if the Election Day occurs on a non-work day.

## **8.9 MILITARY LEAVE**

The City complies with all federal and state laws relating to employees in reserve or active military service, and does not discriminate against employees who serve in the military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits.

This policy covers regular employees who serve in reserve or active military service, on a voluntary or involuntary basis. Note that this policy is generally not applicable to temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue for a significant period of time.

**Notice to City of Need for Leave.** Employees must provide as much advance written and/or verbal notice to the City as possible for all military duty leave (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit the necessary documentation, including the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be turned into your Department Head and the Human Resources Department as far in advance of the leave as possible.

### **Paid Leave for Training and Duty.**

- (A) Full Pay For Up to 15 Days.** In accordance with Section 431.005, Texas Government Code, regular full and part-time employees of the City will be paid for military absences of up to 15 workdays per fiscal year (October 1 through September 30). For purposes of calculating paid leave time, the City may temporarily transfer 24-hour shift employees to a 40-hour, 7 day work-week schedule. This paid military leave may be used when an employee is engaged in National Guard or U.S. armed forces training or duty ordered or approved by proper military authority. The paid leave days may be taken consecutively or scattered throughout the year.
- (B) Other Paid Leave.** Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use

any other available paid leave time, except *sick leave* (i.e., vacation leave, holiday leave or comp time) to cover their absence from work.

**(C) Unpaid Leave.** After an employee has exhausted all available paid military leave (and any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to 5 years.

**(D) Benefits.** The City will continue to provide employees on paid military leave with most City benefits.

**(E) Medical and Dental.** While an employee is on military leave of less than 31 days, the City will continue to pay its portion of the monthly premium for group health benefits. When military leave exceeds 31 days, the employee may elect to continue group health coverage for up to 18 months following separation of employment or until their reemployment rights expire, whichever event occurs first, for himself/herself and eligible dependant

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

**(F) Other Benefits.** While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Upon return to active employment following military leave, employees will be treated as though they were continuously employed for purposes of determining seniority and benefits based on length of service, such as vacation accrual.

**(G) TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the

necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

**(H) Returning from Leave.**

**(i) Reemployment Rights.** In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they held at the commencement of their military leave.

**(ii) Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

(a) For service of **less than 31 days**, employees have 8 hours following their return home from service to report for their next scheduled work period.

(b) For service **between 31 days and 180 days**, employees have 14 days following their release from service to apply for reemployment.

(c) For service of **more than 180 days**, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevents him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

**(iii) Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or

release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

- (iv) **Rights to Continued Employment.** Employees who actively serve in the military, and take military leave in excess of 6 months will not be discharged by the City without cause for 1 year following the date of their reemployment. Employees who actively serve for between 1 and 6 months will not be discharged without cause for 6 months following the date of their reemployment.
  
- (v) **Changed Circumstances.** If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. (For example, a reduction-in-force that eliminates the position held by an employee returning from military leave.) The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

#### **8.10 AUTHORIZED LEAVE WITHOUT PAY**

In circumstances not falling within other leave policies, the City Administrator may, upon the recommendation of the appropriate Department Head and in his or her sole discretion, authorize leave without pay. Example of factors considered by the City in granting leave without pay include the reason for the leave, departmental work requirements, and the employee's work performance and disciplinary history. Such leave will normally be granted up to a maximum period of 30 days. The Employee may seek extensions of leave up to a maximum of 6 months. This policy will be administered consistent with the City's obligations under the Americans with Disabilities Act.

**Documentation.** Requests for leave without pay must be made in writing to the employee's Department Head as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Head. The need for a medical leave of absence must be supported by documentation as required by law and these policies. Before returning to work from a medical leave of absence, the employee will be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties, as outlined in the employee's position description.

**Other Employment During Leave.** Under no circumstances, other than military service leave, may an employee on an authorized leave without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Head and the City Administrator.

**Anniversary Date.** An employee's anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be changed to account for extended absences from work. With the exception of military leave, any leave without pay exceeding 30 calendar days will result in the employee's anniversary date being changed by adding the exact number of days of leave to the employee's existing anniversary date.

**Reinstatement.** Employees returning from "Authorized Leave Without Pay" will be reinstated to their same position or one of similar pay and status provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. An employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his or her employment with the City.

**Payment of Insurance Premiums.** Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will **not** be paid by the City after 30-days following the starting date of an unpaid leave of absence for illness or injury only. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a leave of absence, an employee's failure to pay insurance premiums due during a leave of absence may result in cancellation of coverage.

**Benefits.** All leaves of absence are unpaid, and vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid leave of absence.

**Texas Municipal Retirement System (TMRS).** Employee contributions to TMRS while an employee is in a leave without pay status may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the Human Resources Department and completing the necessary paperwork.

**Revocation.** The City Administrator may revoke "Authorized Leave Without Pay" at anytime.

## **8.11 ON-THE-JOB INJURY LEAVE**

Most on-the-job injuries are covered by the City's workers' compensation insurance. Please see the City's Workers' Compensation Benefits Policy Section 8.14. Employees may supplement any workers' compensation wage benefits with any accrued vacation, holiday, sick or compensatory leave. However, in no event will an employee be paid more than 100% of his or her regular pay.

## **8.12 FAMILY AND MEDICAL LEAVE ACT**

### **POLICY**

In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call or order to active military duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.

Also a caregiver needing leave to provide care for an injured service member is eligible for extended Family and Medical leave. This benefit provides 26 workweeks of unpaid FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or next of kin caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

### **PROCEDURE**

**Twelve Month Period:** The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the

remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

**Employee Notification:** An employee should give at least thirty (30) days notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

**Department Notification:** Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or once the employee exceeds three (3) days.

**Human Resource Responsibility:** Human Resources is responsible for central administration of all requests for family and medical leave. Human Resources reserve the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resources may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

**Approval:** An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resource for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.

**Substitution of Paid Leave:** An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation and personal leave prior to going on unpaid leave. An employee

utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

**Maximum Time Allowed:** The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described above, which allows for an extended FMLA leave of 26 weeks.

**Medical Certification:** The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will not use genetic information for any employment decision or action.

Upon returning to work after leave for his or her own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

**Return to Work:** When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

**Effect on Married Couples:** If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a

child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

**Continuation of Insurance Benefits:** While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

**Intermittent Leave:** When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

**Holidays:** Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

**TMRS:** Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Director of Human Resources and completing the necessary paperwork.

**Recordkeeping:** Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

**Exempt Employees:** Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

## **DEFINITIONS**

**Child:** A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

**Health Care Provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

**Parent:** A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

**Spouse:** A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

### **8.13 SHORT-TERM UNPAID LEAVE.**

Exempt employees may take a partial day of unpaid leave only under the following circumstances: Pursuant to principles of public accountability, an absence of less than one work-day may be taken for personal reasons or because of illness or injury when accrued leave has been exhausted; or the employee chooses to use leave without pay.

In all other situations, exempt employees who wish to take unpaid leave for personal reasons may not take a partial day of unpaid leave; unpaid leave may only be taken in full-day increments.

No deductions will be made from an exempt employee's salary for absences, whether for a full or partial day, if the absence is caused by the City or by the operating requirements of the City, e.g., if City Hall is closed due to bad weather, if City Hall is closed for an official City holiday, or if there is no work to be performed. Further, exempt employees will be paid for absences caused by jury duty (up to 7-days), or attendance as a witness in a legal proceeding where the employee is not a party (unless it is job related). The City may, however, offset an exempt employee's salary by the amount the employee receives injury or witness fees.

This policy is subject to the general rule that, absent accrued paid leave time, an employee need not be paid for any workweek in which he or she performs no work.

## **B. EMPLOYEE BENEFITS/INSURANCE**

### **8.14 ON-THE-JOB INJURIES/WORKERS' COMPENSATION BENEFITS**

**Coverage.** The City provides workers' compensation coverage for all employees through the Texas Municipal League. The Fund provides for medical expenses and partial compensation to employees injured on the job. The cost of such coverage is paid by the City and covers most injuries sustained on the job. Neither the City nor its workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Such injuries, however, may be covered under your personal medical insurance plan.

**Report of Accidents and Injuries.** All employees must comply with any initial reporting requirements established by the City. Supervisors, in turn, must complete the TWCC-1 form and have it delivered to the Human Resources Department within 24 hours of the time and date of the incident. Thereafter, an employee on worker's compensation leave must report to the City on a weekly basis, or as otherwise directed by their Department Head. An employee must immediately notify the City when released to return to work.

**Filing Claims.** All workers' compensation claims must be filed with the Human Resources Department through appropriate supervisory channels.

**Salary Continuation Benefits.** Temporary, part-time, and seasonal employees, as well as full-time employees who have not completed their initial probationary employment period or are on a disciplinary probation, are ineligible for salary continuation benefits.

When a regular, full-time employee incurs an on-the-job injury or illness that is covered by the City's workers' compensation carrier and requires the employee to take workers' compensation leave, the employee is eligible for salary continuation benefits. To receive salary continuation benefits, the injured employee is required to exchange his/her workers' compensation benefit payments for the employee's regular pay checks. Salary continuation benefits may be paid for up to six months.

Under no circumstances will an employee on workers' compensation leave receive paid benefits (e.g., workers' compensation, salary benefits, salary continuation benefits, disability insurance benefits, or paid leave time) in excess of the amount the employee would normally receive in base salary/wages (excluding overtime, shift differential, or any other type of extra compensation) if the employee was not injured and able to return to work.

**Modified Duty.** Every effort will be made to return injured employees to the workplace as soon as they are medically released. The Human Resources Department will coordinate the employee's return to work with that employee's Department Head. Modified duty will be offered if a work assignment exists within the City which meets the abilities documented by the employee's attending physician or the city physician; and a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness. A modified duty work assignment may last until the time that the attending physician or city physician has set as the expected date of return to the employee's previous work assignment, but not to exceed three months unless the City Administrator gives written approval for a longer period. As a condition of continuing in a modified duty work assignment, an employee must adhere to prescribed treatment and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full performance capability.

An employee's modified duty work assignment will be terminated immediately if:

- (A) The employee is found performing beyond the modified duty restrictions;
- (B) The work assignment is completed;
- (C) The employee performs unsatisfactorily in the position; or
- (D) Budgetary constraints do not allow continuation of the position.

An employee who does not agree or accept a bona fide offer of employment, including a modified duty work assignment that has been approved by his/her physician may be

subject to disciplinary action (e.g., termination) and/or a reduction in income benefits, as allowed by the Texas Workers' Compensation Act.

A non 8-hour shift employee may be reassigned to 40 hour work weeks by the Department Head.

**Use of Accrued Leave to Supplement Compensation Benefits.** **Employees who do not qualify for salary continuation benefits or who do not wish to be bound by the restrictions imposed for salary continuation benefits, may use any available paid leave time to supplement their worker's compensation salary benefits.**

**TMRS.** Employee contributions to TMRS made on the basis of temporary income benefits received through workers' compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Department and completing the necessary paperwork.

### **8.15 EMPLOYEE GROUP INSURANCE BENEFITS**

**Life Insurance.** The City presently provides life insurance coverage for all regular full-time employees at no cost to the employee. Part-time and temporary employees are not eligible for participation. Eligibility for life insurance coverage usually begins after a brief waiting period required by the insurance carrier. Employee dependents may also be eligible for participation under the City's life insurance plan. Dependant life insurance must be paid for by the employee through a payroll deduction.

**Health, Dental and Accident Insurance.** Regular full-time employees are presently provided group health and at no cost to the employee. Part-time and temporary employees are not eligible for participation. Coverage generally begins immediately upon employment or after a short probationary period (if required by the insurance carrier). Employees may elect to cover themselves and their current spouse and/or dependent children under the City's health and dental plans, provided the premiums are paid for by the employee through a payroll deduction.

**Group Life and Accident Insurance.** Eligible employees may elect to purchase life, accident, and cancer insurance for themselves or their dependents from a company, which has made arrangements with the City, through payroll deduction. Additional information may be obtained in the Human Resources Department. Eligibility begins after 30 days of employment.

**Additional Information.** This is only a general description of available group insurance coverage. For additional information regarding the City's group insurance policies, you

may review the appropriate Summary Plan Description and/or contact the Human Resources Department.

#### **8.16 UNEMPLOYMENT INSURANCE BENEFITS**

The program provides weekly benefits if you become unemployed through no fault of your own or due to circumstances described in the law.

### **C. EMPLOYEE BENEFITS/RETIREMENT**

#### **8.17 TEXAS MUNICIPAL RETIREMENT SYSTEM**

The City participates in the Texas Municipal Retirement System (TMRS) to provide retirement benefits for employees. Full-time employees are eligible for participation immediately upon employment. Regular part-time employees who work at least 1,000 hours or more per year are also eligible for participation immediately upon employment. Temporary employees are not eligible for participation in TMRS.

Employees who terminate employment or retire from the City prior to establishing the mandatory number of contributing years to TMRS may be refunded their contributions to date, plus any accrued interest subject to TMRS' policies and regulations. If an employee transfers to another city with TMRS benefits, he or she is eligible to have his or her contribution transferred to that city subject to TMRS' policies and regulations.

The above information is a summary only. Additional information is provided in the TMRS handbook, available in the Human Resources Department.

Appropriate forms must be filed with TMRS before contributions can be refunded. Employees terminating employment after the mandatory contribution time have the choice of remaining in TMRS or receiving a refund of their contributions to date, subject to TMRS' regulations.

#### **8.18 SOCIAL SECURITY**

The City of Ovilla does not participate in Social Security for regular full-time employees, and does not withhold Social Security wages.

### **D. EMPLOYEE BENEFITS/MISCELLANEOUS**

#### **8.19 LIGHT DUTY**

Light duty assignments for employees with a disability, illness or medical condition which makes them unable to perform their regular job duties are made at the sole discretion of the City, for up to a maximum of three months. The City may terminate a light duty assignment at any time in its accordance with the City's operational needs. While a

genuine effort will be made to locate light duty assignments for employees when temporary medical restrictions preclude their return to their regular duties, the City will not create light duty assignments.

Light duty assignments must be coordinated through the employee's Department Head. Light duty assignments may be in the employee's own department, or in another department, depending upon the employee's circumstances and needs of the City. Employees with an on-the-job injury or illness will be given priority over other employees in the assignment of light duty jobs. The duration of light duty should be the lesser of the duration of the medical restriction or three months. At the end of three months, the case shall be reviewed for determination of status.

The employee's physician must review and certify that the employee can perform the light duty assignment. The City reserves the right to require an employee to be medically released (i.e., able to perform his/her essential job functions with or without a reasonable accommodation) before returning to full and regular duty.

#### **8.20 CAFETERIA PLAN**

*The City of Ovilla allows for a Cafeteria Plan. The plan is a separate written plan maintained by the City, as an employer, for employees that meets the specific requirements of the regulations of Section 125 of the Internal Revenue Code. It provides employee participants an opportunity to receive certain qualified benefits on a pretax basis. (Information can be received from Human Resources.*

## SECTION 9

### EMPLOYER AND EMPLOYEE COMMUNICATIONS

#### 9.0 EMPLOYEE RELATIONS

The City believes that the work conditions, wages, and benefits it offers to employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City makes every effort to amply demonstrate its commitment to employees by responding effectively to employee concerns.

#### 9.1 PUBLIC RELATIONS

Employees must take care to separate their personal roles from their positions with the City when communicating on matters not involving City business. Employees must not use City employee identification, stationery, supplies or equipment for personal or political matters.

When communicating publicly on matters that involve City business, employees must not presume to speak for the City on any topic, unless they are certain that the views they express are those of the City, and it is the City's desire that such views be publicly disseminated.

When dealing with anyone outside the City, including public officials, employees must take care not to compromise the integrity or damage the reputation of either the City, or any outside individual, business, or government body.

Providing high quality service to the public in a timely, accurate, efficient and courteous manner is primary objective of each City employee and official. Each employee represents the City when in contact with the public, and employees must constantly strive to be good-will ambassadors for the City. Any employee who fails to demonstrate the proper level of courtesy and professionalism will be subject to disciplinary action, up to and including termination of employment.

In all matters relevant to the City, employees must make every effort to achieve complete, accurate, and timely communications by responding promptly and courteously to all proper requests for information and to all complaints.

In serving the citizens, always remember the following:

- (A) City employees' jobs are dependent on the citizens of Ovilla;
- (B) Citizens are not an interruption of the process — they are the purpose of the work effort;
- (C) The City's citizens are always deserving of courteous treatment; and
- (D) Satisfied citizens are our primary goal.

## **9.2 STAFF MEETINGS**

Scheduled staff meetings will be held on a regular basis with the City Administrator, department and division heads, and other key managers as a forum of communication to exchange ideas, discuss upcoming Council and Board and Commission meetings, required staff action as a result of aforementioned meetings, update on departmental activities, forum for training and development, and strategic planning of goals and objectives and progress on work plans.

Department Heads are responsible for scheduling and holding regular staff meetings with their respective department employees.

The City Administrator is responsible for scheduling and holding "All Employee Meetings" as deemed necessary.

## **9.3 BULLETIN BOARDS**

City bulletin boards are restricted to use by the City for the posting of official City matters, e.g., announcements, internal memos, job openings, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain approval from a supervisor before posting any information on a City bulletin board.

## **9.4 COMPUTER, INTERNET, E-MAIL, VOICE MAIL, FAX AND CITY ISSUED MOBILE DEVICES POLICY**

All of the City's computers, electronic and telephone communications systems, and all communications and stored information which is or has been transmitted, received, contained in the City's information systems (including, without limitation, e-mail, Internet, pagers, voice mail, facsimiles, and information stored on computer hard drives and City-

provided USB flash drives) are the City's property and are to be used solely for job-related purposes. Due to the considerable risks associated with computer viruses, employees are prohibited from downloading any unauthorized software to the City's computers. All software downloaded must be registered to the City. Do not open or forward e-mail received from unknown sources, or those that contain undefined or unexpected attachments, as they may contain viruses or other harmful or inappropriate content or information. Do not download .exe files, or any other file that has not been authorized by the Department Head.

To ensure proper use of communications systems and business equipment, and to ensure professional service to all citizens, the City reserves the right to monitor the use of these systems and equipment. Therefore, by this policy, employees are on notice that all e-mail messages, voice mail messages, and facsimiles sent to the City's address, and information stored on pagers, computer hard drives, City-provided USB flash drives, mobile devices etc. are subject to inspection by the City at any time, with or without advance notice. Employees are not entitled to any expectation of privacy with respect to such information.

The City has invested in a Voice Mail System for efficiency and to better serve our citizens. Those employees with a voice mailbox may learn how to use this system by reading your voice mail instructions or asking the phone system administrator. From time to time, especially when you are on vacation, business trips, a leave of absence or otherwise absent from work, your Department Head, supervisor, or another employee may listen to your voice mail messages to better serve our citizens and to make sure that all City business is timely performed. Employees should have no expectation of privacy in connection with any message left on the City's voice mail system.

The City's e-mail and Internet access may not be used for transmitting, retrieving or storage of any obscene, discriminatory or harassing communications. Illegal harassment of any kind is strictly prohibited. Accordingly, no messages with derogatory, inflammatory, or otherwise unwelcome remarks regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preference may be transmitted. Similarly, no abusive, profane or offensive language or images may be transmitted through the City's e-mail or Internet access. Further, electronic media may not be used for any commercial, illegal, or illicit activity, or in any way that violates City policy or is contrary to the City's best interests. Solicitation of non-City business or any use of City e-mail or the Internet for personal gain is also strictly prohibited.

The City prohibits non-job-related use of its software and business equipment, including but not limited to computers, copy machines, facsimiles, long distance telephone service and postage meter. However, the City may authorize limited personal use of this equipment provided that such usage (i) does not interfere with work performance or business needs, (ii) is in full compliance with this policy, (iii) and the employee takes

personal responsibility for any costs incurred. Even though the employee assumes responsibility for the costs incurred, this shall not create any expectation of privacy with respect to information or material transmitted, received or stored using City equipment.

Department Heads will not allow access to web sites that do not provide information beneficial to their departments, and will implement immediate corrective and/or disciplinary action, up to and including termination of employment, for those employees who violate any portion of this policy.

Employees should be aware that electronic mail (e-mail) is considered a public record and may be subject to public disclosure in accordance with applicable law. Use of e-mail and the deletion of messages should be done with caution. All employees are personally accountable for communications that they originate or forward using the City's electronic and/or telephonic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited. The user name, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.

#### **Right to Monitor**

All City supplied technology and City related work records belong to the City and not to the employee. The City Administrator or his/her designee routinely monitors use of city-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

### **9.5 SOCIAL NETWORKING**

#### **Policy**

An employee's use of social media, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, to ensure compliance with internal policies,

support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro blogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communications policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "General Complaint and Grievance" policy without resorting to social media.

### **Employee Guidelines**

- Any blogging or posting information on the Internet, must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager or the IT Director to update or post on behalf of the City and all content must be approved prior to posting. In which case the employee must disclose their

relationship to the City in accordance with FTC guidelines. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.

- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro blogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.

Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.

- Respect coworkers and the City. Do not put anything on your blog or post any information and /or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

## 9.6 CONFIDENTIAL INFORMATION

From time to time, employees may be privy to confidential information which is vital to the interests and success of the City. Employees are prohibited from disclosing confidential or non-public information relating in any way to the City, its employees, or citizens. All requests for information from third parties must be immediately directed to the City Secretary.

When handling financial or personal information, employees must observe the following principles:

- (A) Collect, use, and retain only the personal information necessary for the City's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- (B) Retain information only as long as necessary or as required by law. Protect the physical security of the information.
- (C) Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing and personal information, unless the legal process or contractual obligations provide otherwise.
- (D) Employees are prohibited from using e-mail to transmit confidential or non-public information to any person or party outside of their physical site of employment. Employees who have a business need to use e-mail to transmit confidential or non-public information to any party must first obtain the approval of their Department Head, who will determine whether security measures are necessary to ensure that the confidentiality of the transmission is not compromised.

Any employee who is aware of, or suspects, that an employee is or is about to violate this policy must immediately tell their supervisor or someone else in City management. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

## **9.7 MAIL**

Employees may not use City postage, stationery, stamps, supplies, etc. for personal business. Personal mail may be placed in the City's outgoing mail, but City postage may not be used for such mail. Employees may not direct personal mail to be delivered to them at the City. However, employees may have packages, deliveries or overnight correspondence delivered to them at the City from time to time.

## **9.8 NOISE/RADIOS**

All employees must be considerate of their fellow employees with respect to their conversations, telephone usage, etc. Please make every effort to keep voices low and to refrain from group conversations in areas where other employees are working. Employees with private offices should conduct business in their offices, to the extent possible, rather than in common areas where others are working. Employees may only play radios, tape cassettes, CD'S, etc. at their work station if not objectionable to any co-workers. Any radio noise must be kept low.

## **9.9 SOLICITATION**

Persons who are not employees of the City may not solicit or distribute literature in the workplace at any time for any purpose. Employees may not solicit, distribute, or post literature concerning events and associations unrelated to the City's business during work time or in work areas, without the prior written authorization of the City Administrator. For purposes of this policy, work time does not include lunch breaks or any other period during which employees are not on duty.

## **9.10 TELEPHONES**

City telephones are to be used for City-business purposes. Answer all calls promptly and courteously. Please ask your family and friends not to call during business hours except in cases of emergency. Your own calls should be made during breaks. Long distance calls on City phones may only be made for City business. Employees may not make personal long distance calls on City telephones; if this occurs, you may be disciplined and you will also be required to reimburse the City for any charge resulting from personal use of the phone. Employees who have been issued a City cell phone must reimburse the City for all personal calls if the cost exceeds the amount the City normally pays for the service. Excessive personal use of City telephones, or other violation of this policy, will result in disciplinary action up to and including termination of employment.

## **9.11 PERSONAL CELL PHONE USE**

Personal cell phones are permitted in the work place; however, employees are encouraged to use good judgment when using personal cell phones during business hours. Department Directors may prohibit an employee from using personal cell phones during business hours if he/she thinks the privilege is being abused.

## **9.12 NEWS RELEASES**

When communicating with the media, employees should remember that they represent the City and should conduct themselves accordingly. No employee may give a news or press release on behalf of the City without the prior authorization of the City Administrator.

An employee who receives a request from the media for a scheduled interview on behalf of the City must obtain authorization from the City Administrator prior to scheduling the interview. Employees shall attempt to provide a timely and thorough response to all interview requests, but may ask for and expect to be afforded additional time to research the relevant issues and to prepare for the interview. If an employee does not feel comfortable answering a reporter's questions, he or she may terminate the interview with the understanding that the employee or another City representative will follow up with the reporter in a timely fashion. When an employee terminates an interview, he or she shall immediately discuss the topic with the City Administrator to determine if any further action should be taken.

Items of confidential or litigious matter shall not be addressed or discussed with the media. Such items include, but are not limited to, the following:

- (A) Medical records
- (B) Certain personnel records
- (C) Pending investigations
- (D) Actual proceedings of executive sessions of City Council
- (E) Draft correspondence (preliminary notes or intra-city memoranda not yet finished)
- (F) Records pertaining to pending litigation where the City is a party
- (G) Legal opinions of City attorneys
- (H) Certain law enforcement records

The City of Ovilla Emergency Response Plan designates responsible city officials and staff for communicating with the media in disaster or emergency situations. Employees in violation of this policy may be subjected to disciplinary action, including termination.

### **9.13 PERFORMANCE APPRAISALS (EMPLOYEES)**

The purpose of the City of Ovilla performance pay policy is to encourage personnel to perform to higher standards by rewarding those employees who exceed expectations, as determined through the annual evaluation process, with a percentage increase to their base salary pursuant to budget approval.

#### **METHODOLOGY**

##### ***Evaluations***

Employees will be evaluated on an annual basis through the means of an evaluation instrument. The evaluation will serve as the official method for communicating job performance to the employee. During the annual review period, the employee and the evaluator will set goals and establish objectives to be reached during the course of the following year. Supervisors will hold a mid-year review with their employees to determine if the goals and objectives identified are realistic, or if additional goals and objectives are needed. Evaluations will be conducted annually during the month of August.

##### ***Performance Assessment Reports***

Throughout the year, personnel job performance will be assessed through Performance Assessment Reports (PAR). The PAR will allow managers to address performance issues throughout the year and also provides a means to document exemplary performance. A PAR should be used any time an employee does something above and beyond their normal job performance expectations. It should also be used to document any behavior that is below normal job performance expectations. The PAR's are essential in the monitoring and effectiveness of the evaluation instrument throughout the year and should be used as a means to assist the evaluator during the annual review period.

#### **MERIT PAY INCREASE**

The evaluation instrument constitutes the only method in determining whether or not an employee is eligible for a Merit Pay Increase (MPI). The City Administrator, based on the recommendation of the department head or division manager, will have oversight and final approval of all MPI recommendations. The amount of the MPI will be determined based on the outcome of the annual evaluation, budget approval, and shall take effect on May 01, and/or following the mid-year budget review. . The following classifications will be used when determining the amount of the MPI:

|                       |  |  |  |
|-----------------------|--|--|--|
| <b>CLASSIFICATION</b> |  |  |  |
| Exceeds Expectations  |  |  |  |
| Meet Expectations     |  |  |  |
| Below Expectations    |  |  |  |
| Unsatisfactory        |  |  |  |

The classifications are defined as follows:

Exceeds Expectations – In general, an employee who exceeds expectations has received three or more PARs documenting the exemplary nature of the action undertaken by the employee throughout the year. Additionally, the employee has completed all goals and objectives as identified in the evaluation instrument and mid-year review for the review period ending.

Meets Expectations – In general, an employee whose performance is classified as meeting expectations may or may not have received one or more PARs documenting the exemplary nature of the action undertaken by the employee throughout the year. The employee may or may not have completed all goals and objectives as identified in the evaluation instrument, but has completed all goals and objectives as adjusted in the mid year review. The employee must not have received more than two negative PARs during the review period ending.

Below Expectations – In general, an employee classified as performing below expectations has received more than two negative PARs during the review period ending. The employee may or may not have completed all goals as identified in the evaluation instrument. More than one classification as below expectations in a two-year period may result in the immediate termination of the employee.

Unsatisfactory -

In general, an employee classified as unsatisfactory has received more than three negative PARs during the review period ending. Even with supervisor counseling and guidance, the employee has not completed the majority of the goals identified in the evaluation instrument. With one unsatisfactory classification the employee is immediately placed on a Performance Improvement Plan, for a determined period of time by the supervisor, and without measurable improvement may result in the immediate termination of the employee.

The above definitions are not meant to prohibit department heads or division managers from developing additional clarifications for the performance classifications, but any additional clarification must include the core elements defined above, and any additional clarification or adaptation of the above must be reviewed and approved by the City Administrator before taking effect.

**9.14. PERFORMANCE APPRAISALS (COUNCIL APPOINTED PERSONNEL)**

**Appointments**

The City Administrator, the City Secretary, and Municipal Judge positions are selected by a majority vote of the City Council. These positions are chosen solely on the basis of executive, administrative and judicial qualifications. The performance appraisals of these officers of the City shall be evaluated by the City Council.

**Reviews, Evaluation, and Salary Adjustments**

**City Administrator**

The City Council shall conduct reviews and evaluations of the appointed Employees' job performance on or about the three month anniversary, the six month anniversary, and the one year anniversary of the execution of the letter of employment agreement. The review should be based on defined performance objectives and expectations agreed upon at the beginning of the review period.

If the Employee's job performance is considered by the Council to be satisfactory at the time of the six month review, he or she shall be entitled to receive, commencing the next full pay period following such review, a salary increase equal to five percent of the annual base salary the Council/City agrees to pay. It shall be payable in the same manner and at the same time that other employees of the City are paid. Thereafter, adjustments of the Employee's salary, if any, and the date of their effectiveness shall be considered and

negotiated with the Employee by the City Council during the annual budget preparation process.

**City Secretary**

The performance review, performance instrument, and any Council approved merit pay increase of the City Secretary shall be in accordance with the methodology as defined in Section 9.13 of the Handbook policies.

**Municipal Judge**

The performance review, performance instrument, and any Council approved merit pay increase of the Municipal Judge shall be in accordance with the methodology and performance measures as defined in the Employment Agreement for the Judge.

## SECTION 10

### EMPLOYEE CONDUCT AND WORK RULES

#### 10.0 EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests of the City and the safety of all employees and citizens.

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. The City does not permit any activity that fails to stand the closest possible public scrutiny.

Conduct problems are identified by what the employee has done, i.e.: fighting, rudeness, insubordination failure to follow instructions, etc. Performance problems are the result of the lack of the employee's failure to properly perform their work.

#### **Prohibited Activities**

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment

- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Profanity, abusive language, insubordination, or racial slurs
- Unauthorized disclosure of confidential information
- Violation of City or departmental policies, codes of conduct, rules and procedures.

### **Progressive Discipline**

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate termination of employment, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process.

The disciplinary action chosen for a particular infraction will depend on a variety of factors that include the severity of the infraction, prior disciplinary history, employee's length of service, the previous work history of the employee, how the choice will affect others in the organization and any mitigating circumstances. The City reserves the right to determine and begin discipline at any point in the progressive discipline guidelines, up to and including termination of employment.

Depending on the circumstances of each individual case, the progressive disciplinary process steps may consist of the following:

- (A) Verbal Warning: A supervisor orally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- (B) Letter of Counseling: Written letter of warning used for behavior or violations that a supervisor considers serious or in situations when an oral/verbal warning has not helped change unacceptable behavior. The letter is placed in the employee's personnel file.
- (C) Written Reprimand: Written letter of reprimand are used for behavior or violations the supervisor considers serious or in situations when a letter of counseling has not

changed unacceptable behavior. The reprimand is placed in an employee's personnel file. Employees should recognize the grave nature of their conduct.

- (D) Suspension (without pay): Unpaid disciplinary suspensions of one or more days off the job imposed for serious infractions of workplace conduct codes.
- (E) Demotion: An employee is moved from a position in one classification range to a lower position of another classification range, as a result of a disciplinary action.
- (F) Discharge: Employees of the City of Ovilla are employed on an at-will basis, and the City retains the right to terminate an employee at any time if the conduct or performance of the employee is grave enough to warrant termination.

Other forms of disciplinary actions and/ or performance improvement action:

Performance Improvement Plan. Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibility efficiently, the employee may be placed on a written Performance Improvement Plan (PIP). The PIP may be used in conjunction with other disciplinary steps. PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the PIP may be closed or, if established goals are not met, discharge may occur. PIP may be used in conjunction with other disciplinary action, such as letter of counseling, written reprimand, suspensions, or demotions.

Disciplinary Probation. Employees who are suspended or demoted, or whose pay rate is reduced, will be placed on disciplinary probation for up to six months. During the probationary period, employees have no right of appeal. Further, during any disciplinary probation period, the employee is not eligible for any merit pay increases.

Decision-Making Leave. Decision-making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior. An employee may only be given decision-making leave with pay once and the leave cannot exceed one day or one shift, as appropriate.

**Pre-disciplinary Meeting.** When proposed disciplinary action includes suspension of one day or one shift (or more), a reduction of an employee's rate of pay, demotion, or termination, the employee will be given an opportunity to respond to the allegations prior to disciplinary action being taken. The employee's supervisor will meet with the employee, inform the employee in writing of the specific rule(s) violated; the specific acts of the employee which were in violation of the rule; and that discipline could be imposed, and give the employee at least 24 hours to respond to the charges, either orally or in writing.

**Review by Department Head.** Any proposed disciplinary action in excess of a verbal reprimand must be reviewed by the employee's Department Head prior to being given to the employee. This applies to both probationary and non-probationary employees.

**Review by Human Resources.** All Department Heads shall consult Human Resources prior to taking disciplinary action beyond a written reprimand. Any disciplinary action taken shall be a written notice with a copy to the employee, Department Head, and employee's personnel file specifying:

- Cause for discipline
- The discipline to be imposed
- The effective date
- The right of the employee to appeal within the timeframe defined by the personnel policies through the appropriate chain of command

**Felonies and Misdemeanors.** Employees must immediately notify their supervisor and/or their Department Head if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony; provided, however, employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

When an employee is arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, and the evidence obtained during an internal administrative investigation supports a violation of this section, disciplinary action may be taken independently of and before any legal action or criminal conviction.

**Administrative Leave.** During an internal investigation into alleged misconduct or violations of City policies, the City may, at its sole discretion, place the employee on paid administrative leave.

At the City Administrator's discretion, an employee arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on unpaid administrative leave until the charge, indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and

appeal (if any) are completed and all related administrative matters are concluded. An employee on administrative leave may be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

## COMPLAINTS AND APPEALS

### 10.1 ELIGIBILITY TO COMPLAIN OR APPEAL

Any regular full-time and part-time employee who has satisfactorily completed a training and evaluation period or a period of disciplinary probation may file a complaint or appeal. Any regular part-time employee may file an appeal after a disciplinary probation period or as specified in the Lay-Off Chapter

#### DEFINITION

**Complaint:** A complaint is a request by an employee for review of dissatisfaction relating to their employment which is subject to the control of the City, including any matter on which the employee alleges that disparate treatment, coercion, reprisal, or retaliation has been practiced against them.

**Appeal:** An appeal is a request by an employee or agent of the employee to management seeking relief from a disciplinary or adverse action taken against the employee by management.

#### COMPLAINT PROCEDURE

No matter will be entertained as a complaint unless it is raised as such within 5 working days after the occurrence of the event or after the employee becomes aware of the event-giving rise to the complaint.

Complaints (other than charges of sexual or other illegal harassment or discrimination) will be processed in accordance with the following steps. Supervisors should be aware of the required decision letter contents (see end of the paragraph).

##### **Step 1:** Informal Complaint:

The complaint will be discussed verbally by the complaining employee with the employee's immediate supervisor. The employee should state his/her concern(s) and the remedy they are seeking to resolve their complaint. It is the employee's responsibility to tell their immediate supervisor that this is a complaint. The immediate supervisor will have 3 working days from the date the complaint is received to verbally reply to the employee's complaint.

##### **Step 2:** Formal Complaint:

- a. If the complaint is not settled after Step 1 has been taken, the employee may elevate the complaint in writing to the second level supervisor (which may be the Department Head or, in some cases, the City Administrator). **The employee will give a copy of the written complaint to the immediate supervisor.** The written complaint will contain, as a minimum, the specific issue(s) of concern and the remedy sought to resolve the complaint, and the verbal reply of the immediate supervisor. If the employee fails to state the issue(s), the remedy sought, and the immediate supervisor's reply, the complaint will be denied and the employee so notified. The employee may also attach any evidence that supports their complaint. The second level supervisor will provide the employee a written decision within 10 working days.
- b. If the complaint is not settled after Step 2 has been taken, the employee may elevate the complaint in writing to the next level supervisor within 5 working days.
- c. If the second level supervisor is the City Administrator, the complaint must be sent via the Human Resources Director who will review the complaint package for compliance with applicable rules before forwarding the complaint to, and received by, the City Administrator. The written decision of the City Administrator is final and no further consideration of the complaint will be made.

**Step 3:**

- a. If the complaint remains unresolved at Step 2, and has not been reviewed by the City Administrator, the employee may elevate their complaint (which will contain only the documents in their Step 2 complaint package and the Step 2 decision letter) to the City Administrator via the Human Resources Director within 5 working days after receipt of the Step 2 decision letter.
- b. The Human Resources Director will review the complaint package for compliance with applicable rules, and will forward the complaint to the City Administrator.
- c. The City Administrator may chose to review the complaint and make a decision, or assign the complaint to a Review Panel (members selected by the City Administrator) who will issue a recommended decision to the City Administrator. The City Administrator may choose to accept or reject the Review Panel's recommendation. If the Review Panel's recommendation is rejected, the City Administrator may issue a decision based upon the evidence presented in the Step 3 complaint package.
- d. The City Administrator will have 10 working days, after personal receipt of the complaint, in which to make a decision.

**NOTE TO SUPERVISOR: Decision letters must have the following items addressed:**

- a. The remedy requested is approved OR the remedy requested cannot be approved and why (address each concern).
- b. The employee may elevate his/her complaint to the next higher level (specifically identifying whether that would be a second level supervisor, Department Head, or City Administrator).
- c. If the employee chooses to elevate their complaint, they must do so within 5 working days from the date of receipt of the written decision.
- d. The elevation of complaint, specified in c. and d. above, will not apply if the decision letter is from the City Administrator. The City Administrator's decision letter should state that the decision is final and that the complaint will not be considered further.

### **APPEAL PROCEDURE (FOR DISCIPLINARY AND ADVERSE ACTIONS)**

A copy of all appeals will be sent to the Human Resources Department by the City official who signs the employee's decision letter or notice.

**Step 1:** An eligible employee, who has successfully completed the probationary period or not on disciplinary probation, may file a written appeal within 10 calendar days from the date he received the letter of decision, with the management official who signed his last decision letter. The appeal must identify the specific issue(s) being appealed and the remedy requested. An appeal letter that does not specifically identify the specific issue(s) or the remedy sought will be denied (until the appellant provides that information). The appeal letter must include, or have attached, all evidence supporting the appeal so the deciding City official may make an informed decision.

**Step 2:** If the appeal is not settled favorably to the employee after following Step 1, the appellant may appeal to the next level of supervision. The appeal must be submitted within 5 working days after receipt of the Step 1 decision. The supervisor receiving the appeal will answer the appeal within 10 working days after receipt.

If, after following Step 1 and Step 2, and the employee have not received a favorable decision, the employee may continue the appeal process to the City Administrator within 10 working days after receipt of the Step 2 decision.

The City Administrator will decide the appeal in writing within 10 workdays after receipt. **All decisions made by the City Administrator will be final.**

The City Administrator may choose to review and decide appeals sent to him or her, or the City Administrator may assign the appeal to a Review Panel for review and decision. All decisions for suspension or removal made by the Review Panel must be

approved by the City Administrator. Decisions rendered by the City Administrator will be final.

### **PERFORMANCE EVALUATION APPEAL**

Employees have the right to present an appeal concerning interpretation of the Performance Evaluation Process and/or the resulting evaluation following the steps, below:

**Step 1:** The employee may appeal in writing to their immediate supervisor first, stating their concerns and the remedy they desire. This must be done no later than 5 workdays after the employee received his/her evaluation. The supervisor will answer the appeal in writing within 5 workdays after receipt of the employee's appeal.

**Step 2:** If the appeal has not been satisfied, the employee may, within 5 workdays from the date they received the Step 1 decision, appeal in writing to their Department Head (or City Administrator if the Department Head is the employee's immediate supervisor) stating their concerns and the remedy they desire. The Department Head (or City Administrator) will answer in writing within 5 workdays after receipt of the employee's appeal. The Department Head's (or City Administrator's) decision is final.

### **TIME LIMITS FOR COMPLAINT OR APPEAL**

All time limits set forth in this chapter may be extended for good reason by written mutual consent of the complainant or aggrieved, and the Department Head. If not extended, the time limits will be strictly observed. If the complaining/appealing party or parties fail to pursue the complaint or appeal within the time limits set forth, the complaint or appeal will be considered resolved based upon the last answer given by a supervisory representative of the City.

### **RECORDS**

A written copy of the complaint/appeal and the final decision, with all supporting lower decisions (if any) and the supporting evidence will be retained on record in the Human Resources Department.

## **10.2 PERSONAL APPEARANCE**

**General Guidelines.** Dress, grooming, and personal cleanliness are vital to the City's image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in a professional manner while on City premises

and/or while conducting City business. All employees should present a favorable personal appearance, and adhere to personal grooming and hygiene standards in the performance of their respective responsibilities. Reporting to work in a clean and professional manner helps the City to present a positive and professional public image. Employees are expected to dress appropriately for their job and the nature of the work performed. All employees must adhere to the following guidelines (Public Works, Police, Fire and managerial personnel attire is addressed in departmental directives.)

Appropriate underclothing must be worn at all times. Appropriate footwear must be worn at all times for professional/business setting as required for safety precautions:

- (A) No provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics.
- (B) No bare shoulders or tank tops.
- (C) No clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind.
- (D) No shorts or skorts.
- (E) No hats, caps or any article of clothing that displays alcoholic beverages, drugs, pornography, or offensive material of any kind.
- (F) No wrinkled, ripped, torn, or tattered clothing.
- (G) Professional casual business attire is required during all public meetings, including training and Municipal Court.
- (H) Friday shall be a standing casual day, allowing employees the freedom to wear blue jeans and shirts that are appropriate for a professional business setting.

*The City Administrator may declare a casual day at any time.*

**Employees Working at City Hall, Having Routine Contact with the Public and/or Other Third Party Contact.** Employees who work at City Hall, as well as other City employees who routinely have citizen and other third party contact, must also abide by the following:

- (A) No visible tattoos. Employees who have tattoos must keep them covered with a shirt, pants, skirt, socks, hosiery, or other clothing.
- (B) No facial or mouth jewelry shall be worn, i.e. nose rings/studs, eyebrow rings/studs, tongue studs. Women are permitted to wear a single or double earring in each earlobe provided the earring is not otherwise unprofessional in appearance. Men may not wear earrings.

- (C) Beards and mustaches must be kept clean and neatly trimmed and/or within department guidelines.
- (D) Hairstyles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. Hair, including facial hair, must be clean and neatly groomed at all time.

### **Enforcement.**

In all cases, the City will make the determination as to what is acceptable dress and grooming. Normally, the Department Head will determine appropriateness; however, the City Administrator has final determination. If you have any questions about the dress code, please ask your supervisor, Department Head or Human Resources.

Anyone who is not appropriately groomed or who dresses in violation of the policy will be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

### **10.3 UNIFORMS**

The City supplies those employees required to wear uniforms with appropriate uniforms. If your job requires that you wear a uniform, you will be told how and where they can be obtained. Appropriate shoes and hats may also be required. In some cases they will be furnished to the employee by the City. Replacement uniforms will be provided by the City as necessary. Uniforms must be clean, neat and in good repair when worn.

City-owned or authorized uniforms may not be used by City employees outside of work, for personal use, or by any third party. City uniforms may be used by City employees in connection with their outside employment only if their Department Head and the City Administrator have given prior written authorization.

Uniforms for public safety employees will be provided and employees must abide by these policies, as well as their department's policies regulating uniforms.

### **10.4 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL UNIFORM, BADGE OR AUTHORITY**

Employees whose duties involve the use of a badge, identification card, uniform or insignia as evidence of authority or for identification purposes may not permit such badge, identification card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession. Badges, identification cards, uniforms and insignia may only be used in the performance

of the official duties of the position to which they relate. *Badges, identification cards, must be worn at all times and be visible to citizens and co-workers, unless such display would interfere or jeopardize an official cover or undercover investigation.*

### **10.5 HOUSEKEEPING DUTIES**

Each employee is responsible for maintaining a neat, sanitary and orderly work area, including, if applicable, office spaces, vehicles and equipment.

### **10.6 SAFETY AND RISK MANAGEMENT**

The City strives to conduct its operations with the utmost regard for the health and safety of its employees and citizens. Each and every employee is required at all times to obey safety rules, to follow appropriate safety procedures, and to exercise caution and good judgment in all work activities. Some employees may be required to wear protective clothes and/or use certain equipment in order to safely carry out their duties. Under no circumstances shall an employee bring their own personal work tools to the worksite for use in the performance of job duties. Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to immediate disciplinary action, up to and including termination of employment.

**Reporting Requirements.** Employees must immediately report any unsafe condition, equipment or practices to the appropriate supervisor and/or Department Head. In addition, all accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and/or the Department Head and Human Resources. If needed, first aid or medical treatment should be requested. An employee report of accident form must be completed by each employee involved in an accident or injury and turned into the employee's supervisor. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate. Failure to complete and turn in the employee report of accident form and/or failure to report any accident or injury within twenty-four hours of its occurrence will likely result in disciplinary action, up to and including termination of employment.

**Safety Rules.** Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) - You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.

- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

**Departmental Rules.** Certain Departments will have safety rules specific to the duties performed and equipment used. These policies may include training requirements (including initial training for new employees as well as on-going training for other employees), use of protective equipment and clothing, and other appropriate topics. Employees with questions regarding safety should talk to their supervisor.

## **10.7 SEARCHES**

The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, vehicles, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee's personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. Employees are not entitled to any expectation of privacy with respect to such items.

All searches must be authorized in advance by the City Administrator and conducted under the direction of the Department Head and/or City Administrator. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

## **10.8 SMOKING AND TOBACCO PRODUCTS**

In keeping with the City's desire to provide a safe and healthful work environment, smoking (and the use of other tobacco products) is prohibited throughout the workplace, to include City vehicles. Smoking is only permitted outside, in areas specifically designated for smoking. Smoking is not permitted during an employee's work time -- it is only permitted during meal breaks, designated rest periods, before and after regular business hours. When conducting City business in the offices or other premises of a third party, employees must follow their smoking policies.

This policy applies equally to all employees, citizens, and other visitors. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### **10.9 USE OF CITY EQUIPMENT**

From time to time, the City may issue equipment or other property to employees, e.g., purchasing cards (credit cards), keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, 2-way radios, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using equipment owned or leased by the City, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The City's equipment and other property may not be removed from the premises or used for personal business. Under no circumstances may City property be loaned or rented.

You must notify your supervisor immediately if any equipment, machines, or tools appear to be damaged or defective, or are in need of repair. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job: The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

**City Owned Computers Used Primarily At Home.** City-owned computers may be issued to certain employees for use at their home or other locations for City business, subject to advance written approval by the City Administrator. Employees who are issued a City computer agree to the following:

- (A) An itemized list describing in detail all City hardware and software must be made and signed by both the employee and the City Administrator before an employee may take a City computer home;

- (B) Prior to being issued a City computer and related items for home use, the employee must acknowledge, in writing, that this policy has been read, understood, and will be followed;
- (C) The employee will maintain the computer and related items in good working order;
- (D) The employee will immediately (within 24 hours or sooner) return the City computer and related items if requested by the City Administrator for any reason;
- (E) The employee will return the City computer and related items immediately upon termination of employment; and
- (G) A payroll deduction will be made for the cost of lost, damaged or unreturned items; in addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

#### **10.10 USE OF CITY VEHICLES**

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives his or her own vehicle to conduct City-related business, or a City-owned, rented or leased vehicle, the employee must comply with the following:

- Employee must have a valid State of Texas driver's license appropriate for the vehicle operated and must inform his or her supervisor of any change in status.
- Employee must always observe all posted laws and speed limits.
- Employee must always wear seat belts when the vehicle is in operation.
- **AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.**
- **EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT HEAD AND/OR CITY ADMINISTRATOR. AN ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST**

**BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT HEAD THE DAY OF THE ACCIDENT (Accident Report Forms can be obtained from the Human Resources Department). AFTER FILLING OUT THE ACCIDENT REPORT, EMPLOYEES INVOLVED IN ACCIDENT WHILE OPERATING A CITY VEHICLE MUST TAKE A DRUG SCREEN IMMEDIATELY FOLLOWING (The Drug Screen will be set up by the Human Resources Department).**

Employees who drive a City-owned, rented or leased vehicle must also comply with the following:

- No passengers other than other City employees or others on City business unless otherwise approved in advance by the Department Head.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of your Department Head.
- All maintenance and use records must be completed as directed by a supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance, to a supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.

#### **Accident Review Board**

- A. An Accident Review Board will be established to review all accidents and damage. The chairman will be appointed by the City Administrator or his designee and will serve a one year period. The Board will be comprised of the following personnel:
1. one supervisor – chairman (No Vote)
  2. one patrol officer
  3. one city employee from administration
  4. one city employee from public works
  5. one fire employee
- B. At the discretion of the City Administrator the Accident Review Board may review and recommend action on other accidents involving the City of Ovilla

The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate by providing the City any authorization that may be required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

#### **10.11 SECURITY AND LOSS PREVENTION**

It is everyone's responsibility to help the City in loss prevention. If an employee becomes aware of losses or damage due to negligence, theft, willful destruction or abuse, or for any other reason, it is the employee's responsibility to report it to a supervisor, a Department Head and/or the City Administrator's office immediately. Employees must notify management immediately of any incident that results in loss or damage to the City, its employees, or the general public. Employees should also promptly notify management of any situation which may result in such a loss. Investigation of theft or other criminal behavior may require that employees cooperate with law enforcement officials. Failure to report loss or damage, or failure to cooperate in an investigation may result in disciplinary action, up to and including termination of employment.

Employees who have access to the City's funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in this policy, and departmental procedures and guidelines. The City imposes strict standards to prevent fraud and dishonestly. If employees become aware of any evidence of fraud or dishonestly, they must immediately advise their supervisor so that the City can promptly investigate.

Accurate and reliable records are necessary to meet the City's legal and financial obligations and to manage the affairs of the City. The City's books and records must reflect, in an accurate and timely manner, all business transactions. The employees responsible for accounting and record-keeping must fully disclose and record all assets and liabilities, and must exercise due diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to:

- (A) False expenses, attendance, production, financial, or other similar reports or statement.
- (B) False advertising, deceptive marketing practices, or other misleading representations.

Supervisors, or their designees, are responsible for locking and securing all doors, gates, chains, locks, setting alarms, etc., and for key removal from vehicles and equipment.

Other security measures may also be required from time to time. Failing to comply with security precautions is a serious violation of City policy.

Any employee who becomes aware of or witnesses an incident of a nature described above – and who fails to report it in a timely manner – may be considered a party to any loss that occurs. In such cases, disciplinary action may be taken against the primary offender and the employee who failed to report it or concealed knowledge of the incident.

Absent specific approval from the City Administrator, only authorized City employees are permitted on City premises outside of regular business hours. Only authorized City employees are permitted in secured areas of the premises. A violation of this policy, or a failure to report a violation of this policy may result in disciplinary action, up to and including termination of employment.

## **10.12 WEAPONS BAN AND VIOLENCE PREVENTION POLICY**

**Zero Tolerance.** The City is concerned about providing its employees with a safe and productive work environment and thus has taken certain steps to help prevent incidents of violence from occurring in the workplace. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and a citizen arising from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, will not be tolerated. Violations of this policy will lead to disciplinary action which may include discipline up to and including termination, as well as arrest and criminal prosecution.

Any person who makes a threat of use of force, violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts on City property will be removed from the premises pending the outcome of an investigation. The City will initiate an appropriate response which may include, but is not limited to, suspension and/or termination of the employment relationship, reassignment of job duties, mandatory counseling with a psychologist or other mental health care provider of the City's choosing, and/or criminal prosecution of the person or persons involved.

**All Weapons Banned.** (a) Subject to subsection (b) below, no employee, other than a licensed peace officer of the City, may carry or possess a firearm or other weapon on City premises, including, without limitation, buildings, entrances, exits, break areas, parking lots, surrounding areas and parks. The City's policy flatly prohibits employees, other than licensed peace officers, from carrying or using any weapons, concealed or otherwise, on the City's premises. This ban includes keeping or transporting a weapon in any City-owned or leased vehicle or in a personal vehicle in a City-provided parking area.

Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, etc., as defined by Texas Penal Code Section 46.01.

(b) Pursuant and subject to Section 52 of the Texas Labor Code, an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, of the Texas Government Code, may possess a firearm and ammunition, or store a firearm and ammunition, in a locked, privately-owned vehicle in a city parking lot, parking garage or other parking area provided by the City.

(c) No existing City policy, practice, or procedure will be interpreted to conflict with decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

**Mandatory Reporting.** An employee who witnesses, or has knowledge of intimidation, threats, threatening behavior, violent behavior or acts of violence involving a City employee must immediately notify his/her supervisor, Department Head and/or the City Administrator's office. Employees must also report any behavior they have witnessed which may be regarded as threatening or violent, when that behavior is job related or might be carried out on a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activities. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the focus of the threatening behavior.

All individuals who apply for or obtain a protective or restraining order which lists City property as a protected area, must notify their Department Head and provide a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent to the City Administrator's office. Likewise, all employees must immediately advise their Department Head or the City Administrator's Office if any protective or restraining order is issued against them.

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially.

### **10.13 CONFLICT OF INTEREST**

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for

illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the operations of the City. Employees who are uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor, who, if necessary, should seek the advice of the City Administrator or the City Attorney's office.

The City expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the City of Ovilla. Employees must not use their position or the knowledge gained as a result of their position for private or personal advantage. Regardless of the circumstances, if an employee knows or has reason to suspect that a course of action he or she has pursued, is presently pursuing, or is contemplating pursuing may involve the employee in a conflict of interest with the City, the employee must immediately communicate all the facts to his or her supervisor.

All employees share a serious responsibility for the City's good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the City and is encouraged. Employees must, however, avoid acquiring any business interest or participating in any activity that would, or would appear to:

- Create an excessive demand on their time to the extent that it deprives the City of the employee's best efforts on the job.
- Create an obligation, interest or distraction that may interfere with the independent exercise of judgment in the City's best interest.

An employee of the City shall not:

- Invest in or acquire a personal financial interest in any business that has a contractual relationship with the City, or that provides goods or services to the City, if such interest could influence or create the impression of influencing an employee's decisions in the performance of duties on behalf of the City.
- Accept entertainment, gifts or personal favors that could, in any way, influence or create the impression of influencing the employee's decisions in the performance of duties on behalf of the City.
- Receive payment or compensation of any kind, except authorized under the City's policies. In particular, the City strictly prohibits the acceptance of kickbacks or commissions from suppliers or others. Any breach of this rule will result in termination and prosecution to the fullest extent of the law.
- Use a municipal title, position or uniform in any advertisement or endorsement of products.

## 10.14 POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A City employee may not:

- (A) Publicly endorse or campaign in any manner for any person seeking a City of Ovilla public office on City time, in a City uniform or on City property.
- (B) Use his/her position or office to coerce political support from employees or citizens.
- (C) Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or a nomination for public office.
- (D) Make, solicit or receive any contribution to the campaign funds of any candidate for City Council, directly or indirectly through an organization or association; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to express his or her opinions and to cast his or her vote.
- (E) Use working hours or City property to be in any way associated with soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of an election issue or candidates for public office in any jurisdiction.
- (F) Contribute money, labor, time or other valuable thing to any person for City election purposes on City time, in a City uniform or on City property.
- (G) Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, (e.g. City Council). Upon becoming a candidate for such an office, an employee must immediately resign or be dismissed upon failure to do so. If the employee loses the election, he or she may seek reinstatement if the employee's former position is still open and available.
- (H) Use, request, or permit the use of City property, City resources, City personnel, or City time for political purposes.

Notwithstanding any provision in this policy, a sworn employee of the police or fire department may engage in political activities to the extent permitted by state law.

### **10.15 ILLEGAL DISCRIMINATION AND HARASSMENT POLICY**

Pursuant to Title VII of the Civil Rights Act of 1964, the City prohibits all forms of discrimination, including harassment, on the basis of race, color, ancestry, religion, national origin, age, sex, marital status, disability, or veteran status. In keeping with this commitment, the city will not tolerate discrimination or harassment.

The City Administrator and the Human Resources Department is responsible for enforcing this policy and will serve as the investigative officers for harassment, discrimination and retaliation issues. Human Resources will receive training about harassment, discrimination and this policy, and will be responsible for investigating complaints.

The Human Resources Department will distribute this policy and the Acknowledgment Form to all employees. Employees are expected to read this policy and adhere to its provisions at all times.

The City shall provide mandatory training in discrimination and harassment matters for Department Heads and supervisors on an annual basis.

**Definitions of Harassment.** Harassment constitutes discrimination and is illegal under federal and state law.

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace

or sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that singles out, denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, veteran status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that singles out, denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

**Individuals and Conduct Covered.** This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. This policy also applies to citizens, vendors, and visitors to the workplace. Likewise, employees are also prohibited from harassing citizens, vendors, and other third parties.

**Mandatory Reporting of Harassment, Discrimination or Retaliation.** The City requires reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. An employee who believes that he/she has been a victim of such conduct must immediately report their concerns to a supervisor, Department Head, the City Secretary, the Assistant to the City Administrator, or the City Administrator, whomever the employee feels most comfortable approaching. Any employee who observes or becomes aware of possible sexual or other unlawful harassment, discrimination or retaliation must immediately report it to a Department Head, the City Secretary, the Assistant to the City Administrator, or the City Administrator.

The report may be either oral or written. However, oral reports of harassment, discrimination or retaliation must be reduced to writing by either the complainant or the person who receives the report, and must be signed by the employee.

Anonymous reports will be taken seriously and investigated.

Supervisors and Department Heads must promptly report all harassment, discrimination and retaliation complaints to the Human Resources Director.

In addition, the City encourages employees who encounter harassment to firmly and promptly notify the offender in a professional manner that the behavior is unwelcome and that the conduct must stop.

**Investigation.** Allegations of harassment, discrimination or retaliation will be investigated promptly. Within a reasonable time, the Human Resources Designee will produce a written report and provide a copy of the report to the complainant, upon request. The investigation will include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation. The Personnel Officer will recommend remedial measures based upon the results of the investigation, and the City Administrator or City Council, as appropriate, will promptly consider and act upon the recommendation. To the extent practicable and allowed by the Texas Public Information Act, the City will keep complaints and the terms of their resolution confidential.

**Retaliation.** Retaliation against an individual for reporting a good faith charge of harassment, discrimination, or retaliation, or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will result in serious disciplinary action. Acts of retaliation must be reported immediately and will be promptly investigated and addressed.

**Responsive Action.** Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

False complaints, exaggerated and malicious complaints of harassment, discrimination or retaliation as opposed to complaints, which even if erroneous, are made in good faith, will result in appropriate disciplinary action.

**Conclusion.** The City has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.

The City will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has any questions or concerns about these policies should talk with his/her Department Head, the City Secretary, the Assistant City Administrator, or the City Administrator.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristics, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic with regard to terms, conditions, privileges and perquisites of employment.

#### **10.16 SMOKING IN BUILDINGS OWNED OR LEASED BY CITY**

Smoking is prohibited in buildings owned or leased by the City and at all entrances to public buildings owned or leased by the City.

## SECTION 11

### DRUGS AND ALCOHOL

#### 11.0 DRUG AND ALCOHOL USE

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

**Prohibition Against Alcohol and Illegal and Unauthorized Drugs.** While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City vehicle, or while operating or using other City property or equipment, ***no employee may use, possess, distribute, sell, or be under the influence of alcohol, inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.***

**Prohibition Against Illegal and Unauthorized Drug Related Paraphernalia.** This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City vehicle, or while operating or using other City property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

**Permissive Use of Prescribed and Over-the-Counter Drugs.** The legal use of prescribed and over-the-counter drugs is permitted ***if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace.*** Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Employees are required to notify their supervisor prior to reporting for work if their performance is compromised or diminished from use of prescription or over-the-counter drugs. It is the responsibility of employees to request reassignment to other duties, if needed, for the duration of impairment, or to request the use of available leave. Employees who fail to notify their supervisor of such impairment, and who continue to work, may be required to

take available leave, or to perform other assignments and may be subject to disciplinary action if supervisory intervention is required.

**Police Department Employees.** Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions; these employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police and Fire Department operating procedures. Police officers on under-cover assignments must follow the drug and alcohol guidelines established by their department.

**On-Call Employees.** Employees scheduled to be on-call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on-call who is called out is governed by this policy. Sometimes an employee who is not scheduled to be on-call may nevertheless be called out. If this occurs and the employee called out is under the influence of drugs and/or alcohol such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty prior to reporting for work; the employee will not be required to report to work.

**Mandatory Reporting of Convictions.** Within five calendar days, employees must notify their Department Head, in writing, of any criminal convictions involving drugs or alcohol (including a plea of *nolo contendere*), if the violation occurred in the workplace, during working hours, while attending to City business or while operating a City vehicle.

**Off-Duty Conduct.** The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

**Rehabilitation/Treatment.** It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation before it impairs his/her job performance and/or jeopardizes his/her employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a one-time leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The one-time leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include the length of the employee's employment with the City, the employee's prior work and disciplinary history, the

employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program, the reputation of the program and the likelihood of a successful outcome, the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace, and the resulting hardship on the City due to the employee's absence.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.

If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

- (A) Initial negative test for drugs and/or alcohol before returning to work;
- (B) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
- (C) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
- (D) In addition to any testing required in connection with the employee's ongoing treatment or follow up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
- (E) The employee's formal written agreement to abide by the above conditions as well as any other conditions deemed appropriate by the City. The employee must meet with a City representative to discuss the terms of his/her

continued employment and sign a formal agreement before returning to work.

**Policy Violations.** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Department Head to receive assistance or referrals to appropriate resources in the community.

The City may have additional obligations in addressing controlled substances and alcohol abuse for those employees regulated by the U.S. Department of Transportation. The City will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

## **11.1 DRUG AND ALCOHOL TESTING / PRE & POST EMPLOYMENT DRUG TESTING**

### **TESTS REQUIRED:**

1. **Pre-employment.** Following a conditional offer of employment and before hiring, the City requires applicants to submit to pre-employment drug/alcohol testing by a physician of the City's choice. Applicants who refuse to consent or submit to pre-employment drug/alcohol testing or inquiries when required by the City are ineligible for hire. If the drug/alcohol test is positive, then the applicant is ineligible for any City employment for a period of six (6) months from the date of the test result. Police and Fire Department employees are subject to Departmental hiring policies, which may be more limiting than the hiring policies for other City Departments.
  
2. **Post-accident testing.** As soon as practical following an accident, an employee involved in a work-related accident or traffic accident while on duty and operating either a City owned or leased vehicle or the employee's privately owned vehicle while conducting City business shall submit to an alcohol and controlled substances test, if:
  - a. The accident resulted in bodily injury or a fatality; or
  - b. The employee received a citation for a moving violation; or
  - c. The employee is arrested for driving under the influence (DUI), driving while intoxicated (DWI), or public intoxication (PI); or
  - d. The employee is transporting a non-City employee in the vehicle; or
  - e. Testing is recommended by the Safety Manager or department supervisor; or

- f. The employee had a "near miss" while operating the vehicle or equipment.

Unless transported by ambulance or arrested, the employee shall remain at the scene until taken for testing. The employee's supervisor must arrange transportation of the employee to a collection site. Under no circumstances shall the employee be permitted to drive to a collection site. Nothing in this section shall be construed to require the delay of necessary medical attention for injured employees following an accident or the restraint of an employee at the scene of an accident.

Testing must be administered within two (2) hours following the accident. However, if in that time period a test is not administered, an alcohol test will be administered within eight (8) hours following the accident, or a controlled substances test within 32 hours following the accident and, the supervisor shall submit a report to the Human Resources Director stating the reason(s) the test was not administered within the two-hour period. If the alcohol test is not administered within eight (8) hours following an accident, the supervisor shall cease attempts to administer the test and submit a report to the Human Resources Director stating the reasons(s) the test was not administered within the time prescribed above.

Employees required to submit to post-accident alcohol/drug testing will not be permitted to operate a City owned or leased vehicle or equipment, or their own personal vehicle to conduct City business, until the results of the testing have been received and reviewed by Human Resources.

3. For post-accident testing for accidents that occur during normal business hours. The supervisor must arrange for testing of the employee according to the following procedure:
  - a. The supervisor shall contact Human Resources to advise that an employee is reporting to a medical clinic for post-accident testing.
  - b. The supervisor shall make transportation arrangements for the employee to be taken to the medical clinic.
  - c. Results of the alcohol/drug test will be reported to the City's Medical Review Officer, who will report the results to the Human Resources Director.
  - d. Human Resources shall send a copy of the results to the City Attorney's Office, if requested.
4. For post-accident testing for accidents that occur after normal business hours. The supervisor must contact the designated drug screening and testing facility to arrange for testing of the employee according to the following procedure:
  - a. The supervisor must make arrangements for collection. The supervisor must have available the employee's name and a number where a call can be

returned. The testing facility will send a technician to the accident site, a City facility, or to their local testing office to conduct an alcohol and/or drug test.

- b. The supervisor shall contact Human Resources on the next business day to advise post-accident testing had occurred after hours.
- c. Results of the alcohol/drug test will be reported to the City's Medical Review Officer, who will report the results to the Human Resources Director.
- d. Human Resources shall send a copy of the results to the City Attorney's Office, if requested.

5. **Random testing.** Employees who hold safety-sensitive positions may be randomly tested. Human Resources will maintain a list of positions deemed to be "safety-sensitive." All employees who are required to possess a CDL driver's license shall be subject to random testing. The selection of employees for random alcohol and controlled substances testing shall be made by random selection. These are unannounced tests. Each employee subject to random testing shall have an equal chance of being tested each time selections are made. For CDL drivers, the City will randomly test 50% of the employees for drugs and 10% for alcohol annually, as required by Federal Regulations.

Random tests shall be administered only during the selected employee's normal working hours except shift employees, who because of shift hours worked, may have to be tested prior to or after their shift.

6. **Reasonable suspicion testing.** The City may require urinalysis, or other drug/alcohol screenings of an employee where his/her supervisor has a reasonable suspicion that the employee is using or is under the influence of a drug or alcohol while on duty, or where circumstances or work place conditions justify it, including but not limited to the employee's involvement in any on-the-job accident involving property damage or injury to a person. The supervisor's determination may be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the employees or indicators of chronic withdrawal affects.

The supervisor's determination may be based upon other evidence sufficient to lead the supervisor to suspect the employee is under the influence of drugs or alcohol, including: changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, evidence of possession of substances or objects which appear to be illegal drugs or drug paraphernalia, and reliable reports of the employee engaging in activity which would violate this policy. The supervisor will review the suspicion with the Human Resources Director or designee. If the Human Resources Director concurs with the supervisor's suspicion, then the supervisor will transport the employee to a collection

site for testing. Under no circumstances will the employee be allowed to drive to the collection site.

7. **Follow-up testing.** In the event an employee is permitted to return to work following a positive test determination by a substance abuse professional and has successfully completed the prescribed rehabilitation program, the employee shall be required to undergo unannounced follow-up testing. The number and frequency of such follow-up testing shall be as directed and administered by the Substance Abuse Professional and shall consist of random testing for alcohol, controlled substances, and illegal or illicit drugs.

Follow-up testing at the request of the City shall be conducted only during the employee's normal workday except some shift employees who, because of their hours worked, will have to be tested prior to or after their shift. Follow-up testing shall not exceed sixty (60) months from the date the employee enters a Substance Abuse Program.

An employee's consent to submit to such tests is required as a condition of continued employment and the employee's refusal to consent and/or

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and only accessible by designated City representatives on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

**Positive Test.** A positive drug and/or alcohol test will result in termination.

## **SECTION 12**

### **RESIGNATION, TERMINATION AND RETIREMENT**

#### **12.0 RESIGNATION**

To resign "in good standing," the City requires that employees give at least two weeks advance written notice, return all City-issued property, pay all debts owed to the City, and attend an exit interview before terminating their employment so that an orderly transition can be made. Employees who resign in good standing may be eligible to be paid for unused vacation and holiday leave and may be eligible for rehire. Employees who resign are asked to furnish written notice to their supervisor or Department Head, giving the reasons for and the effective date of their resignation. Employees who fail to give a two-week notice will not be paid for unused vacation, sick or holiday leave, and may not be eligible for rehire.

#### **12.1 JOB ABANDONMENT**

If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization for three (3) or more consecutive days, the City will consider the employee to have abandoned his/her employment, which constitutes a voluntary resignation without notice.

Employees resigning in this manner will not be paid for unused vacation or sick leave, and are generally not eligible for rehire. In unusual circumstances, employees resigning in this manner may seek reinstatement. Under this policy, the City Administrator may reinstate an employee who abandoned his or her position only when the employee presents good cause for the absence and failure to timely notify a supervisor.

#### **12.2 RETURN OF CITY PROPERTY**

If an employee fails to return City property upon resignation, termination or retirement, the City may make a payroll deduction from the employee's final paycheck(s) in an amount equal to the value of the property the employee failed to return.

#### **12.3 EXIT INTERVIEW**

The separating employee shall contact the Human Resources Department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or other day as mutually agreed upon.

#### **12.4 REFERENCES**

All requests for information, including requests for verification of employment and requests for employment references, regarding current and former employees, must be in writing and should be directed to the Human Resources Department.

The City will release only dates of employment and job title to third parties unless the employee or former employee has signed a written authorization to disclose further information about his or her employment, or if such information must be disclosed in accordance with a request pursuant to the Public Information Act. Authorization forms are available from the Human Resources Department.

All employees are expected to strictly abide by the terms and procedures of this policy. An employee who receives a request for information should never make any "off-the-record" statements regarding a current or former employee. Employees who violate this policy may be subject to discipline, up to and including termination.

#### **12.5 SEPARATION PAY**

Employees who leave the City's employment will receive all pay to which they are legally entitled. Any debt owed to the City by the employee will be deducted from the employee's final paycheck(s). Employees who leave the City's employment while in good standing will be paid for unused vacation under any of the following circumstances, an employee will not be considered to leave the City's employment in good standing: (1) resigning employees who do not provide the City with at least a two-week notice; (2) employees who fail to return all City-issued property; (3) employees who are terminated for cause as determined in the City's sole discretion; (4) employees who resign in lieu of termination and (5) employees who fail to complete probation.

#### **12.6 DEATH OF EMPLOYEE**

Any unpaid compensation, including unused vacation, time, of an employee who dies while employed by the City will be paid to his/her designated beneficiary. If there is no designated beneficiary, payment will be made to the employee's estate, or as otherwise required by law.

## **12.7 TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)**

Employees who leave the City's employment prior to retirement may request a refund of their portion of their TMRS retirement account, plus earned interest on their contribution. If an employee begins employment with a participating employer without a break in service, the employee can request that the account balance be transferred to the new City.

- A. 5-year Vested
- B. 2 to1 City Contribution Match
- C. 7% Contribution (TMRS)
- D. 20y Retirement

## **12.8 LONG TERM ABSENCE/TERMINATION**

Any employee who is absent from work for more than six consecutive months, for any reason, will be terminated. (Note: This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation.)

## **12.9 REDUCTION-IN-FORCE**

The City Administrator may implement a reduction-in-force at any time because of budget reductions or curtailment of work. A reduction-in-force may require the separation, demotion, reassignment or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department or a functional area within a department. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees' unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount. If more than one employee holds the same position within a department as the position that is vacated or abolished, the employee(s) with the least seniority shall be separated.

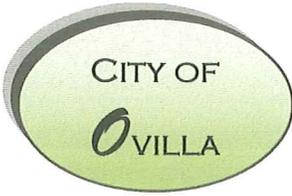
## **12.10 REHIRE**

Former employees who leave the City in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted and the regular application process will be followed.

## **12.11 BAN FROM EMPLOYMENT**

An applicant or employee who is terminated for violating City policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

**Employee Policies Handbook**  
**Appendix & Attachments**



AGENDA ITEM REPORT

Item(s): 3 (City Secretary use only)

Meeting Date: March 24, 2014 Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: \$N/A

| Attachments:   |   |
|--|---|
| 1. Application   |   |
| Agenda Item / Topic:   |   |
| ITEM 3.  | <b>DISCUSSION/ACTION</b> – Consideration of and action to approve an appointment to the Economic Development Cooperation Board. |
| Discussion / Justification:  |   |
| <p>The Economic Development Corporation consists of a seven-member board. Each member shall be appointed by the City Council for a two-year term. Two terms (Place Two and Place Three) are vacant. Mr. John Sharp (Director Place Two) was appointed by Council September 23, 2013 but new employment necessitated his voluntary resignation in February 2014. Council removed Director Place Three Mr. Robert Milke on February 24, 2014. The terms are staggered:</p> <p>Director Place Two: Expires June 2015<br/> Director Place Three: Expires June 2014</p> <p>Staff has received an application from Mr. Emmett Fox for Council’s consideration to serve as an EDC Director in one of the noted vacancies.</p> |   |
| Recommendation / Staff Comments:   |   |
| Staff recommends Council appoint Mr. Fox to serve as Director Place Two for a term expiring June 2015.   |   |
| Sample Motion(s):  |   |
| <p><i>I move that Council appoint Emmett Fox to serve the term of Place _____ on the Economic Development Corporation Board.</i></p> <p style="text-align: center;">-And/or-</p> <p><i>I move that Council direct staff to continue soliciting for applications for EDC appointments.</i></p>  |   |

DATE RECEIVED: 3-12-14



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA  
BOARDS AND COMMISSIONS  
INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)

- BOARDS AND COMMISSIONS**
- Planning and Zoning Commission
  - Board of Adjustment
  - Economic Development Corporation
  - Municipal Development District

- MEETING INFORMATION**
- 1<sup>st</sup> Monday of each month – 7:00 PM
  - 3<sup>rd</sup> Monday of each month – 7:00 PM
  - Every 3<sup>rd</sup> Monday or as necessary – 6:00 PM
  - As necessary

NAME WILL BOURNETT FOX III

HOME ADDRESS 102 Slippery Rock Ct

HOW LONG HAVE YOU LIVED IN OVILLA? 17 EMAIL \_\_\_\_\_

HOME TELEPHONE 8 BUSINESS TELEPHONE \_\_\_\_\_

PROFESSION MANUFACTURERS REPRESENTATIVE

INTERESTS \_\_\_\_\_

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

Planning & Zoning, EDC

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

SEE ABOVE

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY? NO

If yes to one or both, please list the municipality, committee and dates served:

[Empty box for listing municipalities and dates served]

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ \_\_\_\_\_
- ❖ \_\_\_\_\_
- ❖ \_\_\_\_\_

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

\_\_\_\_\_

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) SELF, Reproxy Sales Co

407 W. Wilbourn Road #103, Duncanville, TX 75116

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

[Signature]  
SIGNATURE

11 Mar 2014  
DATE

W. Eugene Fox III  
PRINTED NAME OF APPLICANT

\*\*\*\*\*



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Woodall