

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, FEBRUARY 16, 2016 - 4:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY FEBRUARY 16, 2016 AT 4:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TEXAS, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION WITH RESPECT TO THE ITEMS LISTED BELOW.**

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5600 OR FAX (281) 291-5710 FOR FURTHER INFORMATION.

PLEDGE OF ALLEGIANCE

1.0 PRESENTATIONS

- 1.1 Presentation of update on Bay Area Convention and Visitors Bureau Activities. (Giangrosso)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

3.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take action on the items listed below.

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member, city manager, city attorney or city secretary so requests, in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

📎 ATTACHMENT 1

- 3.1 Approve on second and final reading Ordinance 2016-03, Prohibiting Licensed Open Carry of Handguns in Governmental Meetings." (Cook)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE I, "IN

GENERAL," OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY ADDING A NEW SECTION 2-3 "PROHIBITION OF LICENSED OPEN CARRY IN GOVERNMENTAL MEETINGS SUBJECT TO THE OPEN MEETINGS ACT"; PROVIDING FOR A PENALTY IN AN AMOUNT OF \$500 OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

ATTACHMENT 2

- 3.2 Approve on second and final reading Ordinance 2016-04, "Revision to Personnel Policy - Prohibiting Carry of Firearms/Dangerous Weapons Except by Law Enforcement Officers." (Cook)

AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENDING THE CITY OF SEABROOK "PERSONNEL POLICIES", CHAPTER 7 "BEHAVIOR AND CONDUCT", BY ADDING A NEW SECTION "FIREARMS AND WEAPONS" TO DISALLOW LICENSED CARRY OF FIREARMS AND WEAPONS BY NON-PEACE OFFICER EMPLOYEES ON CITY PREMISES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

ATTACHMENT 3

- 3.3 Approve on second and final reading Ordinance No. 2016-05, "Amendment to the Firearms Ordinance." (Cook)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1, "GENERALLY" BY AMENDING SECTION 48-78, "DISCHARGE OF WEAPONS AND EXCEPTIONS", ADDING A NEW SECTION 48-79, "REGULATION OF FIREARMS AND AIRGUNS; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

END OF CONSENT AGENDA

- 4.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

ATTACHMENT 4

- 4.1 Consider approval on first and final reading of Ordinance No. 2016-07, "Issuance of Certificates of Obligation Series 2016" (Lab/Robuck)

ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF CITY OF SEABROOK, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2016 IN AN AGGREGATE PRINCIPAL AMOUNT OF \$2,500,000 FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENTS OF CERTAIN PUBLIC WORKS; PRESCRIBING THE TERMS AND FORM THEREOF AND INTEREST THEREON; AWARDED THE SALE THEREOF; AND MAKING OTHER PROVISIONS REGARDING SUCH CERTIFICATES, INCLUDING USE OF THE PROCEEDS THEREOF; AND MATTERS INCIDENT THERETO

ATTACHMENT 5

- 4.2 Consider approval on first and final reading of Ordinance No. 2016-08, "Budget Ordinance FY 2014-15." (Lab)

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015 FOR THE CITY OF SEABROOK.

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Thursday, February 11, 2016 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.



Robin Hicks
City Secretary



**CITY OF SEABROOK
ORDINANCE NO. 2016-03**

**PROHIBITING LICENSED OPEN CARRY OF HANDGUNS
IN GOVERNMENTAL MEETINGS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE I. “IN GENERAL,” OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY ADDING A NEW SECTION 2-3 “PROHIBITION OF LICENSED OPEN CARRY IN GOVERNMENTAL MEETINGS SUBJECT TO THE OPEN MEETINGS ACT”; PROVIDING FOR A PENALTY IN AN AMOUNT OF \$500 OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook, Texas has studied the present provisions of Chapter 2 “Administration” of the Code of Ordinances of the City of Seabrook and has determined the need to update its provisions as a result of new legislation enacted related to firearm regulation; and

WHEREAS, House Bill 910, effective as of January 1, 2016, modified the current law relating to licensed open carry of handguns; and

WHEREAS, Section 46.035(c), Texas Penal Code, as amended, provides a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room where a meeting of a governmental entity is held if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by this chapter; and

WHEREAS, Section 30.07, Texas Penal Code, as amended by House Bill 910, provides a property owner may prohibit the open carry of handguns on their property by posting a sign on the property that meets certain requirements; and

Revised 1st Reading
Ordinance No. 2016-03
Page 2

WHEREAS, the City Council of the City of Seabrook has determined to prohibit the open carry of handguns in the rooms or rooms where a governmental meeting, subject to the Texas Open Meetings Act (Chapter 551 of the Government Code), is being held, as provided for by Texas Penal Code Section 30.07 “Trespass by License Holder with an Openly Carried Handgun” and Texas Penal Code Section 46.35(c) “Unlawful Carrying of Handgun by License Holder,” for the protection of the citizen’s health, safety and welfare, including avoidance of any potential chilling effect on free speech and open debate;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS:

SECTION 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and incorporated by reference.

SECTION 2. AMENDMENT TO THE CODE.

Chapter 2 “Administration,” Article I. “In General,” of the Code of Ordinances of the City of Seabrook, Texas is amended by adding a new Section 2-3 “Prohibition of Licensed Open Carry in Governmental Meetings Subject to the Open Meetings Act”, as follows:

“Section 2-3 “Prohibition of Licensed Open Carry in Governmental Meetings Subject to the Open Meetings Act.”

(a) Pursuant to **effective** notice provided by Texas Penal Code, Section 30.07 and section 46.035(c), as amended, the open carry of handguns is prohibited in the rooms or rooms where a governmental meeting, subject to the Texas Open Meetings Act (Chapter 551 of the Government Code) is being held.

(b) A person who unlawfully carries a handgun into a room or rooms where a governmental meeting is held subject to Chapter 551 of the Government Code, commits an offense as provided for and defined in section 46.035(g) of the Texas Penal Code, as amended.

(c) This section does not apply to peace officers as provided under Article 2.12 of the Texas Code of Criminal Procedure, **or as otherwise provided by law.**

Secs. 2-[3]4. -2-25. - Reserved”

SECTION 3[4]. NOTICE PROHIBITING OPEN CARRY

That the notice attached hereto as Exhibit “A”, printed in contrasting colors with block letters at least one inch in height, shall be displayed in accordance with Section 30.07, Texas Penal Code, at the room or rooms during the time when a governmental meeting is held subject to the Open Meetings Act.

SECTION 5. POSTING OF NOTICE

The City Manager, or his/her designee(s), is hereby directed to post signage at the entrance to any meeting room(s) for which a governmental meeting is being held, and/or giving oral notice as provided herein, or as otherwise required by law. In addition, the City Manager, or his/her designee(s), may also provide additional “written communication” as defined by Section 30.07, Texas Penal Code, to persons licensed under Subchapter H, Chapter 411, Texas Government Code that the open carry of any handgun into the meeting room(s) while such meeting is being held is prohibited.

SECTION 6. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 1-15, “General Penalty; Continuing Violations” which provides that any person who shall violate any provision of this Ordinance, shall be fined in an amount of \$500, or the maximum amount permitted by law.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 8. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Revised 1st Reading
Ordinance No. 2016-03
Page 4

SECTION 9. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 2nd day of February, 2016.

PASSED, APPROVED, AND ADOPTED on second and final reading this 16th day of February, 2016.

By: _____
Glenn Royal, Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

EXHIBIT "A"

Texas Penal Code 30.07:

"PURSUANT TO SECTION 30.07, TEXAS PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY."

Código Penal de Texas 30.07:

"DE CONFORMIDAD CON EL ARTÍCULO 30.07 DEL CÓDIGO PENAL TEXAS (SOBRE EL INGRESO ILÍCITO DE UN INDIVIDUO CON LICENCIA DE PORTACIÓN DE ARMAS CORTAS EXHIBIDAS PÚBLICAMENTE) UNA PERSONA CON LICENCIA, SEGÚN LO ESTABLECIDO EN LA SECCIÓN H, CAPÍTULO 411 DEL CÓDIGO GUBERNAMENTAL DE TEXAS (SOBRE LA LEY DE EXPEDICIÓN DE LICENCIA DE ARMAS CORTAS), TIENE PROHIBIDO INGRESAR EN ESTA PROPIEDAD CON ARMAS CORTAS EXHIBIDAS PÚBLICAMENTE."

**CITY OF SEABROOK
ORDINANCE NO. 2016-04**

**REVISION TO PERSONNEL POLICY
PROHIBITING CARRY OF FIREARMS/DANGEROUS WEAPONS
EXCEPT BY LAW ENFORCEMENT OFFICERS**

AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENDING THE CITY OF SEABROOK “PERSONNEL POLICIES”, CHAPTER 7 “BEHAVIOR AND CONDUCT,” BY ADDING A NEW SECTION “FIREARMS AND WEAPONS ” TO DISALLOW LICENSED CARRY OF FIREARMS AND WEAPONS BY NON-PEACE OFFICER EMPLOYEES ON CITY PREMISES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, House Bill 910, effective as of January 1, 2016, modified the current law relating to licensed open carry of handguns; and

WHEREAS, State law now allows the licensed open carry of firearms by non-peace officers; and

WHEREAS, Section 411.203 of the Texas Government Code allows public employers to prohibit persons licensed to carry a handgun on the “premises”, as such term is defined under Section 46.035(f)(3) of the Texas Penal Code to mean “... *a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area*”; and

WHEREAS, the City Manager is charged under Section 3.04 of the City Charter to be responsible to the City Council for the administration of all City affairs, specifically including to direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by Charter or by law and accordingly has issued an Administrative Directive on Weapons, attached hereto as Exhibit “A”, pending City Council review; and

WHEREAS, the City Charter, Section 4.06 “Personnel System” provides that the City Manager shall prepare personnel rules which may be adopted, with or without amendment, by Ordinance of City Council; and

WHEREAS, the City of Seabrook “Personnel Policies” requires updates and amendments to address the possession of firearms and related dangerous weapons; and

WHEREAS, the City desires to disallow employees who are not law enforcement officers from the possession and use of firearms and related dangerous weapons on City “premises” and/or in the City’s service, including while in city vehicles, including the possession of licensed open or concealed handguns as provided for by Texas Government Code 411.203; and

Ordinance No. 2016-04
Page 2

WHEREAS, the City Council of the City of Seabrook, Texas deems it in the public interest to accept the amendment proposed and adoption of the Personnel Policies with this revision;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS:

SECTION 1. FINDINGS.

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

The “Personnel Policies” of the City of Seabrook, attached hereto as Exhibit “B”, are hereby adopted, including the revision to Chapter 7 “Behavior and Conduct,” by adding a new Section 19 “Weapons and Firearms” to disallow the licensed carry of firearms and related dangerous weapons by City employees who are not certified peace officers and shall read and provide as follows:

“Chapter 7. Behavior and Conduct

* * * * *

Section 19. Firearms and Weapons

The possession of firearms or other dangerous weapons (specifically including illegal knife, club, or prohibited weapon listed in Section 46.05 of the Texas Penal Code), by City of Seabrook employees is strictly prohibited on City “premises” (including inside any City owned, operated or controlled facility or vehicle). A dangerous weapon is any object or device designed or intended to be used in attack or defense to inflict serious injury upon persons or property. “Premises” as provided by Texas Penal Code 46.035(f)(4) means “... a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area”.

Law enforcement officers in the performance of their duties are exempt from this directive. Having a handgun license does not release one from this directive.”

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SECTION 3. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 2nd day of February, 2016.

PASSED, APPROVED, AND ADOPTED on second and final reading this 16th day of February, 2016.

By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

EXHIBIT A



To: All Employees
From: Gayle Cook, City Manager
Date: December 30, 2015
Subject: Administrative Directive – Weapons

The possession of firearms or other weapons by City of Seabrook employees is strictly prohibited inside any City owned, operated or controlled facility or vehicle. A dangerous weapon is any object or device designed or intended to be used in attack or defense to inflict serious injury upon persons or property. Law enforcement officers in the performance of their duties are exempt from this directive. Having a concealed handgun license does not release one from this directive.

Employees who are licensed to carry and lawfully possess a firearm and/or ammunition in accordance with Chapter 411 of the Texas Government Code, may leave such firearm/ammunition in his/her locked, privately owned vehicle in the parking lot the City provides for employees.

This directive will be effective immediately and will stand until a formal personnel policy is considered and voted upon by City Council as part of the Personnel Policies.

**Ordinance 2016-04
Exhibit “B”**

**CITY OF SEABROOK
PERSONNEL POLICIES**



**Ordinance 2008-08
Resolution 2008-08
Resolution 2010-15
Resolution 2015-15**

Ordinance 2016-04

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	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	CITIZEN RELATIONS PHILOSOPHY		
	Revision: 2	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 1 Section 1

The City is committed to providing its constituents with quality services in order to enhance the quality of living within the community. The commitment has been publicly recognized and documented by the City in Resolution No. 88-25, Citizens Bill of Rights. The following set of rights applies to all citizens of the City and shall be honored by all officials and employees of the City of Seabrook.

CITIZEN’S BILL OF RIGHTS

Resolution No. 88-25

1. Every citizen has the right to ask questions about any policy or activity, present or planned, in which Seabrook is involved.
2. City elected officials and/or City employees should be available to provide patient, informed answers within a reasonable period of time.
3. Every citizen is entitled to considerate help in the understanding of the procedures and codes Seabrook follows and the reasons these procedures and codes were adopted.
4. If viable alternatives to specific procedures or codes are available which will make the citizen’s life easier or will reduce the cost of the time commitment for the citizen, these alternatives should be suggested and explained.
5. Every citizen is always entitled to courteous, enthusiastic help and service by every elected official and City employee whether or not the requested help or service is in that official’s or employee’s area of responsibility.
6. A citizen’s concern is not an interruption of our work. He is doing us a favor by allowing us the opportunity to serve him.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	EMPLOYEE RELATIONS PHILOSOPHY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 1 Section 2

The City is committed to providing quality municipal services. The City believes the ways to achieve those goals are to provide employees with the opportunity to succeed, provide them with the resources to do their jobs, manage them fairly and impartially, and ask them to be accountable for their own success. Therefore, the City places high value on the desire to work, the ability to produce the desired results, and the willingness of employees to accept responsibility for their own success.

The City is a service-oriented organization that operates under well defined cost constraints and public scrutiny. The key to our success is for all our employees to work together to achieve citizen satisfaction and operating efficiency. Therefore, every employee is responsible for meeting quality, service, and cost standards.

The City thinks all employees should be treated with courtesy, respect, and fairness. All employees are expected to act with courtesy, respect, and fairness with citizens and other employees. All employees are expected to comply with our policies, as stated in the Personnel Policy Manual, employee communications, and as communicated by management from time to time.

The City establishes personnel policies and practices to provide our employees with a good work environment, with fair supervision, and with proper compensation.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	POSITIONS COVERED		
	Revision: 1	Effective Date: 10/19/1993 Revised:	Chapter 1 Section 3

All employees of the City of Seabrook, as defined in Section 7 of this Chapter, shall be included within the guidelines established in this Personnel Policy and Procedures Manual with the following exceptions:

Exceptions:

1. Elected officers;
2. Members of appointed boards, commissions, and committees;
3. Persons engaged under contract to supply expert professional or technical services;
4. Volunteer personnel;
5. Municipal Court Judge;
6. City Health Officer;
7. Members of the Seabrook Volunteer Fire Department; and
8. City Attorney

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	ADMINISTRATIVE AUTHORITY		
	Revision: 1	Effective Date : 10/19/1993 Revised: 05/06/2008	Chapter 1 Section 4

POLICY

With the exception of certain matters specifically reserved by the City Charter to the City Council, the general and final authority for personnel management rests with the City Manager.

Each director is responsible for administering the provisions of these rules and policies under supervision of the City Manager on all matters pertaining to his or her department.

All employees are to abide by all ordinances and resolutions of the City of Seabrook.

It is the City Manager’s responsibility to keep all directors informed of the latest developments in the area of equal employment opportunity and personnel administration. The City Manager shall be the chief administrative and executive officer of the City. He shall have the power to appoint and remove all directors, direct and supervise the administration of all departments, offices and agencies of the City, with the exception of the Municipal Court Judge, Court Clerk, City Attorney and the City Secretary.¹

For the purposes of these policies, an Officer of the City refers to the City Manager and full-time directors appointed by the City Manager.

The Municipal Court Judge, Court Clerk, City Attorney and City Secretary are considered officers of the City, but according to the City’s Charter, these positions are not under the administrative authority of the City Manager.

Directors shall report changes in personnel status regarding their employees in accordance with procedures developed by the City Manager and/or Human Resources.

¹ City Charter Section 2.09, 4.02, 9.02 & 9.03

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	EMPLOYMENT AT WILL		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 1 Section 5

POLICY

Employment at the City of Seabrook is employment at will, except those positions that may have a written contract approved by the City Council. Employment at will means that the City and any employee have the right to end any individual employment relationship at any time with or without cause.

1. The information, policies, and benefits described herein are subject to change at any time and revisions to the Personnel Policies and Procedures may occur, except to the City's policy of employment-at-will. All such changes will generally be communicated through memorandums and revised information may supersede, modify, or eliminate existing policies. Only the City Council of the City has the ability to adopt any revisions to the policies in this Personnel Policies and Procedures.
2. This manual is not a contract. This Manual and other employee communications are not “contracts.” Their contents are not “terms and conditions” of an implied contract, since neither a contract nor an implied contract exist in employment at will.
3. Management Intent. This Manual and other employee communications are statements of the City’s current intent within prudent business judgment.
4. The guidelines outlined in the Personnel Policies and Procedures Manual have been adopted by the City Council and supersede any written or verbal information you may have been given in the past. It is important to understand that the information contained herein is a guideline for informational purposes only. While City management may not anticipate circumstances that would require change in intent, or that would require work force reductions, the City Council of Seabrook, at it’s sole option and without prior notice, reserves the right to change intent, to make work force reductions, to change policies, and to make all other work force related decisions, in keeping with its judgment about prudent business decisions and prudent business practices.
5. Some departments within the City have established additional procedures which are unique to that department or are the same, but more stringent. Employees within these designated departments are advised to contact their supervisor for an explanation of additional procedures. These procedures have been reviewed by the City Manager and a copy has been filed in his office. Employees are encouraged to know and understand these procedures.

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	GENERAL PERSONNEL POLICY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 1 Section 6

POLICY

The City establishes the personnel policies and maintains the working environment to attract and keep qualified employees who can and will succeed. The City recognizes that its success depends upon the success of its employees. The paragraphs below summarize some of our important policies. These policies are stated fully in separate sections.

1. **EQUAL OPPORTUNITY.** The City affords equal opportunity to all persons, without regard to race, color, national origin, religion, sex, age, veteran’s status, or disability. This policy applies to recruitment, hiring, placement, transfer, promotion, demotion, selection for training, layoff, termination, shift assignment, rate of pay, benefit plans, compensation, and all other personnel actions.

2. **RESPECT AND CONSIDERATION.** The City attempts to treat employees with respect and consideration at all times. No form of intimidation or harassment of an employee by a supervisor, any other employee, or any other person on our premises, is permitted. The City requires all employees to treat all other employees with respect and consideration at all times.

3. **REWARD AND PERFORMANCE.** The City strives to provide uniform personnel policies and opportunities for advancement and rewards employees by using available resources. All employees are encouraged to give his or her best effort to the City and to the public. Promotion from within the organization is encouraged, whenever practical. . Financial assistance is provided to any regular full-time employee who attends a course or courses of study with the stipulation that such course bears relationship to the present job or probable future job assignments as determined by the City in advance of study.

4. **OPEN COMMUNICATIONS.** All employees are encouraged to discuss all matters of concern with their immediate supervisors. The City wants to know employees’ ideas for improving our operations. The City wants employees to feel free to discuss any question with their supervisors and with other management persons.

The City Council has adopted the following policies that apply to all City employees:

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Work Environment Policy
Resolution No. 88-26

1. Every citizen has the right to ask questions about any policy or activity, present or planned, in which Seabrook is involved.
2. City elected officials and/or City employees should be available to provide patient, informed answers within a reasonable period of time.
3. Every citizen is entitled to considerate help in the understanding of the procedures and codes Seabrook follows and the reasons these procedures and codes were adopted.
4. If viable alternatives to specific procedures or codes are available which will make the citizen's life easier or will reduce the cost of the time commitment for the citizen, these alternatives should be suggested and explained.
5. Every citizen is always entitled to courteous, enthusiastic help and service by every elected official and City employee whether or not the requested help or service is in that official's or employee's area of responsibility.
6. A citizen's concern is not an interruption of our work. He is doing us a favor by allowing us the opportunity to serve him.

All matters of employment that are not specifically covered in this Manual and in other employee publications will be handled by management in keeping with the City's employee relations philosophy, in keeping with the City Council's current intent consistent with the requirements of law and on the basis of the facts of job related behaviors.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	CLASSIFICATION OF EMPLOYEES		
	Revision: 2	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 1 Section 7

POLICY

Employment status, benefits, and termination procedures vary among the following categories of employees:

ORIENTATION PERIOD. A full-time or part-time employee during the orientation period of initial employment, promotion, or transfer. Newly hired orientation period employees are not entitled to progressive levels of discipline and are not eligible to use the City’s Employee Appeals Policy.

REGULAR FULL-TIME. An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed his/her orientation period of 6 months. Generally, regular full-time employees are eligible for the City’s full benefits package, subject to the terms, conditions, 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. An employee in a budgeted position with an officially scheduled work week of less than 40 hours or 40 hours a week but not every week of the year and who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, if they work at least 1000 hours in a year, are required to participate in TMRS.

TEMPORARY/SEASONAL. An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by Human Resources. Temporary and seasonal employees receive all legally mandated benefits (such as workers’ compensation insurance coverage), but are not eligible for the City’s other employment benefits. 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 elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits.

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	CLASSIFICATION OF EMPLOYEES		
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In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt 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. An employee’s exempt or nonexempt classification may be changed only upon written notification by the Human Resources Manager.

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	RECRUITMENT		
		Effective Date: 10/19/1993	Chapter 2 Section 2

POLICY

Except as otherwise provided by the City Charter, the appointing authority for all city positions shall be the City Manager. Appointments shall be made based on the qualifications of the applicants as ascertained through fair and practical selection methods. Whenever an emergency exists which requires the services of personnel who are not otherwise available, the City Manager may immediately appoint in an acting capacity such personnel without regard to normal recruitment and selection requirements.

Appointments shall be designated as defined Chapter 1, Section 7, Classification of Employees.

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	RECRUITMENT		
		Effective Date: 10/19/1993	

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	RECRUITMENT		
	Effective Date: 10/19/1993		Chapter 2 Section 2

POLICY

The City hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex age, citizenship, political affiliation, disability, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for its employees by filling openings with City employees, and filling the openings so created with external candidates, if applicable.

REQUISITIONING PERSONNEL

The Department’s Director will be responsible for initiating the request to fill a vacant position by contacting the Human Resources Department. The Director is responsible for making sure the position is authorized by the operating budget. The Human Resources Department will then coordinate with the appropriate supervisor to develop a job description that accurately reflects the duties and responsibilities required and the skill sets that are needed to successfully perform those duties.

The Human Resources Department will advertise as may be necessary to recruit prospective applicants for vacant or newly created positions, communicate with appropriate agencies, contact possible sources for applicants, and maintain applicant files.

The Human Resources Department is responsible for:

1. Creating appropriate job descriptions for positions.
2. Placing advertising on the City’s website, in publications, and any other appropriate advertising sites.
3. Accepting all applications. (Applications are only accepted at the time of an active recruitment).
4. Screening applicants for minimum qualifications.
5. Coordinating all recruitment activities with the supervisor.

POSITION ANNOUNCEMENTS

Human Resources will work with the supervisor to develop an advertisement to ensure specific requirements for the vacant position. Human Resources will post all announcements for vacant positions, except for public safety positions. The Seabrook Police Department administers the recruitment and selection for public safety positions. Each position announcement for which there is a current recruitment will have an opening and closing date. Position announcements will be open for at least 5 business days and applications will be accepted for consideration through the closing date.

Positions designated for “internal application only” will be posted internally for 5 days and not advertised to the public. If there are no qualified internal applicants, the advertisements will be

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	RECRUITMENT		
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placed and external applications received. Departments may request internal and external advertising be conducted simultaneously.

APPLICATIONS

Applications for employment and transfers will only be accepted in the Human Resources Department during the specified open period of posting. Applications that have not been processed and routed by the Human Resources Department during the posting period may not be eligible for consideration.

Applicants who commit or attempt to commit a fraudulent act at any stage of the selection process will not be considered for employment.

Resumes submitted without a completed City of Seabrook application will not be considered for employment with the exception of specific executive positions.

SCREENING

The first step in the screening process will be a paper review. The Human Resources Department will screen each application received for minimum qualifications based on the required qualifications listed in the position announcement and job description.

INTERVIEWS

The Supervisor shall review the referred applications and schedule interviews for those candidates selected for further consideration. Consideration must be given to all applications referred; however, interviews do not have to be given to all referred applicants. Supervisors must be consistent and use proper judgment in screening out applicants.

SKILLS TESTING

The Supervisor will contact Human Resources to arrange for skill testing in relationship to pre-employment screening.

REFERENCE CHECKS

Before references can be checked, the candidate must have signed and dated an Authorization to Release Information. The applicant must also sign this form before Human Resources can request a driving record, credit history, and criminal history reports. The form will not be considered complete until the applicant provides the following information:

- Complete first, middle and last name; must be the birth certificate name including any married and/or official name change(s).
- Date of Birth.
- Driver’s license number or birth certificate information.
- Social security number.

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The Supervisor shall conduct a minimum of 2 reference checks prior to communicating a conditional offer of employment to a new hire. The Human Resources Department will provide forms for reference checks. All efforts should be made to determine the applicants past history to ensure that qualified applicants are hired.

SELECTION

The Supervisor will be responsible for selecting from among the referred candidates to fill vacancies. After all interviews have been conducted, references checked, and the applicant has been identified to fill the vacancy, the Supervisor shall make a “conditional” offer of employment to the final applicant contingent upon passing a drug screen, and criminal history check. Depending upon the requirements for a position, a physical, credit history check, and driver’s license screening may also be required.

All rejected applications and interview materials must be returned to the Human Resources Department. These records will be kept for the period required by the State Retention Schedule.

The Human Resources Department is responsible for notifying all interviewed applicants that a final decision has been made. Notification letters will be sent to all applicants that were interviewed. Letters will not be sent to those applicants not interviewed.

FITNESS FOR DUTY

1. Pre-employment Drug Test

After the Supervisor has made a conditional offer of employment to an applicant, the applicant must take a pre-employment drug test. Human Resources will contact the applicant and give them the appropriate paperwork.

Once Human Resources receives notification of the results of the drug test, they will then be given to the Supervisor. When the applicant receives a negative result on the drug test, the Supervisor can make a formal offer to the applicant and begin the hiring process.

If the applicant receives a positive result on the drug test, the Human Resources Director or designee will inform the Supervisor. A formal job offer shall not be made to this applicant and the conditional job offer will be rescinded by the Supervisor. The Supervisor can choose another applicant from the same applicant pool or reopen the position for recruitment.

2. Physical Examinations – Non-Public Safety

Physical examinations will be required for those applicants that are being considered to fill a position that is highly physical in nature and/or where there will be frequent

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exposure to sun, heat, cold, humidity, and rain. Applicants in the general laboring classification whether full-time, part-time or seasonal/temporary must successfully complete a physical examination. These classifications include jobs requiring heavy lifting and/or physical stamina. Applicants and promotional employees must first be informed of a conditional offer for the position and then be sent for a physical examination arranged by the Human Resources. Where applicable, reasonable accommodations will be made for persons with disabilities, in accordance with the Americans with Disabilities Act.

3. Physical Examinations – Public Safety

As a condition of state requirements all public safety police applicants who are being considered to fill a position will undergo a thorough physical examination which is referred to as a Class V physical and will also be required to pass a psychological screening process which includes a written psychological test and an oral interview with a psychologist. A document called an L-2 is signed by the physician stating the applicant is able to perform the essential duties of a police officer. The psychologist signs an L-3 stating there is no mental reason that an applicant could not perform the duties of a police officer. Both the L-2 and the L-3 forms are required by the State of Texas licensing agency for police officers and are sent to the state once an applicant has been employed by the City of Seabrook Police Department.

BACKGROUND INVESTIGATIONS

Background investigations will be done in accordance with the requirements for filling the vacant position.

DRIVER’S LICENSE VERIFICATION AND HISTORY CHECK (MVR), IF APPLICABLE

Applicants that are considered for a position with the City of Seabrook where the position requires the operation of a City vehicle must possess a valid Texas Driver’s License. The applicant will have a Driver’s License Verification and History Check before a final offer for employment will be made. An applicant whose position requires driving a city vehicle or driving on City business may not have a record of more than 3 moving violations and/or accidents within a 24-month period and no record of D.W.I. or D.U.I.D. convictions in the preceding 24-month period. An applicant with any drug or alcohol convictions within the last 10 years from date of application will not be considered for employment.

Public safety applicants are required to comply with the police department’s rejection criteria, which include, but is not limited to frequency of driving violations and frequency of both at fault and not at fault accidents.

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	RECRUITMENT		
		Effective Date: 10/19/1993	Chapter 2 Section 2

If the personal driving record requirements are not met, Human Resources will notify the Supervisor. Human Resources will call or meet with the applicant to discuss the applicant's driving record and reason for no longer considering the applicant for employment.

CREDIT HISTORY CHECK, IF APPLICABLE

The pre-employment credit report can provide insight into an applicant's financial responsibility. The report will only be requested for those individuals being employed in a financial/accounting position.

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	EMPLOYMENT OF NON-US CITIZENS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 2 Section 3

POLICY

Employment opportunities may be made available to persons who are not citizens of the United States.

1. Employment will be consistent with all applicant laws and regulations

2. Employees who are not citizens of the United States will be required to present documentary proof of the legal right to work in the United States.

Non-U.S. citizens who do not have the legal right to work in the United States will not be considered for employment with the City of Seabrook.

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	EMPLOYMENT AND PROOF OF AGE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 2 Section 4

POLICY

The City does not discriminate on the basis of age in its employment decisions and practices. However, the City requires all persons who are offered employment to provide proof of age when required for compliance with applicable labor laws and to determine benefits eligibility.

1. MINIMUM AGE FOR EMPLOYMENT.

The City may employ persons under 18 years of age. The City does not employ persons under 16 years of age. When the City employs an employee under 18, the employee may not begin working until the parent(s) or legal guardian(s) executes a Minor’s Employment Release Authorization provided by the City

2. WORK RESTRICTIONS FOR EMPLOYEES UNDER 18 YEARS OF AGE. Persons under 18 years of age will not be employed in positions or activities that are prohibited by Child Labor Laws.

3. BENEFITS. Some benefits may be determined by employee age. Employees must provide proof of age as needed for purposes of determining their eligibility for benefits.

4. The City does not otherwise require persons to provide proof of age and does not consider age, as required by law, in employment decisions.

 SEABROOK	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	EMPLOYMENT OF RELATIVES		
	Effective Date: 10/19/1993 Revised:	Page 23 of 162	Chapter 2 Section 5

POLICY

No person related within the second degree by affinity (marriage relation), or within the third degree by consanguinity (blood relation), to the Mayor or to any of the City Council members, or the City Manager, shall hold any office, position, clerkship, or service of the City. This provision shall not affect officials or employees who are already employed by the City at the time when any elective official who may be related within the named degree takes office.

Consanguinity		
First Degree	Second Degree	Third Degree
Father Mother Sister Brother Daughter Son	Uncle Aunt Niece Nephew Grandson Granddaughter Grandfather Grandmother First Cousin	Great-Uncle Great-Aunt Great-Niece Great-Nephew Great-Grandson Great-Granddaughter Great-Grandfather Great-Grandmother Second cousin
Affinity		
First Degree	Second Degree	
Husband Wife Son-in-Law Daughter-in-Law Brother-in-Law Sister-in-Law Mother-in-Law Father-in-Law	Spouse's Uncle Spouse's Aunt Spouse's Niece Spouse's Nephew Spouse's Grandfather Spouse's Grandmother Spouse's 1 st Cousin Grandson-in-Law Granddaughter-in-Law	

Relatives will not be employed in positions where one relative could affect the career, compensation, or the application of policies to the other relative. The City will not employ persons who are related within the first degree by affinity or within third degree by consanguinity to current City employees if the current employee would be in a supervisory relationship with the prospective employee.

- **When** any two employees in a directly or indirectly reporting relationship become relatives, by marriage of otherwise, subject to job openings, one of them will be required to transfer to a position out of the directly or indirectly reporting relationship.
- **If** there is no appropriate job opening within 6 months, one of them will be required to terminate employment. The determination as to which employee shall terminate will be made by the affected employees. If no determination is forthcoming, senior management will determine the employee to be terminated.

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	LAYOFFS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 2 Section 6

POLICY

The City attempts to balance the size of the work force with the requirements of operations. Layoffs due to lack of work and other reasons should be seldom necessary. However, from time to time, it may be necessary, in management’s sole judgment, to lay off employees. Management reserves the right to do so, when needed.

ORDER OF LAYOFF. In the event of a need for a layoff, all positions in the City will be analyzed in terms of those which are needed to meet municipal requirements. Based upon the determinations of the City, positions which are not critical in order to meet those requirements will be laid off based upon an analysis of the work record of the employees in the position. The order of layoff will be determined by the City.

STATUS DURING LAYOFF. Employees who are laid off will have the status of layoff for a maximum of three calendar months from the date of layoff. Employees may elect to continue medical and dental insurance at their own expense according to the current insurance carrier’s plan. Employees not recalled during the three calendar month period will be terminated. Longevity, leaves of absence, paid vacation, and other forms of paid and unpaid time off will not be used to extend this three month period. Employees will be paid for accrued vacation according to City policies and longevity status at the time of layoff.

INSURANCE BENEFITS. Employees electing to continue medical and dental insurance according to the current insurance carrier’s plan, must submit the required payments by the first of the month. Payments should be made according to instructions from the City and the insurance carrier.

ORDER OF RECALL. Employees on layoff status will be recalled as work becomes available on the basis of the skills and abilities required to perform the available work as determined by the City.

BENEFITS UPON RECALL. Employees who are recalled from layoff status receive benefits effective the day they return to work.

FAILURE TO REPORT AT RECALL. Employees who do not report to work from layoff on the day scheduled are considered to have abandoned their jobs, and will be terminated unless the absence is an excused absence arranged in advance, or because an emergency prevented the employee from reporting to work.

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	EQUAL EMPLOYMENT OPPORTUNITY		
	Effective Date: 10/19/1993 Revised:	Page 25 of 162	Chapter 3 Section 1

POLICY

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, disability, veteran’s status or other unlawful basis, is prohibited.

All employees are required to support this philosophy, and to practice non-discrimination in their relationships with other employees. Managers and supervisors have specific responsibilities for practicing equal employment in all job related decisions that affect current and prospective employees.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	AFFIRMATIVE ACTION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 3 Section 2

POLICY

The City is committed to the policy and practice of Equal Opportunity/Affirmative Action in all employment practices according to state and federal requirements.

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	AMERICAN WITH DISABILITIES		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 3 Section 3

POLICY

The City of Seabrook does not discriminate against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, performance evaluation, and other employment related decisions, or in the terms, conditions, and privileges of employment.

The City will provide a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint to Human Resources.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	EXTERNAL SEMINARS AND TRAINING		
	Revision: 1	Effective Date: 10/19/1993 Revision Date: 05/06/2008	

POLICY

The City may pay for seminar fees, travel and lodging, and other reasonable and necessary expenses for full-time and part-time regular employees to attend seminars and training sessions, when such seminars are approved in advance by the City Manager or department director within approved budget funds. The employee and the external seminar or training must meet all of the standards listed below. The seminar or training should take place within the state, unless otherwise determined by the City Manager.

- Employees are eligible to attend external seminars and training. The City does not discriminate against employees in providing training opportunities because of race, color, religion, sex, national origin, age – as required by law.
- The City makes reasonable accommodations for employees who are disabled to participate in external seminars and training unless making the accommodation would create undue hardship for us.
- The seminar or training must be two weeks or less in duration. Exceptions to this rule must be approved by the City Manager.
- The employee’s attendance of the seminar or training must be approved by their Supervisor and Director.
- The seminar or training must be offered by an accredited academic institution, or by an established and recognized organization or firm.

PROCEDURE

The employee’s supervisor requests approval of the seminar. Upon written approval the supervisor uses our check request procedure or accounts payable procedures to pay seminar fees, and the employee uses our expense reimbursement procedure to obtain reimbursement for travel meals, and other approved expenses.

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	ORIENTATION OF NEW EMPLOYEES		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 4 Section 2

POLICY

New employees will undergo a period of orientation immediately after their employment. The orientation will acquaint them with the organization, with policies and procedures, with their jobs and with their internal and external working relationships. The orientation will consist of two parts, as described below.

ORIENTATION TO THE ORGANIZATION. The Human Resources Manager or the person designated by the Department is responsible for orienting new employees to the organization, to our compensation and benefits, and to our expectations of employees. As a part of the orientation, new employees will receive and sign for a copy of the Personnel Policies and Procedures.

ORIENTATION TO THE JOB. The new employee’s immediate supervisor will orient the employee to the job and to the internal and external working relationships for the job responsibilities. The purposes of this orientation are to provide the employee with the standards for success on the job, to assist the employee in succeeding, and to give feedback to the employee on performance against the standards for success.

Proper orientation of new employees is critical to their success. Directors and supervisors are expected to discuss the essential job duties within the position’s job description to ensure the success of each employee.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	PROFESSIONAL LICENSES AND CERTIFICATION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 4 Section 3

POLICY

Employees whose jobs require a professional license or certification must present documentation of their license or certification prior to their employment.

- The City pays the cost of obtaining and maintaining required employee licenses or certifications in a current status.
- Copies of required licenses or certifications must be provided by the employee for inclusion in the personnel files.
- Employees whose jobs require licenses or certifications must meet the requirements for maintaining them in current status, and must immediately notify their supervisors of all changes in the status of their license or certification.

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	PROFESSIONAL MEMBERSHIPS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 4 Section 4

POLICY

The City encourages membership in various professional societies and may pay the cost of employee’s memberships in professional organizations. Memberships must directly benefit the department as so determined by the department head.

COSTS. The costs paid under this policy are the costs of annual memberships. With the approval of the Department Head, the City may pay the costs of conventions.

PROCEDURES

Payments for annual memberships follow the expense reimbursement or check request procedure.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	IN HOUSE TRAINING		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 4 Section 5

POLICY

Training is the strategy for carrying out our policies and for implementing changes in policies, processes, and procedures. Therefore, training employees is a continuous process that enables us to achieve our objectives.

FORMAL TRAINING SESSIONS. The City may sponsor formal training sessions from time to time for employees. These sessions will be designed to address our current needs for training. Persons whose jobs require the training and whose job performance indicates the need for training will be required to attend such training sessions. Successful completion of the formal training sessions may be requisite to individual employees’ continued employment and career advancement.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	COLLEGE TUITION REIMBURSEMENT		
	Revision: 2	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 4 Section 6

POLICY

The City encourages employees to improve and develop their knowledge, skills, and abilities in order to improve their present job performance. The City may reimburse employees who successfully complete approved courses of study for portions of the cost of tuition, fees and books. Approval of a course of study and reimbursement of tuition and laboratory fees does not in any way promise any employee promotion to or consideration for any current or future job opening. Tuition and other fees will not be advanced to employees.

All of the following criteria must be met in order for employees to be eligible for tuition reimbursement.

ELIGIBLE EMPLOYEES. Employees must be full time regular employees with at least twelve months of continuous service. The course of study must begin at least twelve months after the employment date of the employee, and must be completed while the employee is still a full-time employee.

COURSE OF STUDY. The study plan must be approved in advance by the director or the City Manager. The course of study must be related to the employee’s job or must be course work in a degree program which is related to the employee’s job.

ON-LINE COURSES. On-line courses are acceptable and must meet all required criteria as regular courses described in this section. The on-line class time must be scheduled outside of normal work hours unless the Department head specifically approves otherwise.

PERCENTAGES OF TUITION REIMBURSEMENT. Employees must pass with a C or higher at the completion of the course or training to receive reimbursement. The City may reimburse one-half of the cost of tuition, fees, and books as needed for approved courses. After the employee completes all courses to obtain a degree and completes two years of employment thereafter for the City, the City will reimburse the remaining one half of the approved tuition, books, and fees.

ACCREDITATION. The course of study must be taken at an accredited institution.

HOURS FOR COURSES OF STUDY. The courses must be taken outside of the employee’s regular working hours.

Registration fees, other fees, parking, and supplies are not eligible for reimbursement. If the employee receives scholarships, fellowships, fellowships, grants, Veterans Administration educational benefits, or other educational benefits, they will be considered to apply first to that portion of tuition that is eligible for City reimbursement. The City will reimburse the difference, if any, between the amount of such benefits and amount eligible for organization reimbursement.

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	COLLEGE TUITION REIMBURSEMENT		
	Revision: 2	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 4 Section 6

PROCEDURE

Employees may apply for tuition reimbursement with their Director or the City Manager. The application must be completed and approved before the employee begins a course of study. Each new period of study requires a new application for tuition reimbursement. Upon completion of courses of study, the employee is to submit receipts for tuition, fees and books and a copy of the transcript or other documentation of final grade to Human Resources. The final grade must be a “C” or better for reimbursement. Reimbursement will be made by check and must be approved by the City Manager.

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	TRAVEL REGULATIONS AND EXPENSE REIMBURSEMENT		
		Effective Date: 05/06/2008	Chapter 4 Section 7

POLICY

Payment of travel expenses are intended to be and shall be solely for travel performed by employees of the City on “Official City Business”. Official City business is defined as that which is necessary and proper and has been approved by the City Manager or his/her designee. A detail of expenses must be submitted prior to reimbursement to the employee.

PROCEDURES

TRANSPORTATION. The rate of reimbursement for employees utilizing their personally-owned vehicle shall be the most recent published Internal Revenue Service allowance on the basis of the shortest practical route between points. An employee on official business traveling by any mode of common carrier is entitled to a transportation allowance equal to the actual cost of such transportation.

Employees receiving a car allowance will be reimbursed for any mileage over 100 mile radius of the City.

When authorized, the City will pay auto rental charges for an employee in travel status. Unless otherwise authorized, the rental car shall be of the most economical variety. Purchased gas and oil used in rental cars shall normally be reimbursed provided receipts are submitted. Several rental agencies should be contacted to obtain the most economical rate.

PER DIEM ALLOWANCE. Per Diem allowance shall be provided to accommodate meals and meal tips. Per Diem shall be provided consistent with the most current allowances as set by law. The calendar day (midnight to midnight) is the unit for computing the per diem allowance. No receipts are required.

For authorized trips not involving overnight accommodations or less than 24 hours, the city will provide a per diem according to the following maximum limitations:

4 to 12 hours	½ of the allotted amount
13 to 24 hours	full per diem

For the purpose of cost allocation of meals the following schedule will be used when computing additional meal expense as provided for under Exceptions:

Breakfast	25%
Lunch	30%
Dinner	45%

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EXCEPTIONS: Registration fees – Fees charged for registration at any convention or meeting which include any meals must be turned in with your request for cash advance. Any meals included in registration will be deducted from your per diem based on the above schedule.

LODGING: Expenses for lodging must be supported by receipt and will be reimbursed to the employee on actual cost basis for reasonable accommodations. No personal phone calls or meals are to be included, as this is considered covered under the per diem. If you charge meals to your hotel bill, you must deduct from your per diem allowance based on the actual cost of the meal.

REQUEST AND REPORTING PROCEDURES

TRAVEL ADVANCES: Requests shall be submitted to the Finance Department, completed with the amount of the request, purpose, nature, location, place of lodging, travel dates and supporting documentation.

Approval – The request must be signed by the traveler and submitted to the Department Head. The Department Head will sign the request indicating approval and availability of funds. The approved travel advance request forms are then forwarded to the Finance Department.

Check Processing – Upon receipt of the approved advance request, the Finance Department will prepare the advance check payable to the traveler. The traveler is personally responsible for the advanced amount until an approved expense report is processed and the difference is refunded or until the full amount is refunded. **The City may deduct any delinquent advance amounts from an employees payroll check.**

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	TRAVEL REGULATIONS AND EXPENSE REIMBURSEMENT		
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TRAVEL EXPENSE REPORTS. Reports shall be completed within ten (10) days of return by the traveler, with supporting documentation. The expense report shall have attached receipts, hotel bills, etc. sufficient to review the traveler’s expenses for compliance with this policy.

The Expense Report form shall be completed and signed by the traveler, reviewed, approved and signed by the Department Head and then submitted the Finance Department for audit.

The Finance Department shall review the expense report for compliance with this policy and the Finance Officer shall sign the audit expense report or return for further information. After a satisfactory review the Finance Officer shall relieve the traveler of the advanced amount and/or reimburse the traveler for expenses in excess of the advance.

INELIGIBLE EXPENSES. The following items will not be considered for payment or reimbursement by the City:

- Entertainment including sporting events, theater, in-room movies, etc.;
- Alcoholic beverages of any type;
- Other items not pertaining City business;
- Spouse’s or any other traveling companion’s expenses.

The above items are specifically excluded, but the list is not to be considered all inclusive.

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	COMPENSATION		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 5 Section 1

POLICY

The basic philosophy of the City is to provide an equitable compensation program for all employees. The basic concept of the pay system is founded on the principle that job responsibility and job performance will be the key determinants of an employee's salary.

The purpose of the City's pay system is to attract, retain, and motivate employees through the payment of financial compensation that is commensurate with the individual's ability, responsibility, and contribution toward the City's goal. The program is concerned with providing a compensation framework to inspire the development and progress of each employee. It is further designed to achieve internally equitable and externally competitive compensation.

The objectives of the City of Seabrook's compensation program are:

- To clearly define the duties such that pay and benefits are fair with respect to other positions in the City and with competitive positions outside the organization.
- To provide incentives and recognition for superior performance through various special programs (i.e. Awards Program).
- To comply with federal, state, and local regulations.
- To establish a system that is fiscally sound and cost effective.
- To provide a program that is understood by employees.
- To provide a pay system that can be easily administered and maintained.
- To establish a salary range for each position that is based on a systematic blending of the position's internal worth to the City and the position's external value in the market.
- To provide a method to identify employee development needs.

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	COMPENSATION		
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The City Manager or his designate shall prepare and administer a compensation plan for city employees subject to City Council approval. Employees shall be paid salaries or wages in accordance with the compensation plan, which shall include one or more salary schedules.

The compensation program for the City is based on the following compensation policy:

- **Competition** The City endeavors to provide total compensation opportunities of direct pay, indirect pay (e.g. benefits), career opportunities, etc., that are a blend of the total compensation opportunities offered by its competitors and the objectives of the City’s compensation program.
- **Salary Ranges** Each position in the City will have a salary range defined by minimum and maximum dollar limits and a midpoint. The range defines the pay opportunities for the position. The intent is that pay for each employee should be within the salary range for the position.
 - The salary ranges and midpoints will be reviewed annually and revised to reflect changing competitive position, economic conditions, and compensation objectives. The review will be subject to the budgetary guidelines established by the City Council.
- **Job Descriptions** Each position in the city will have a written job description. The job descriptions will be reviewed as scheduled by the directors or the City Manager. The documents will be signed by both the employee and the immediate supervisor. The job description is the basis for job evaluation and performance appraisal.
- **Job Evaluation** Each position in the City will be placed in a grade level and its accompanying salary range-based on the point factor system known as FES (Factor Evaluation System).

ADMINISTRATION. The administration of the pay program will be under the direction of the City Manager. In this regard he/she will:

- Recommend changes in the basic philosophy and objectives of the compensation policy, while ensuring compliance with all relevant laws and regulations.
- Insure that job descriptions are current and accurate.
- Insure that reclassifications and job evaluations for new positions are performed in a timely manner.
- Recommend salary structure adjustments and corresponding budget increases.
- Insure that the salary administrative guidelines are implemented and periodically updated.

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FLSA COMPLIANCE. In administering its pay plan, the minimum standards of the City shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to municipal governments.

BASE CASH COMPENSATION. Base cash compensation for hourly paid employees consists of the base hourly rates of pay for the work actually done. Base cash compensation for salaried employees consists of bi-weekly regular salaries for the work actually done. Benefit programs may be offered, withdrawn, or changed at the discretion of the City Council.

BASE PAY RATES. Base pay rates will be reviewed regularly to determine if they should be changed. If base pay rates are changed, all changes will be based on the compensation objectives as defined above.

INDIVIDUAL COMPENSATION LEVELS. The compensation rates of individual employees are reviewed annually. The basic salary structure establishes pay differentials based on years of employment. All eligible employees will receive an economic adjustment each year if deemed appropriate by City Council. Council determines the economic adjustment, the date for the adjustment each budget year.

RIGHT TO CHANGE RATES OF COMPENSATION. The City reserves the right to change rates of compensation at any time, including reducing the rates of compensation, if in the Director’s judgment, operating conditions require a change or a reduction.

PAY GRADES. Pay grades are assigned to positions based on the essential duties of the job, and knowledge, skills, and abilities required to perform the work satisfactorily. The City assigns pay ranges to grades on the basis of our estimate of the pay rates needed to maintain qualified employees. Pay grades are assigned to the pay table and positions are classified based on the FES (Factor Evaluation System).

RIGHT TO CHANGE WORK ASSIGNMENTS. The City will assign employees regularly to specific job duties. When necessary, the Supervisor, Department Director, or City Manager may re-assign employees to other work. The assignments may be temporary or regular.

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	ABSENCE WITHOUT LEAVE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 2

POLICY

An employee failing to report for duty or remain at work as scheduled without proper notification or authorization from their immediate supervisor or director shall be considered absent without leave and shall not be paid for the time involved. Taking more than one day of absence without leave, may be grounds for dismissal.

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	ADMINISTRATIVE ABSENCE WITH PAY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 3

POLICY

With the approval of the City Manager, a Department Head may grant an employee administrative absence with pay for the purpose of attending a professional conference, convention, training activity, legislative proceeding, or civic function or meeting, or for the purpose of coordinating with governmental and private agencies and entities in the interest of the City.

An absence of an exempt employee of less than a full work day or a full work day approved by the Department Head will be charged as administrative leave with pay.

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	AWARDS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 4

POLICY

Awards given in the name of the City are given to employees to recognize length of service, to recognize outstanding performance, and for other specific reasons as defined by directors and the City Manager from time to time.

EMPLOYEE AWARDS PROGRAM. This program recognizes exemplary performances by employees. An Awards Committee including the City Manager, his/her staff and the City Secretary administers the program. Employees are nominated or recognized by their co-workers, citizens, mayor and council, or others. Nominations are submitted to the Awards Committee for evaluation.

APPROVAL. All awards given in the name of the City must be approved in advance by the City Manager and Department Director or Awards Committee.

TYPES OF AWARDS. Awards may be monetary awards, or non-monetary awards such as pins, plaques, items of clothing, or other items selected by management. All monetary awards will be paid in accordance with the Internal Revenue Service regulations.

EXCLUSIONS. This awards policy does not constitute an Incentive Compensation policy. This policy does not prevent directors and departments from sponsoring friendly competition among departments, shifts, or other groups of employees.

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	BAD WEATHER AND ADMINISTRATIVE LEAVE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 5

Bad Weather POLICY

All employees are expected to make an effort to arrive at work prior to the start of a work day regardless of weather conditions. However, if an employee feels that conditions are so bad that such conditions would constitute a danger to his or her life or property, that employee may elect to come in to work later than usual, if conditions improve, or the employee may elect to take the entire day off. If an employee elects to take the entire date off, he will be charged with vacation, compensatory time, or personal leave.

All emergency service employees will abide by the bad weather provisions of their department directors.

PROCEDURES

Employees must contact their supervisor or department directors with their decision prior to the beginning of their scheduled work period. An employee who fails to report to work or to contact his supervisor by the beginning of his regularly scheduled work period may be charged with an unexcused absence from pay. Tardiness or partial-day absence in times of severe weather conditions may be excused with pay if the supervisor can reasonably verify commuting difficulty consistent with the period of tardiness or absence.

Administrative Leave POLICY

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

When there is an impending hurricane, the City Manager and department directors will decide which employees are essential for the operation of city services. All emergency service employees will abide by the hurricane provisions of their department director.

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	BENEFITS		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 5 Section 6

POLICY

The employee benefits published from time to time are the benefits available to employees who meet all of the requirements for receiving the benefit. The Human Resources Department is responsible for answering questions concerning benefits. No director or supervisor may promise an employee any pay or benefit that is not contained in the City’s current descriptions of benefits and properly approved.

CHANGES IN BENEFITS. The City reviews benefits programs from time to time in order to maintain benefits consistent with our objectives. Benefits programs are subject to change at City Council’s sole discretion at any time. When possible, and where necessary, the City will give advance notice of changes in benefits programs, which are subject to modification at anytime.

BENEFITS PACKAGES. Benefits packages may vary in number of benefits and value of benefits among the classifications of employees, as defined in Chapter 1, Section 7 of this Manual. All employees in any classification are eligible for the same benefits. Employees’ date of hire is the anniversary date used to determine paid vacation, paid sick leave and longevity benefits. Longevity is paid at \$4 per month per year of service.

PAYMENT OF INSURANCE PREMIUMS. The City currently pays 100% of the cost of health insurance for the regular full-time employee. Dependent coverage is provided as determined by Council. Life insurance, long term disability, and AD&D are also provided for the employee only with payment by the City of 100% of the premiums. These percentages are fixed at the City Council’s sole discretion, and may be adjusted as the costs of insurance changes.

PAYMENT OF INSURANCE PREMIUM DURING UNPAID LEAVE OF ABSENCE. Employees who are on authorized leave without pay other than approved FMLA leave may continue insurance coverage by paying entire cost of the coverage. They must pay their portion by check or cash prior to the date established by the City or coverage is subject to immediate termination.

PAYMENT OF INSURANCE PREMIUM FOR RETIRED CITY EMPLOYEES. Full-time City employees who retire from the city after meeting the specified requirements under the TMRS Retirement Plan may elect to retain health insurance coverage with the City’s insurance carrier if the plan provides this type of coverage. The total cost to remain with City’s health plan will be incurred and paid fully by the employee at no cost to the City.

TERMINATING EMPLOYEES. Employees who terminate may elect to continue insurance coverage at their own expense within the provisions of the insurance plan and subject to applicable law.

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	BENEFITS		
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ELIGIBILITY. Eligibility for all policies provided by the city will be determined by the existing contracts.

RETIREMENT. The City provides a mandatory retirement program for eligible employees as determined by TMRS. The provision of this retirement program is covered in the Texas Municipal Retirement Handbook. The amount of the employee deduction and City’s contribution may vary depending on current retirement system policies. Employees shall become eligible for membership to the retirement system immediately upon being hired by the City.

Temporary employees are not eligible to receive any employee benefits of paid time off.

LONG TERM DISABILITY AND COORDINATION OF BENEFITS. Employees approved and receiving long term disability benefits may be entitled to coordination of benefits with the LTD payments and payments from their leave balances (i.e. sick, vacation, long term/extended leave, or personal leave). All combined benefits shall not equal more than 100% of employee’s current gross pay. Leave time paid to employees may not reduce the LTD benefits by any amount, if the current contract allows. The specific benefits may be found on the Certificate of Insurance available through Human Resources.

PROCEDURE

Employees should contact Human Resources when they have questions about benefits or when they need assistance in obtaining benefits.

Procedures for filing insurance claims are established according to the procedures provided by the current carrier. Correct procedures should be explained to new employees or to current employees when there are changes in the carrier.

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	BENEFITS/RULES SUMMARY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 7

POLICY

Employees receive a Benefit/Rules Summary as a part of employee orientation. The document summarizes the benefits of employment.

PROCEDURES

Our Benefits/Rules summary is explained during orientation of new employees.

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	BEREAVEMENT TIME OFF		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 8

POLICY

Employees are granted up to 3 consecutive days of paid time off to attend the funeral and take care of related matters upon the death of an immediate family member. In order to receive this benefit, the employee must have completed the trial employment period, and must have previously been scheduled to work during the days requested for bereavement leave. Employees not eligible for paid bereavement leave will be granted unpaid bereavement leave upon the death of a member of their immediate families. The intent of this policy is to provide employees with up to a stated number of consecutive days off, days of paid time off will be the number of days required to provide the employee with three consecutive days off. Partial days off when an employee has to leave work because of a death in the immediate family are not a part of the three days.

IMMEDIATE FAMILY. For purposes of this policy, immediate family is one of the following persons: spouse, parent, child, brother or sister, other relative living in the employee’s household, or parent-in-law, son-in-law, daughter-in-law, grandparents and grandchildren.

DEATH OF OTHER RELATIVE. Employees may be granted 1 day of paid time off to attend the funeral of other relatives. At the sole discretion of the Director or next level of authority, employees may be scheduled to work a different shift than their scheduled shift instead of taking unpaid time off.

DOCUMENTATION. An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave.

PROCEDURES

Employees are to notify their immediate supervisors as soon as they know they will need to request bereavement time off, and then make their request for time off. The Supervisor may approve bereavement time off, unless other approval is required by this policy. Supervisors will mark the time worked record with the words “bereavement leave” for the days of leave.

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	MEAL/BREAK TIME		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 9

**Meal Time
POLICY**

Meal periods are determined by the employee’s work schedule, unless arranged otherwise by supervisors.

Employees must take the entire unpaid meal period away from their work stations, whenever possible.

Changes in employees’ schedules for meal periods must be approved by their supervisors.

Every effort will be made to ensure that all employees receive a daily meal break during each shift. This break is to be taken at the discretion of the department supervisor. There may be instance, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.

**Break Time
POLICY**

Employees are entitled to a paid break of 15 minutes for every four hours of work, in addition to their regularly scheduled meal periods. Supervisors will schedule such breaks as nearly as possible to the middle of each four hours of work. Pay is not reduced for the time spent in rest periods.

PRACTICES NOT PERMITTED.

- Employees may not combine breaks with lunch periods, combine two breaks, or skip breaks in order leave work early; or
- “Banking” rest period time from day to day; or
- Requesting compensatory time off or overtime pay for work performed during a break time; or

BREAKS IN DESIGNATED AREAS. Employees must take their breaks in the designated break area, whenever possible.

SMOKING IN PUBLIC PLACES. In accordance with the City of Seabrook’s Smoking Ordinance 2007-27, adopted November 20, 2007, the City of Seabrook, as an employer, institutes the following policy:

- All City Seabrook buildings and facilities are considered smoke free environments.
- City-owned vehicles are considered work areas, and as such, are smoke free environments.
- Smoking is permitted only in designated areas that are more than twenty-five (25) feet from any entrance or exit, operable windows, and ventilation systems of enclosed areas

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where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas.

CONDITIONS. Breaks shall be considered a privilege and not a right and shall never interfere with proper performance of an employee’s work responsibilities and department work schedule.

PROCEDURES

Managers and supervisors are required to enforce this policy on meal and break times.

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	HOLIDAYS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 10

POLICY

City government operates 24 hours a day, seven days a week. Employees may be required to work holidays and weekends. Some positions in the City may require employees to work regularly on weekends and holidays. All employees are expected to work on weekends and holidays as required to provide municipal services.

HOLIDAY PAY

EMPLOYEES WHO ARE NOT REQUIRED TO WORK ON A HOLIDAY. Full-time and Regular Part-Time employees who are not required to work on a holidays will receive straight pay for the holidays according to the employee’s approved schedule, provided they work their regularly scheduled work day before and after the holidays unless absence with excuse is acceptable with the supervisor. To be an excused absence in most instances, an employee must request **prior** to the holiday for additional days off by submitting a Request for Leave form to their supervisor for prior approval.

TEMPORARY AND SEASONAL EMPLOYEES. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

EMPLOYEES SCHEDULED ON A HOLIDAY. If an employee is scheduled to work a holiday during their regular schedule, the employee will be paid for the number of hours worked at straight pay plus hours worked will be calculated at holiday overtime pay for a total of 2.5 times regular pay.

EMPLOYEES SCHEDULED “OFF DUTY” ON A HOLIDAY. If a holiday falls on an employee’s scheduled day off, the employee will be paid for an additional eight (8) straight hours or may take an additional day off.

EMPLOYEES WHO ARE SCHEDULED “OFF DUTY” ON A HOLIDAY AND ARE CALLED IN TO WORK. If an employee’s regular day off is on a holiday and that employee is called in to work, the employee will be paid the hours worked at straight pay plus holiday overtime rate for a total of 2.5 times regular pay.

HOLIDAY OCCURRING DURING VACATION LEAVE. A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

When computing overtime pay, the following will be considered as “time worked”:

- Time off for a Holiday
- Time off for a Floating Holiday
- Administrative Absence with Pay
- Time off for Jury Duty
- Time off using comp time

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	HOLIDAYS		
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When computing overtime pay, the following will not be considered as “time worked”:

- Time Off for Vacation
- Time off for Sick Leave
- Time off for Bereavement Leave
- Time off for Personal leave
- Time off for Bad Weather and Administrative Leave
- Authorized Leave Without Pay
- Time off Without Leave

HOLIDAYS. Subject to operating requirements, the City’s paid holidays are:

New Years Day	January 1
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
*Columbus Day	2 nd Monday in October (Floating)
*Veterans Day	November 11 (Floating)
Thanksgiving	4 th Thursday & Friday in November
Christmas Eve	December 24
Christmas Day	December 25

*Columbus Day and Veterans Day are designated as floating holidays. Floating holidays can also be taken as determined individually by each employee, if approved by their Supervisor. City Hall and city services will remain operational on these two designated holidays. Designated floating holidays must be taken during the calendar year beginning January 1st and December 31st.

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

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	JURY/COURT DUTY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 11

POLICY

Employees who are involuntarily summoned to serve on jury duty will be excused from work for the time required under the summons, upon their delivery of a copy of the involuntary summons.

PAY. Employees receive the amount of pay they would have received had worked.

HOURS OF SERVICE. To be eligible for pay under this policy, the summons must require employees to serve on jury duty or as a witness during their regularly scheduled working hours.

DOCUMENTATION. Employees must provide documentation of the time spent as a juror or in court, and documentation of the amounts of pay received, if applicable.

EARLY RELEASE. Employees who are released early from jury duty must report to work or must be excused from reporting to work by their supervisors.

OFFICIAL CITY BUSINESS. Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official city business or on behalf of the county, state or federal government for services related to city duties, shall be compensated at the regular amount of pay for a full work period.

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	OVERTIME AND COMP TIME		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 12

POLICY

The City schedules employees to work overtime consistent with municipal operational needs. Employees are expected to work reasonable amounts of overtime when requested.

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.

All non-exempt employees must receive their Supervisor’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 may not work 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.

Generally, except for public safety employees, 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 begins at 12:00p.m. on Friday and ends at 12:00 p.m. the following Friday. Some shifts within the Police Department are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

When computing overtime pay, the following will be considered as “time worked”:

- Time off for a Holiday
- Time off for a Floating Holiday
- Administrative Absence with Pay
- Time off for Jury Duty
- Time off using comp time

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When computing overtime pay, the following will not be considered as “time worked”:

- Time Off for Vacation
- Time off for Sick Leave
- Time off Bereavement Leave
- Time off for Personal leave
- Time off for Bad Weather and Administrative Leave
- Authorized Leave Without Pay
- Time off Without Leave

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. “Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by Human Resources.

It is the policy of the City not to make improper deductions from an exempt employee’s pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify 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.

CIRCUMSTANCES FOR EXEMPT OVERTIME PAY. While the FLSA does not require the payment of overtime to employees in exempt positions, and the City will not generally compensate those employees for overtime, there are rare circumstances under which certain employees in exempt positions may be granted special overtime pay under the following terms:

- When operating conditions and cyclical work patterns demand unusual amounts of overtime on a sustained basis, it is the individual Department Head’s responsibility to define and justify the need in writing to the City Manager who will coordinate the review and approval of such proposals.
- In cases where special overtime is justified for exempt positions, it may be granted as specifically authorized and assigned by Department management.
- Special overtime will be paid on a straight time basis for actual hours scheduled and worked.

OVERTIME PAY FOR EXEMPT EMPLOYEES DURING A DECLARED STATE OF EMERGENCY. The City will provide additional compensation of exempt employees working in support of a disaster during a declared state of emergency, under the guidelines provided below. These guidelines are consistent with State and Federal regulations. These guidelines

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recognize that it is in the public interest that high-ranking staff from the City will participate in activations in response to emergencies. These guidelines also recognize that:

- The exempt status of these employees under the Fair Labor Standards Act (FLSA) is not compromised by additions to compensation from these sporadic and infrequent events. (The thrust of FLSA addresses the loss of exempt status when a salaried employee is subject to deductions from salary, not additions to salary.)
- Additional compensation does not conflict with the FLSA salary basis of pay, and, therefore, does not compromise the exempt status.
- Performance of non-exempt work under occasional emergency conditions will not be cause for these employees to lose exempt status.
- Participation in declared disaster activation under this Plan causes exempt employees to endure significant hardship.
- Internal equity issues arise when non-exempt subordinate employees are compensated more than their exempt supervisors during these infrequent events.
- Activation for these events is above and beyond the normally-assigned duties.
- The benefit to the community from the knowledge and experience gained by exempt employees participating in these events far outweighs other concerns.

Guidelines for payment of additional compensation to exempt employees during a declared state of emergency:

- The state of emergency must be declared in accordance with this Plan. The declaration of emergency is a legal document approved by City Council and signed by the Mayor.
- The duration of the declared state of emergency must exceed twelve (12) hours.
- The exempt employee must be activated as staff for the Emergency Operations Center, a Department Operations Center, an Incident Management Team, an Incident Command Post, a Liaison Officer at another agency, or as a field worker in direct support of the incident.
- Compensation at straight time hourly rate will be paid for hours activated during normally-scheduled hours of work. The employee shall be compensated at a rate of one and one-half times the hourly rate for all time engaged in support of the declared state of emergency outside the normal work schedule of that employee.

COMPENSATORY TIME (COMP TIME). Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation.

- Public Safety Employees - 320 regular hours / 480 comp hours
- All Other Employees - 160 regular hours / 240 comp hours

Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and

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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.

The Compensatory Time Log must be attached to the timesheets each pay period and reviewed by the Supervisor. The log will be part of the payroll records and kept in accordance with the records retention schedule.

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 all of the 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. Likewise, an employee who is either promoted 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.

NOTE: Exempt employees are not eligible to accrue compensatory time.

FLSA STATUS. The City Manager is responsible for determining the exempt/non-exempt status of positions in accordance with the laws and regulations under the Fair Labor Standards Act (FLSA) and the entitlement to overtime of certain employees by virtue of state law.

APPROVAL OF OVERTIME. Approval of overtime pay may be granted for a specified period of time or on a regular basis as operating circumstances warrant.

All police officers shall be paid for overtime or given compensatory time, regardless of FLSA classifications, if required by law.

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	ON CALL AND CALL BACK PAY		
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POLICY

To provide for after-hour service needs, some operations within the City may designate non-exempt employees to be on-call. Employees are expected to respond to an assignment by their supervisor to be on-call.

CALL-BACK DESIGNATIONS. Two forms of on-call are recognized, as follows:

Restricted on-call is the time spent on or away from City premises under conditions which prevent the employee from using the time for personal activities. All such time in readiness is considered time worked and is compensable.

Unrestricted on-call is all time after regularly scheduled working hours when an employee is designated to be available for call-back. The employee is free to pursue personal activities but must respond to summons (paging phone or radio) within designated guidelines set by the Department Head. This is not considered time worked and is not compensable. If called back however, call-back compensation will be paid.

Specific rules for police employees supplement these rules.

DEFINITION:

CALL-BACK. Call-back is defined as an unscheduled or emergency return to work outside of officially scheduled work hours or on a holiday or day off at the request of a supervisor. It does not mean overtime or holiday work scheduled in advance and regularly recurring call to duty.

APPROVAL. An employee will be considered officially scheduled and designated as on-call when approved by his supervisor.

GUARANTEED PAY. Non-exempt employees who are called back to the work place will be paid at the overtime rate for the actual hours worked and are guaranteed a minimum of two hours of such pay for each call-back within the same 24 hours after regular closing time or on a regular day off. A day off shall be considered to begin and end at the same time as a regular work day. Continuing work on a call back that extends into a day off shall not entitle the employee to a second hour of guaranteed premium pay for the second 24-hour period. Nonexempt employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual hours worked on their timesheets.

TRAVEL TIME. Travel time to and from a call-back is considered compensable within this policy.

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

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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.

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	PAYROLL PRACTICES POLICY		
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POLICY

Payroll checks and/or direct deposit stubs for hourly employees and salaried employees are distributed every two weeks. Payroll checks and/or direct deposit stubs will not be delivered to anyone except the employees to whom they are payable. Human Resources is responsible for distributing paychecks to each department. In the event of illness, employees may arrange for family members or another individual to pick up their paychecks by notifying Human Resource. Payroll checks and/or direct deposit stubs not delivered to employees by the end of the employees’ next regularly scheduled work shift are to be returned to Human Resources. All undelivered paychecks and/or direct deposit stubs must be placed under lock. Employees who are not scheduled to work on paydays may pick up their paychecks and/or direct deposit stubs from their supervisors or Human Resources.

PAYROLL PROCESSING

Each department Director or his/her design shall be responsible for review of each employees time keeping record prior to submitting records to Human Resources to verify accuracy.

The city may use paper, computerized or paperless time keeping devices or records that are an acceptable means of maintaining and transmitting information, provided the information accurate and can be converted to a form suitable for inspection by appropriate parties.

PAY DAY

All employees are paid every other Wednesday for a pay period that ends the previous Friday. However, employees should be aware that national emergencies, banking errors or other extenuating circumstances could delay the normal pay day.

There are 26 pay periods during the year with some years including 27 pay periods, each consisting of two weeks. The work week is defined according to each department’s work schedule with timesheets being submitted to Human Resources, as required. In the event the Wednesday pay day is a holiday, pay checks and/or direct deposit stubs will be distributed on the last workday before the holiday.

PAYROLL DEDUCTIONS. The only deductions which may be made from employees’ pay checks are those authorized by other provisions of these policies, other deductions that the employee has personally authorized in writing to Human Resources, or those deductions as required by law.

DEDUCTIONS FROM SALARIES OF EXEMPT EMPLOYEES. It is the policy of the City to fully comply with the Fair Labor Standards Act. In keeping with this commitment, the City will pay exempt employees their full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to deductions that are permitted by law. Full and partial day deductions from pay that are permitted by law include, for example,

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deductions for personal time off, sick days before or after eligibility for paid sick leave, or deductions for infractions of written policies. Full or partial day deductions may be made from the salaries of exempt employees for infractions of safety policies of major significance or for use of intermittent leave under the Family Leave Act.

It is further the policy of the City to promptly investigate and correct any improper payroll deductions or other payroll practices that do not comply with the Act. If an employee believes that an improper payroll practice, such as an improper deduction from an exempt salary, has occurred, he or she may make a complaint with the Human Resources Department. Human Resources will see that the matter is appropriately reviewed; the employee will be reimbursed for the amount of any inappropriate deduction taken.

CORRECTIONS. In the event of errors in pay, adjustments will be made on the next paycheck, unless waiting for the adjustment would cause a financial hardship for the employee. Financial hardship is determined solely by the employee’s judgment.

DIRECT DEPOSITS. Payments to employees will be made through direct deposit to the employee’s bank accounts, unless the employee meets an authorized condition for exemption. The requirement for direct deposit applies to all employees—bi-weekly (including seasonal and part-time hourly employees.)

All employees are required to complete a Direct Deposit Authorization form. An employee may request an exemption from direct deposit and receive payment by check if he/she meets one of the following conditions for exemption:

- Is unable to establish a qualifying account at a financial institution to receive electronic funds transfer, or
- Certifies that payment by direct deposit would be impractical and/or more costly than payment by check

Participants in the Direct Deposit Program may request that funds be deposited to more than one bank account. Fixed dollars amounts or percentages of net may be entered.

Terminating employees receive their final pay on the next scheduled payday for the pay period in which termination occurs, unless the law requires an earlier payment. If terminating employees have not signed a termination check list by the payday, they will fill out and sign one upon picking up their final paychecks. Terminating employees must have completed an exit interview with Human Resources before their final pay check is released.

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	PERSONAL LEAVE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 15

POLICY

Each regular full-time employees will be given eight hours (8) of personal leave per year. Personal leave can be taken in increments of 1 hour or more upon approval by the supervisor . Personal leave must be taken during the year it is earned and will not be carried over the next year.

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	SICK LEAVE		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 5 Section 16

POLICY

Sick leave is paid time away from work due to an employee’s bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Employees who have completed their orientation period will accrue a maximum of 64 hours per year to be used as sick leave. The employee’s date of hire will be the anniversary date used to determine eligibility for sick leave. Sick leave will accrue at a rate of 2.4 hours per pay period. Orientation period employees are not allowed to take paid sick leave. Employees become eligible for accrued sick leave when they have completed their orientation period of 6 months. Short term sick leave may accrue from one anniversary year to the next anniversary year not to exceed ninety 720 hours. Employees accruing over 720 hours short term leave may convert them to vacation hours at a rate of 24 hours of sick leave to 8 hours of vacation leave.

AUTHORIZED USE OF SICK LEAVE.

For the employee. Accrued sick leave may be used for absences due to the employee’s bona fide personal illness, accident, injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

For the employee’s immediate family. Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. For purposes of this policy, “immediate family” is defined as the employee’s parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee’s family member who does not meet the definition of “immediate family,” the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use up to 40 hours of accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family’s scheduled doctor and dentist appointments.

CALL-IN PROCEDURE. Employees who are unable to give advance notice for sick leave use, must call in to their supervisor no later than one hour after their shift starts to notify them.

MINIMUM INCREMENTS. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

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FAILURE TO REPORT ABSENCE/ ABUSE OF SICK LEAVE. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may 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, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

OTHER EMPLOYMENT DURING SICK LEAVE. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director.

USE OF OTHER LEAVE. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their orientation period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only 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 paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday.

DOCUMENTATION. Employees requesting paid sick leave must complete a **Request for Leave Form** and submit it to their supervisor for approval. If sick leave is taken unexpectedly, the leave can be documented on the timesheet. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for 3 or more consecutive work days, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member’s illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. 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.

FAMILY AND MEDICAL LEAVE ACT LEAVE. Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

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ACCRUED SICK PAY AT TERMINATION. Terminating employees are not paid for accrued and unused sick days, regardless of whether their termination was voluntary, involuntary or retirement.

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	LONG TERM/EXTENDED LEAVE		
	New Section Previously in Sick Leave Section Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 5 Section 17

POLICY

Employees may be granted a paid long term/extended leave of absence for serious injury or illness to the employee which occurs off of the job. This leave is at the discretion of the Director of the Department provided the employee’s absence shall not unduly disrupt the operations of the department. The maximum length of a long term/extended leave of absence shall be 240 hours during any rolling 12 month period. All benefits and accruals will continue during this leave time.

EXISTING ACCRUED TIME. If accrued leave (comp time, sick, vacation, or personal) is available, an employee must exhaust all accrued leave balances before long term/extended leave would be approved and granted.

APPLICATION PROCESS. Employees requesting paid long term/extended leave must complete a **Long Term/Extended Leave Request Form** and present satisfactory proof of illness/injury that prevents him/her from working.

AUTHORIZED USE OF LONG TERM/EXTENDED LEAVE. Accrued long term/extended leave may be used only for absences due to the employee’s personal illness, accident, or injury that prevents him/her from working, or disability of the employee due to the birth of a child (if the employee physically gave birth).

FAMILY AND MEDICAL LEAVE ACT LEAVE. Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

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	SICK LEAVE BANK		
	New Section Previously in Sick Leave Revision: 1	Effective Date: 06/02/1998 Revised:05/06/2008	Chapter 5 Section 18

POLICY

Employees may contribute to a sick leave bank for employees who have exhausted all paid leave time and need additional hours of sick leave due to a catastrophic illness or injury affecting the mental or physical health of the employee or the employee’s immediate family. For the purposes of this policy, immediate family is one of the following persons: spouse, parent, child, brother, sister, other relative living in the employee’s household, or parent-in-law, son-in-law, daughter-in-law, grandparents and grandchildren. The employee may receive a limit of 240 hours in any 12 month period. In no case, shall an employee draw more than 240 hours from the bank for any occurrence.

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	SABBATH, OTHER DAYS OF RELIGIOUS OBSERVATION		
	Effective Date: 10/19/1993		Chapter 5 Section 19

POLICY

Employees are required to work as needed on the Sabbath and other days of religious observance if in the City Manager’s sole judgment such work is required to meet the needs for providing services to residents.

ACCOMMODATION OF RELIGIOUS BELIEFS. Subject to the needs of operations, the City attempts to make reasonable accommodation of its employees’ religious beliefs.

PROCEDURES

Employees who wish to have accommodations made for their observance of the Sabbath or other days of religious observance must make their request in writing to their Supervisor.

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	FAMILY AND MEDICAL LEAVE ACT LEAVE (FMLA)		
New Section Previously in Sick Leave Section Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008		Chapter 5 Section 20

UNPAID FAMILY & MEDICAL LEAVE

The City of Seabrook will provide eligible employees with 12 weeks of unpaid leave according to the provisions of the Family and Medical Leave Act of 1993 (FMLA). Employees are eligible if they have worked for the City of Seabrook at least one year and for 1250 hours over the previous 12 months. The City of Seabrook uses a method approved by the Family and Medical Leave Act which is a “rolling” 12 month period. The 12 months measured backward from the date any employee’s first FMLA leave begins determine the 12 month period in which the 12 weeks of entitlement occurs.

Unpaid leave will be granted for any of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care.
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

MILITARY FAMILY LEAVE

The City will also provide eligible employees with Military Family Leave according to the provisions of the National Defense Authorization Act 2008 (NDAA). Section 585(a) of the NDAA amended the FMLA to provide eligible employees to take this leave for the following reasons:

- For any “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining an “qualifying exigency”; or
- To care for a spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

COORDINATION WITH OTHER LEAVE ENTITLEMENT

- An employee taking FMLA leave may use his/her paid long term/extended leave, sick leave, or vacation accruals to substitute for unpaid leave according to the provisions of the Family and Medical Leave Act of 1993 and National Defense Authorization Act 2008 (NDAA). No loss of credit with the City will occur as a result of the leave of absence,

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but no benefit credits will accrue toward vacation and sick leave for the unpaid portion of the leave.

- FMLA regulations state that if an employer provides more benefits than required by FMLA, FMLA will not restrict those benefits. Therefore, when more than 12 weeks of benefits such as long term/extended leave, sick leave, sick bank leave, vacation leave or other applicable leave available to the employee, he/she shall be entitled to the greater benefit and will not be limited to the 12 weeks available under FMLA.

EMPLOYEE’S NOTICE REQUIREMENTS. In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and Human Resources with at least 30 days advance notice when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and Human Resources with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the City’s operations.

Note: All supervisors must immediately notify both their Department Director and Human Resources if they have reason to believe an employee’s absence is due to an FMLA-covered reason.

MEDICAL CERTIFICATION AND OTHER REQUIRED DOCUMENTATION. An employee must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Forms are available from Human Resources.

An employee must also provide periodic reports during FMLA leave as to his/her status and intent to return to work, and may be required to submit a "fitness-for-duty" certification before the employee can return to work. In some cases the City may require a second or third medical opinion (at the City’s expense) and periodic recertification of the serious health condition, and when the leave is a result of the employee’s own serious health condition, a fitness for duty report to return to work. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

INTERMITTENT LEAVE. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if “medically necessary,” or otherwise approved by the Department

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Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

BENEFITS DURING FMLA LEAVE. During any period of FMLA leave, the City will continue to pay its portion of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of dependent health insurance premiums while on unpaid FMLA leave.

JOB RESTORATION AFTER FMLA LEAVE. Upon return from FMLA leave, an employee will be restored to his/ her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

LEAVE DUE TO BIRTH/ADOPTION. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition.

FLSA CONSIDERATIONS. 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.

OTHER EMPLOYMENT. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment.

OTHER PROVISIONS. The FMLA does not affect any federal or state law prohibiting discrimination. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact Human Resources. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	MILITARY LEAVE		
		Effective Date: 05/06/2008	Chapter Section 21

POLICY

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. 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 indefinitely or for a significant period of time are generally ineligible for paid military leave in excess of 15 days (120 hours), reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

NOTICE TO CITY OF NEED FOR LEAVE. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (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 submit request in writing along with the official documents setting forth the purpose of the leave and, if known, its duration. The written request must be turned into the Department Director and Human Resources as far in advance of the leave as possible.

PAID LEAVE FOR TRAINING AND DUTY.

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including 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.

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	MILITARY LEAVE		
		Effective Date: 05/06/2008	Chapter Section 21

BENEFITS. The City will continue to provide employees on paid military leave with most City benefits.

Medical and Dental. While an employee is on paid military leave (or any 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 is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependants. 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.

Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, 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. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

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.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	TIME WORKED RECORD		
	Revision: 1	Effective Date: 10/19/1993 Revision Date: 05/06/2008	Chapter 5 Section 22

POLICY

Salaried non-exempt and hourly paid employees are required to fill out the timesheet per pay period. They must record their total number of hours worked. These entries must be made for each day in the pay period. The following exempt positions: Departmental Directors, Assistant Directors, Managers, and Administrators are not required to submit a timesheet. These positions are required to submit a Request for Leave Form to their appropriate supervisor for prior approval to request time off.

TIME CLOCK. Some departments within the City have additional procedures that may require their employees to use a time clock to record in and out times each day. However, the official record for payroll purposes will be the timesheet signed by the employee and supervisor.

TIME IN/TIME OUT. Employees are not to begin work more than 5 minutes before the scheduled beginning of their shifts. Employees will not work longer than 10 minutes after their shift ends. All exceptions require initialed approval of the employee’s supervisor.

CORRECTIONS AND ERRORS. Employees who make a mistake on time worked records or forget to clock in or out must report it to their supervisors as soon as possible.

VERIFYING TIME WORKED. At the end of the work week, salaried non-exempt and hourly employees must sign the time worked record as verification of their actual hours worked. Supervisors sign the work record as their approval of the accuracy of the record.

Employees are prohibited from falsifying a timesheet. Employees are prohibited from entering any times on another employee’s time worked record, except those employees designated by directors to assist in the payroll process. Employees who falsify a time worked record in any way are subject to disciplinary action, up to and including termination.

Supervisors are prohibited from asking an employee to make a false entry on the time worked record, and from asking employees to sign a false time worked record. Supervisors who falsify, cause the falsification of, or knowingly approve the falsification of a time worked record are subject to disciplinary action, up to and including termination.

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	VACATION		
	Revision: 1	Effective Date: 10/19/1993 Revision Date: 05/06/2008	Chapter 5 Section 23

POLICY

Regular full-time and regular part-time employees earn paid vacation on the basis of length of service since employment or last re-employment.

Regular full-time employees are eligible for the following vacation.

Years of Continuous Service	Vacation Per Year
Hire Date through the completion of the 5 th Year (60 months)	80 hours / year 3.08 hours / pay period
From the employee’s 6 th Year (61 months) through the completion of the 10 th Year (120 months)	120 hours / year 4.62 hours / pay period
From the employee’s 11 th Year (121 months) through the completion of the 20 th Year (240 months)	160 hours / year 6.16 hours / pay period
From the employee’s 21 st Year (241 months) and over	200 hours / year 7.70 hours /pay period

Regular part-time employees are eligible for the following vacation.

Years of Continuous Service	Vacation Per Year
Hire Date -	4% of hours worked Ex: 1000 hours/annually X 4% accrual rate 40 hours of vacation accrual

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	VACATION		
	Revision: 1	Effective Date: 10/19/1993 Revision Date: 05/06/2008	Chapter 5 Section 23

Police Officers are eligible for the following vacation.

Years of Continuous Service	Vacation Per Year
Hire Date* through the completion of the 10th Year (120 months) (*For those hired after October 30, 2011)	120 hours / year 4.62 hours / pay period
From the employee's 11 th Year (121 months) through the completion of the 20 th Year (240 months)	160 hours / year 6.16 hours / pay period
From the employee's 21 st Year (241 months) and over	200 hours / year 7.70 hours /pay period

ELIGIBILITY Employees are not allowed to take any paid vacation before 6 months of continuous employment. If an employee leaves the job before completing one year of service, that employee is not eligible for accrued vacation or vacation pay.

MAXIMUM VACATION ACCRUAL. Employees must take vacation within 12 months after earning it. Vacation not taken within 12 months after earning may be accumulated from one year to the next, not to exceed 240 hours.

An employee who has been allowed to accrue vacation in excess of the maximum shall promptly take vacation to reduce the balance to or below the maximum as soon as circumstances and needs in the City allow it as determined by the employee's supervisor upon approval of the Director.

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	VACATION		
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VACATION IN LIEU OF TIME OFF Employees are not allowed to work through vacation and receive additional pay in lieu of taking vacation. Employees are allowed to wait more than 12 months to take paid vacation after it is earned if special circumstances warrant it. The City Manager may authorize payment for vacation in certain cases of employees who have accumulated their maximum amount of vacation, due to heavy workloads, and who risk losing their vacation. In such cases, payment will be limited to a maximum of 80 hours in any one calendar year.

HOLIDAYS. When an official paid holiday occurs during a vacation period, an additional day off will be allowed.

SCHEDULING. Employees must request vacation with their Supervisor or Director far enough in advance to avoid conflict with vacation of other employees. Directors shall arrange vacations at such times that would least interfere with the operations of the City.

If two employees request the same vacation time, and both cannot be scheduled, the employee with the longest length of service is granted vacation. However, employees with longer length of service cannot “bump” another employee from vacation once it is scheduled.

All employees may be required to take at least 5 days off consecutively at some time during each calendar year. Employees who are entitled to more than 15 days of vacation in a year are not allowed to take more than 15 consecutive days of vacation, except with written approval of the Director.

REIMBURSEMENT FOR UNUSED VACATION. Upon termination from the City, an employee shall be paid for accrued vacation time **up to 240 hours** but only after having reached one year of continuous employment with the City.

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	VOTING TIME ALLOWANCE POLICY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 24

POLICY

The City allows regular full-time employees a maximum of one hour paid time off to vote in political elections when they would otherwise be unable to vote. Voting time off is not granted during any other circumstances.

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	WORK WEEK		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 25

POLICY

Employees may be regularly scheduled to work a regular schedule during work weeks, or may be scheduled to work any days and shifts within a work week, consistent with operational needs and with applicable laws and regulations.

Employees in all City departments, with the exception of certain positions in the Police Department, will observe a 40 hour work week. The work period begins on Saturday at 12:00 a.m. (midnight) and ends on the following Friday at 11:59 p.m.

Employees working a 9/80 schedule will have a work week defined as beginning on Friday at 12:00 p.m. (noon) and ending on the following Friday at 11:59 a.m.

Certain positions in the Police Department observe the Fair Labor Standards Act 207(k) exemption. Public Safety employees working 12 hour shifts observe a 14 day work period for the purposes of calculating compensatory time and overtime. For public safety personnel on this schedule, the work period begins on Saturday at 6:00 a.m. and ends 14 consecutive 24 hour periods later. There are 80 hours in this 14 day work period.

ASSIGNMENT TO WORK WEEK AND SHIFT SCHEDULES Department Directors will assign employees to work weeks and to work shifts based on the operational needs.

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	WORKERS' COMPENSATION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 26

POLICY

Employees are protected under the Texas State Workers' Compensation law against loss of income due to injury, illness or death and against the cost of medical treatment due to injury, or illness arising out of and in the course of employment.

WORKERS' COMPENSATION BENEFITS When an employee is injured within the course and scope of his employment for the City, he or she is eligible for Workers' Compensation payments pursuant to State Law.

- The City pays the entire cost of Workers' Compensation insurance premium;
- The amounts of compensation paid by the Workers' Compensation carrier and the circumstances of compensation are determined by State Law;
- The determination of benefits eligibility and the amounts of benefits are administered by our workers compensation insurance carrier; and
- Human Resources will assist employees in filing Workers Compensation Claims.

Reporting Responsibilities Employees and supervisors must fill out the required reports on all job related accidents, injuries, and illnesses immediately, and in every case within at least 24 hours after their discovery.

Designated Medical Providers The City insures all workers with workers' compensation coverage and an employee requiring care under this provision will need to check with Human Resources on the current procedure for selecting a physician.

SALARY CONTINUATION PROGRAM An employee who is injured on the job shall be paid by the City only that portion of his or her salary which is not paid by the Workers' Compensation policy in effect at the time of the injury.

Eligibility

Any regular full-time and regular part-time employee who has been employed with the City for at least 6 months who is injured on the job shall be eligible for salary continuation. Temporary and seasonal employees are not eligible for salary continuation.

PROCEDURES. If the employee elects to receive salary continuation, the City will provide the employee with regular pay during the time the employee unable to work. The program will begin when the employee receives a check from the workers compensation carrier for temporary income benefits. The employee must sign over to the City the check received from the insurance carrier. Supervisors shall note on the employee's timesheet that the pay is Salary Continuation.

Salary Continuation pay will be issued to the employee at the Human Resource Department. If the employee is unable to pick up the check, the employee may designate in writing another person to receive the check.

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	WORKERS' COMPENSATION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 5 Section 26

SALARY CONTINUATION LIMITS

Salary continuation pay is only available:

- 90 work days for each on-the-job injury;
- During the 12 month period after date of the injury; and
- To the extent that the employee has not used the allotment of 180 work days of salary continuation in a rolling five year period, measured backward from the date the employee first missed work because of the injury.

SALARY CONTINUATION FORFEITURE. An employee forfeits eligibility for participation in the Salary Continuation Program if the employee:

- Fails to report the on-the-job injury in a timely manner;
- Repeatedly fails to keep medical appointments;
- Is found to be working another job;
- Retires, resigns, is dismissed for any reason, or dies;
- Refuses to submit to examinations or diagnostic tests or procedures recommended as medically or psychologically necessary by the network provider;
- Fails to follow, refuses to comply with, disregards, or violates the treating physician’s instructions;
- Refuses to perform transitional (limited, partial, or part-time) duty when such has been authorized by the treating physician and offered by the Departmental Director;
- Fails to contact Human Resources on a weekly basis to discuss condition and expected return to work date;
- Is receiving benefits through any of the City’s disability income plans or TMRS; or
- Fails to reimburse the City the full amount of the weekly workers compensation temporary income benefits each pay period.

Payment of benefits under this plan shall at all times remain subject to the Human Resources Manager’s approval.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	LANGUAGE PAY		
	NEW POLICY	Effective Date: 05/06/2008	Chapter 5 Section 27

POLICY

To better serve the community, it is the policy of the City of Seabrook to provide additional language pay to regular full-time employees in eligible positions who demonstrate the necessary verbal fluency in eligible languages (other than English) through a testing process.

It is the City’s policy to pay bilingual pay to a limited number of employees who have bilingual skills. To be eligible for consideration, employees must be in a position in which they use their bilingual skills in the normal course and scope of their employment with the City.

As established by Directors, each department is allotted a maximum number of positions that are eligible to receive bilingual pay. Employees hired into the allotted positions, who demonstrate the required level of oral proficiency through the authorized testing entity of the City, will be eligible for bilingual pay.

Eligible full-time regular employees will receive \$100.00 of additional pay each month, paid bi-weekly.

Bilingual pay stops when an employee goes on extended leave of absence without pay. Bilingual pay resumes upon the employee’s return to work.

Employees who receive language pay will be expected to translate for other employees as needed.

PROCEDURES

- Directors are responsible for identifying employees within their departments who qualify for language testing. An Application for Language Pay must be filled out and signed by the employee and director and forwarded to the Human Resources Department.
- The Human Resources Department will coordinate language proficiency testing with an approved outside vendor agency, assuring that all appropriate criteria have been met.
- After successful test results for employees have been communicated from the vendor to Human Resources, the requesting department will be notified to process a Payroll Change form to begin paying language pay.
- Employees who fail to demonstrate adequate language fluency skills after 2 test(s) may choose to re-test on their own time and at their own expense.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	ATTENDANCE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 1

POLICY

Employees are required to be at work during the times and at the places customarily required by their job assignments, as defined by their supervisor.

Employees who are not at work during the times and at the places customarily required by their job assignment are considered absent, unless excused by their supervisors. Employees who begin a work shift and must leave because of illness, accident, or emergency, will be charged with appropriate leave time.

ADVANCE APPROVAL OF ABSENCE REQUIRED. Unless a valid emergency, an illness, or other circumstances prevents it, employees must obtain advance approval from their supervisors for absences. When a valid emergency prevents advance approval of an absence, employees must notify their supervisors as soon as possible.

Absenteeism is disruptive and places a burden on the City and on co-workers, and it may lead to disciplinary action, up to and including termination of employment.

ABANDONMENT OF JOB. Employees who miss work for one day without notifying their supervisors or without having a valid reason for not notifying their supervisors are considered to have abandoned their jobs.

REPETITIVE ASBSENCES. Employees that develop a pattern in their leave records that disrupts the department operating effectively may be counseled and/or disciplined up to and including termination (i.e. employees takes off every Monday after a holiday, or takes off every Thursday preceding regular Friday off).

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	DEMOTIONS, REASSIGNMENTS, AND REORGANIZATION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 2

POLICY

Employees may be demoted to a lower pay grade either voluntarily or involuntarily. Employees may be placed in a lower pay grade because of the lack of a suitable job at their pay levels, lack of work or the City’s need to manage the work force or reorganization.

Voluntary Demotion

- A voluntary demotion occurs when an employee accepts or requests a position at a lower pay grade level with lesser responsibilities. In the event of a voluntary demotion to a lower pay grade, the employee’s wages will be equal to the current pay step in the lower pay grade.
- The demotion shall be permanently noted in the employee’s official personnel file, but the employee shall not be disqualified from consideration for later advancement.

Involuntary Demotion

- An involuntary demotion occurs when the City assigns an employee to a position at a lower pay grade level due to a disciplinary action. In the event of an involuntary demotion to a lower pay grade, the employee’s wages may be reduced by 5% of base pay or to the mid-point of the new classification, whichever is the lower.
- A written notice of demotion must be given to the employee which describes the deficiency or the infraction involved and which states the likely consequences of further unsatisfactory performance or conduct.
- The demotion shall be permanently noted in the employee’s official personnel file, but the employee shall not be disqualified from consideration for later advancement.

REASSIGNMENT. Reassignment occurs when there is a lack of a suitable job for the employee at their pay level or a lack of work in the employee’s pay level. In the event of a reassignment, the employee’s new rate of pay will be determined by department management and/or the City Manager.

REORGANIZATION. Reorganization occurs when it is necessary to manage the work force. In the event of a reorganization, the employee’s new rate of pay will be determined by department management and the City Manager.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	DISCIPLINARY POLICY		
Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008		Chapter 6 Section 3

POLICY

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 and safety of the City, its citizens and employees.

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 to it, and may begin the disciplinary process at any level, up to and including immediate discharge, 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. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Oral Warning
- Letter of Counseling
- Written Warning
- Probation
- Suspension (with or without pay)
- Demotion
- Termination

REVIEW BY HUMAN RESOURCES MANAGER. Any proposed disciplinary action of probation or higher must be reviewed by the Human Resources Manager prior to being given to the employee. This applies to both probationary and non-probationary employees.

DOCUMENTATION. All forms of discipline, other than oral warnings, must be documented and will be placed in the employee’s personnel file. Employee signatures should be obtained on documents to indicate the employee received the documentation and the signature does not necessarily imply agreement with the disciplinary action.

Supervisor should log or document oral warnings, but these logs can be kept by the supervisor in departmental files.

SUPERVISORY RESPONSIBILITY. All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

APPEAL RIGHTS. Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee may be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Appeal of Disciplinary Action).

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	DISCIPLINARY POLICY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 3

Orientation period employees likewise have no right of appeal for disciplinary action taken against them.

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.

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

ADMINISTRATIVE LEAVE. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

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	PERFORMANCE STANDARDS AND EVALUATIONS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 4

POLICY

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work for the City. An employee shall maintain sufficient competence to properly perform his duties and to assume the responsibilities of his or her position. An employee shall direct and coordinate his or her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. An employee shall perform his duties as required or directed by law, departmental rule, policy, training, or by order of a supervisory employee.

When an employee’s conduct or job performance falls below an acceptable level, supervisors should communicate these deficiencies to the employee and take appropriate action to improve conduct and/or performance.

SCHEDULE. Regular full and part-time employees hired are eligible for:

- A performance review after 3 months of their orientation period;
- A performance review before completing their orientation period of 6 months; and
- Annual performance evaluation.

Newly transferred or promoted employees who are on probation shall also receive periodic evaluations during their orientation period.

Department Directors are not governed by the above schedule; the City Manager’s office establishes a performance evaluation system for Director-level positions.

SUPERVISORY RESPONSIBILITIES. All performance evaluation information must be written where required and forwarded to Human Resources for retention in the employee’s official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee’s refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed. Each employee will sign and date a copy of his/her Evaluation when it is reviewed, and the supervisor will forward a copy to Human Resources for filing in the employee’s official personnel file.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are

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	PERFORMANCE STANDARDS AND EVALUATIONS		
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encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any errors.

EMPLOYEE RESPONSIBILITIES. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve his/her issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the Human Resources to address his/her concerns.

AMERICANS WITH DISABILITIES ACT. If an employee has a disability, supervisors will discuss with the employee any reasonable accommodations required for the employee to perform the essential responsibilities of the job. Supervisors will then discuss the accommodations with management before making any commitments to the employee for making the accommodations.

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	ORIENTATION PERIOD		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 5

POLICY

The first 6 months of employment or re-employment are an initial orientation employment period. Employees in this orientation period are classified as Orientation Period Employees. The purpose of the orientation employment period is to verify that the employee has the abilities to do the job.

ORIENTATION PERIOD PERFORMANCE EVALUATIONS. All orientation period employees shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the Performance Standards and Evaluations Policy. These reviews are designed to evaluate each employee’s performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their orientation period may receive a salary increase if in the department’s salary administration procedures and if budgeted for that position.

EXTENSIONS TO ORIENTATION PERIOD. The orientation period may be extended under the following circumstances:

At the end of the **6 month** orientation period, orientation may be extended for up to an additional **6 months** when a orientation period employee’s performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee’s absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee’s orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the Human Resources Manager.

FAILURE OF ORIENTATION DURING THE ORIENTATION PERIOD. An employee shall fail orientation when, in the judgment of the Supervisor or Director, the employee’s fitness, quantity and/or quality of work are not such as to merit continuation in this position. Failure of orientation may occur at any time within the orientation period and shall not be considered part of the disciplinary process. An Orientation Period Employee who fails orientation may be separated from the City service. If approved by the Departmental Director, the employee may be administratively transferred to a more suitable position and may re-enter the orientation employment period in the new position. Directors shall insure the thorough documentation of all cases of failure of orientation. An exit interview and report shall be filed by the Director or City Manager in the employee’s record at the time of separation.

An employee failing orientation shall have no right of appeal except on the grounds of discrimination prohibited by law or these policies, in which case the employee may appeal in

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	ORIENTATION PERIOD		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 5

writing to the City Manager within 5 working days following notice of failure of orientation. The decision of the City Manager, which shall be within 10 days, shall be final.

PROCEDURES

Supervisors use the Performance Evaluation form to evaluate employees during orientation employment period and at the end of the orientation employment period. Prior to the expiration of an employee’s orientation period Human Resources shall notify the director of the employee’s pending status change.

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	PROMOTIONS AND TRANSFERS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 6

POLICY

The City attempts, but does not promise, to fill open positions by promoting and transferring current employees into open positions of greater responsibility. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

ELIGIBILITY FOR PROMOTION OR TRANSFER. To be eligible for promotion or transfer, employees must meet all the requirements listed below.

- **Time in Current Job.** Employees must be in their current jobs 6 months or longer to be eligible for transfer. Exceptions must be approved by their Director.
- **Performance Prior to Promotion or Transfer** Employees must be performing at a satisfactory level in their present jobs to be eligible for promotion or transfer. The level of performance will be determined by the Performance Evaluations in the personnel files.
- **Disciplinary Actions.** Employees with disciplinary records may not be eligible for promotion or transfer unless it is approved by the City Manager and/or Director.
- **Final Approval.** Approval from the City Manager and the Directors involved is required prior to any promotion or transfer.

NEW STATUS REVIEW PERIOD. Regular full-time employees who are promoted, transferred or reassigned will serve six months active duty in the new position during which their performance and conduct will be reviewed. An employee who fails to satisfactorily complete the new status review period after promotion, transfer, or reassignment will be:

- Returned to his former position if it is available; or
- Reassigned to a position classified equal to that held prior to promotion, transfer, or reassignment; or
- Reassigned to a position classified below that held prior to his promotion, transfer or reassignment; or
- Terminated from City employment in accordance with dismissal policy.

TEMPORARY REASSIGNMENT IN HIGHER CLASSIFICATION. The City Manager may authorize a temporary reassignment in a higher classification to insure the proper performance of City functions if a position is vacant or its regular incumbent is absent. Employees so reassigned may be additionally compensated for the duration of their temporary assignments in amounts to be determined by the City Manager. Temporary reassignments shall not be used to circumvent normal selection procedures. Employees temporarily reassigned shall not acquire any status or rights in the positions to which temporarily promoted except as provided in this paragraph. Nothing herein shall be construed to prevent the assignment of higher level duties to an employee without additional compensation. Authorized additional compensation shall be paid only in cases of formal temporary reassignments effected in accordance with these policies.

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	RESIGNATIONS POLICY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 7

POLICY

Employees who voluntarily resign from the City are requested to give two weeks notice of their intent to resign.

At the option of the City, an employee who gives notice of intent to resign may be given two weeks pay and be required to leave immediately, instead of working during the notice period.

Employees who give notice of intent to resign may be assigned to other work as needed without change in their rates of pay.

Employees who give notice of their intent to resign and engage in any misconduct, determined solely by management’s judgment, may be terminated immediately without notice. They may not receive pay in lieu of working the remainder of the notice period.

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	SUSPENSIONS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 8

POLICY

Employees may be suspended from work with or without pay as part of the disciplinary procedures or to provide time for management to investigate claims of misconduct.

WRITTEN NOTICE. A written notice of suspension must be given to the employee who describes the deficiency or infraction involved, the terms of the suspension, and the likely consequences of further unsatisfactory performance or conduct. The suspension shall be permanently noted in the employee’s official personnel file.

BENEFITS DURING SUSPENSIONS. Any employee on suspension longer than 60 days may continue insurance coverage by paying the entire cost of the premium according to the provisions of the insurance plan and subject to applicable law. Payments are due on the first of the month.

The suspension of an employee requires the advance approval of their Director.

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	TARDINESS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 9

POLICY

Employees must perform their job responsibilities during the time periods specified by their supervisor. Employees who are not available for work at the beginning of the time periods specified for work are considered to be tardy

DISCIPLINARY ACTION FOR TARDINESS. Tardiness may result in a disciplinary action. When the Supervisor or Director determines it is necessary, employees who have excess tardiness will be disciplined for a tardiness of any number of minutes.

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	TERMINATIONS AND EXIT INTERVIEWS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 6 Section 10

POLICY

Employment with the City is employment at will. Employment at will means that either the City or any employee has the right to terminate the employment relationship at any time.

RETURN OF PROPERTY. Prior to receiving a final paycheck, the following items that are applicable must be returned: City Credit Cards, all keys to City vehicles and buildings, ID badge, protective equipment, City cell phone/pagers/radios, laptops, and any other items so noted by the Supervisor. Charges for unreturned City property and/or unpaid phone bills will be deducted from the final paycheck as noted in the orientation paperwork.

The Supervisor shall provide the employee with an approved checklist to be presented to Human Resources at the time of the exit interview, indicating the return of each item.

BENEFITS UPON TERMINATION. Employee benefits cease on the date of an employee’s termination. The benefit plans published from time to time define the terms and conditions, if any, for terminating employees to receive benefits due or to continue benefits coverage at their own expense.

EXIT INTERVIEW. The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Human Resources shall complete an Exit Interview Form. Exit interviews are conducted confidentially by Human Resources, and the information discussed during the exit interview may be shared with the City Manager’s office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying Human Resources of all separations and arranging for the exit interview with the employee.

FINAL PAYCHECK Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

Regular full-time and part-time employees who have completed one year of continuous service with the City shall be eligible to receive:

- Unused Vacation (subject to the regulations outlined in the Vacation Policy)
- Accumulated Longevity benefits
- Accumulated Comp Time as verified by the Department Supervisor

A terminating employee may obtain their final paycheck from Human Resources on the first payday following the termination date, except in the event of a dismissal, in which case the departing employee’s payroll check will be available within seventy (72) hours of the separation.

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	APPEAL OF DISCIPLINARY ACTION		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 6 Section 11

POLICY

A regular employee who is terminated, demoted, or suspended while in regular status or in a disciplinary probation may be appealed in writing directly to the City Manager. All appeals must be received by the City Manager within five (5) working days following notice of the action. At the discretion of the City Manager, the action may be stayed pending a decision on the appeal after the issuance of notice as determined by the City Manager.

CITY MANAGER’S REVIEW AND DETERMINATION. An employee who timely submits a **Notice of Appeal** pursuant to this Section shall be entitled to appear personally before a hearing officer designated by the City Manger. The schedule for the appearance will be set by the hearing officer. In lieu of a hearing officer, the City Manger may elect, but is not required, to hear the appeal. The City Manager may select a representative or representatives to appear at the appeal conference in support of the recommendation for disciplinary action. The appealing employee, and the representative or representatives selected by the City Manager shall each present their position to the hearing officer.

The hearing will be non-adversarial in nature, and will be conducted as informally as possible within the discretion of the hearing officer or the City Manager as the case may be. Cross-examination of witness will not be allowed. The hearing officer, after considering any evidence and arguments, will render a written recommendation to the City Manger within ten (10) working days after hearing the appeal, unless an extension of time is required. The hearing officer, or the City Manger as the case may be, shall have discretion to determine whether or not an extension of time is required. If an extension is granted, the employee will be so advised and a new date for decision will be established. If the City Manager hears the appeal, the City Manger will render a decision within ten (10) working days after hearing the appeal unless an extension of time required.

The decision of the City Manager is final and non-appealable.

INAPPLICABILITY. Actions which are **non-appealable** under this process are;

- Verbal and written reprimands;
- Performance evaluations or improvement plans;
- Reductions in force;
- Resignations (including resignations for failure to show and retirement);
- Voluntary demotions;
- Failure of an employee to obtain and/or maintain minimum position requirements, such as required licenses, certificates, and/or education level;
- Positive drug and/or alcohol test results;
- Convictions of a crime of a violent nature, unlawful use of a weapon, or any other conviction that would be unsuitable for City employment or deemed inappropriate by Human Resources, City Manager, and/or City Attorney; and
- Disciplinary actions taken against temporary/seasonal employees.

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	GRIEVANCE POLICY		
		Effective Date: 10/19/1993	Chapter 6 Section 12

POLICY

The City will provide a forum in which employee grievances may be aired and responded to in an expeditious manner. Disciplinary and any other actions for which an appeal process is provided under provision of the Personnel Policies are not grievable and are reviewed through the appeals procedure provided for the particular type of action.

In the presentation of grievances at any supervisory level, employees will be assured of freedom from restraint, interference, discrimination, or retaliation. Any intimidation, coercion, or threatened reprisals used to violate the intent of this procedure by any parties involved shall constitute just cause for disciplinary action or dismissal.

GRIEVANCE DEFINED. A written allegation of improper application or misapplication of policy, regulation or procedure of the City or department for whom the employee works which has personally affected the grieving employee. Matter deemed not to be grievable should be resolved through the employee’s chain of command within the Department.

GENERAL PROVISIONS. Any employee may submit a written grievance to his or her immediate supervisor within 15 calendar days after the cause of the grievance arises or becomes known. A grievance not brought forward by the employee within the time limits prescribed will not be considered timely and will be void.

The immediate supervisor has the responsibility of studying the grievance and attempting to resolve it within 10 calendar days. Further discussion with the employee shall be encouraged.

If the grievance cannot be resolved satisfactorily within 10 calendar days, the immediate supervisor shall refer it with comments or recommendations to the next higher level of supervision.

The City Manger will be the last person to whom an unresolved issue will be taken.

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	BRIDGING OF BENEFITS POLICY		
	Effective Date: 10/19/1993		Chapter 6 Section 13

Bridging of Benefits POLICY

Employees of the City that experience a break in employment will be eligible to receive credit for previous service based upon the following guidelines.

- The employee must have completed at least one (1) year of continuous, uninterrupted employment with the City immediately prior to the break in service.
- The period of absence must not exceed five (5) years.

Personnel that are re-employed by the City and meet the criteria as stated in paragraph one (1) will receive credit for previous employment as stipulated in the following:

- For a period of absence of less than six (6) months, the employee at the time of re-employment will be credited as having uninterrupted employment tenure from the employee's most recent service date. The eligible employee will be set back to the prior accrual rates before termination on vacation leave and will receive full credit for longevity pay. However, employees will not receive credit on prior balances on any leave (i.e. sick leave).
- For a period of absence greater than six (6) months but less than five (5) years, an employee will be credited with previous employment upon having completed a period of continuous and uninterrupted employment equal to the period of absence.

In the case where an employee has more than one period of previous employment, in addition to the criteria as detailed in items 1 and 2 of this paragraph, the following limitations will apply:

- All periods of employment that are followed by a period of absence in excess of five years will not be considered.
- All periods of employment that are followed by a period of absence greater than six months but not less than five years but have not been successfully bridged, in accordance with this ordinance, will not be considered.

Personnel receiving credit for previous employment will have their leave date in the payroll system, which is defined as the date from which all tenured benefits are based, adjusted to reflect the break in employment.

- Under no circumstances will an employee receive credit for any period of time that they are not employed by the City of Seabrook, unless specifically specified by City Council.
- An employee who experiences a break in service will have their leave date advanced by number of days equal to the number of days of break in employment.

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	ALCOHOL AND DRUG USE/ABUSE		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 7 Section 1

POLICY

Because of our concern for the safety of our employees, our property, the public and our concern about the productivity of our workforce, the “City” has adopted a Controlled Substance Use & Alcohol Misuse Policy that is applicable to all employees. Our purpose in adopting this Policy is to further the “City’s” objective of establishing and maintaining a work environment free from the adverse effects of drug use and alcohol misuse.

PROHIBITED CONDUCT

The “City” strictly prohibits reporting to or being at work with a measurable amount of illegal drugs and/or alcohol in the body. The manufacture, distribution, dispensing, possession, sale, purchase, and/or use of drug paraphernalia, and/or a prohibited controlled substance and/or alcohol while on “City” property or “City” business is a violation of this Policy. Further, the unauthorized use or possession of prescription drugs or over-the-counter drugs while on “City” property or “City” business is a violation of the Policy. The use of any substance which causes or tends to contribute to unacceptable work performance is also prohibited.

The use of alcohol at “City” approved functions (business meals, employee gatherings, celebration events, cocktail hours at conferences, etc.) is acceptable if (1) The activity and/or an employee’s involvement in an activity is pre-approved by the “City” management and (2) Such consumption is done in moderation so as to protect the safety of the employee, fellow employees, clients and the public in general.

ILLEGAL DRUGS. The presence of a detectable amount of an illegal drug(s) in an employee while performing “City” business or while in a “City” facility and/or on “City” property is prohibited. Any employee who has a lab confirmed "positive" test for any illegal drugs is in violation of this Policy, unless the employee demonstrates to the MRO a medical explanation for the presence of the drug(s) (in which case the MRO will rule the test result as “negative”).

The “City” reserves the right to alter the testing panel and threshold levels as substance usage and availability patterns suggest the need for change.

All specimens will also undergo validity testing. Validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

ALCOHOL. Employees will be tested for alcohol with an alcohol testing device listed on the National Highway Traffic Safety Administration’s Conforming Products List. An alcohol concentration of 0.02 or greater will be considered a “positive” and is a violation of this Policy.

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DISCIPLINARY ACTION. Violation of this Policy shall result in disciplinary action, up to and including termination, even for a first offense, depending on the severity of the violation.

SEARCHES. The “City” may conduct unannounced searches for illegal drugs, and/or drug paraphernalia and/or alcohol in “City” facilities and/or on “City” property. Entering the “City’s” property constitutes consent to searches. Employees are expected to cooperate in the conducting of such searches.

Searches of employees and their personal property which includes, but is not limited to, lunch containers, brief cases, desks, work areas, lockers, and vehicles (while on “City” property) may be conducted when there is reasonable suspicion to believe that an employee is in violation of this Policy and/or when circumstances and/or workplace conditions justify them.

An employee's consent to a search is required as a condition of continued employment and the employee's refusal to consent shall result in immediate termination.

No employee will be touched as part of the search or detained without his/her consent. Employees being searched may be asked to empty pockets and remove hats and outer clothing including jackets, coveralls or slickers.

Drugs discovered on “City” property will be turned over to the appropriate law enforcement agency. Any action taken by law enforcement agencies will be completely independent of this Policy.

TESTING:

GENERAL. Drug and alcohol testing will be performed by an independent drug/alcohol testing service. Employees will comply with all procedures and protocols established by the independent testing service. An employee's failure to submit to a drug and/or alcohol test or to comply with all procedures and protocols established by the independent testing service is a violation of this Policy and may result in discipline, up to and including termination.

A Medical Review Officer (MRO) will review the results of the drug testing process. The primary responsibility of the MRO is to review and interpret lab positive drug test results. It is important to remember that a positive laboratory test result does not automatically identify an employee/applicant as a user of prohibited drugs. The MRO must review lab positive drug test results and determine whether any legitimate alternative medical explanation could account for the positive result.

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When an employee is notified to go to the collection site for a specimen collection and/or alcohol test, they will be allotted 30 minutes plus reasonable travel time to report in at the collection/testing site.

DRUG AND ALCOHOL TESTING WILL BE CONDUCTED IN THE FOLLOWING SITUATIONS:

POST-OFFER OF EMPLOYMENT. All applicants who have received a conditional offer of employment will be required to submit to drug testing only (no pre-employment alcohol test will be conducted). The “City” will withdraw the conditional offer of employment to any applicant who tests "positive" for the presence of a substance prohibited under this Policy.

RANDOM DOT EMPLOYEES. Random testing will be applicable to all employees of the “City” in the DOT category. A method of random selection will be administered by the independent testing service to ensure that an employee is selected by chance. All employees in this category will be in the random selection pool every time a drawing is made. No employee will be excluded merely because he/she has previously been randomly selected and tested. Random testing will be conducted at an annual rate of at least 50 percent for both drugs and alcohol. The “City” reserves the right to alter the random testing rate.

POST-ACCIDENT. When an employee's performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident, the employee will be required to submit to post-accident testing. An employee must submit to a post-accident drug and alcohol test as soon after an accident as possible, but no later than thirty two hours after an accident for drugs and no later than eight hours for alcohol.

Nothing in this policy shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit an employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary medical care.

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REASONABLE SUSPICION. An employee may be tested for drugs and/or alcohol when supervisors have reason to believe that the employee may be in violation of this Policy. A decision to test will be generally based on two supervisors’ evaluation of contemporaneous physical, behavioral, or performance factors which may cause the supervisors, in the exercise of their discretion, to suspect possible drug use and/or alcohol misuse. For instance, repeated errors on the job, rule violations or unsatisfactory time and attendance patterns, or a specific contemporaneous event that indicates possible drug use and/or alcohol misuse, could provide a basis to test an employee. Alcohol testing may be conducted based solely on breath or body odor detected by one supervisor.

In all cases of reasonable suspicion testing, the “City” shall provide transportation to and from the collection/testing site as well as to the employee’s place of residence or other mutually agreeable location should the testing outcome be positive or unknown.

In the event that the results are unknown in a reasonable suspicion testing situation, the employee will be temporarily suspended from duty with pay until the results are known.

WALL TO WALL. Employees are subject to unannounced en masse drug and/or alcohol testing. Such tests will be scheduled at the sole discretion of the “City”. The “City” discretion includes the determination of the scope for such testing (group of employees, department(s), facilities, etc.) in addition to the timing of such testing. Such testing shall include all employees of the named group. Additionally, such group of employees may include, but is not limited to, all employees on a job site at the time of testing or employees by shift and/or craft.

POST-REHABILITATION. Employees who have "self-identified" as having a controlled substance and/or alcohol use problem, may be eligible to return to work or be considered for employment with the “City”, if the individual can demonstrate successful compliance with a rehabilitation program and is certified by a Substance Abuse Professional. Any person who is allowed to return to work after having tested "positive", in connection with this Policy, will be subject to a return-to-duty test and follow-up testing for a period of up to sixty (60) months. The length of time for post-rehabilitation drug and/or alcohol testing will be left to the discretion of a Substance Abuse Professional (through the City’s current EAP) and the “City”.

TESTING OF THE SPLIT SPECIMEN. An employee or applicant whose drug test was reported as positive by the MRO may request a test of the split specimen, if the employee submits a written request to the MRO within seventy two (72) after being made aware of the test results. The employee or applicant must pay for the cost of the split test. If the results of the split test are "negative”, the “City” will reimburse the individual. The split test may be conducted at the same DHHS laboratory where the specimen was initially tested or at another

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DHHS certified laboratory. Selection of the laboratory will be determined by the MRO with input from the employee.

EMPLOYEE ADMISSION (“SELF IDENTIFIED”) OF CONTROLLED SUBSTANCE USE and/or ALCOHOL MISUSE:

- Employees who admit to controlled substances use and/or alcohol misuse are subject to the referral, evaluation and treatment requirements of this Policy, that is; evaluation by a Substance Abuse Professional , required treatment, follow-up testing, etc.
- An employee is not permitted to self-identify in order to avoid testing under the requirements of this Policy.
- An employee must make an admission of alcohol misuse or controlled substances use prior to reporting for duty.
- The employee will not be permitted to return to work until the “City” is satisfied that the employee has been evaluated and has successfully completed education and/or treatment requirements as directed by a Substance Abuse Professional.
- Prior to the employee returning to work, the employee shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or a return-to-duty controlled substance test with a verified negative test result for controlled substances.

COST. The cost of all testing, except the testing of the split specimen, will be paid for by the “City”. All cost associated with a SAP evaluation and required rehabilitation are the responsibility of the employee.

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CONFIDENTIALITY. The “City” will carry out this Controlled Substance Use & Alcohol Misuse Policy in a manner which respects the dignity and confidentiality of those involved.

DEFINITIONS

Words or phrases used in this Policy.

Adulterated specimen means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. [Caution: many cough medicines contain alcohol].

CFR means Code of Federal Regulations.

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Dilute specimen means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

Drug means any substance or chemical that has mind or function altering effects on the human body, including prescription and over-the-counter medications.

Drug paraphernalia means any item used for the administering, transferring or snorting of a drug.

Illegal drug means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drug" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

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Invalid drug test means the result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Laboratory means a laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical Review Officer (MRO) means a licensed physician responsible for receiving laboratory results and who is knowledgeable of controlled substance use. The MRO must have appropriate medical training to interpret and evaluate test results in conjunction with medical history and any other bio-medical information.

Possession means on one's person, in one's personal effects, in one's vehicle, or under one's control.

Primary specimen means the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Refuse to submit (to an alcohol or controlled substances test) means that an employee (or applicant):

- Fails to appear for any test (except a pre-employment test) within a reasonable time (generally 30 minutes plus reasonable driving time after notification to go for a test), as determined by the “City” after being directed to do so by the “City”;
- Fails to remain at the testing site until the testing process is complete. Fails to remain at the testing site for a pre-employment test occurs when an applicant leaves once the specimen collection kit has been opened;
- Fails to provide a urine or breath specimen for any drug or alcohol test required by this Policy. An applicant who does not provide a urine specimen because he/she left the

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testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Declines to submit a second specimen when directed to do so by the “City” or collector. A second urine specimen is required when the first specimen is not within the acceptable temperature range. The second collection is by direct observation;
- Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process); or

Is reported by the MRO as having a verified adulterated or substituted test result.

Sale means any exchange, transfer, or sharing whether for money or otherwise.

Screening test (or initial test) means:

- In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
- In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Split specimen means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substance Abuse Professional (SAP) means a person who evaluates employees who have violated the drug and alcohol Policy and makes recommendations concerning education, treatment, follow-up testing, and aftercare. Must be a licensed physician (Doctor of Medicine or Osteopathy); or licensed or certified social worker; or licensed or certified psychologist; or licensed or certified employee assistance professional; or a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC).

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Substituted specimen means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Verified test means a drug test result or validity testing result from an HHS certified laboratory that has undergone review and final determination by the MRO.

Use means any form of consumption, ingestion, inhaling, or injecting.

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	CONFLICT OF INTEREST		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 2

POLICY

The City expects all employees to act in the best interests of performing their specific job responsibilities. A conflict of interest occurs when the gain and interests of an employee, another person, a political group, another organization, or another outside party are worked for or protected by an employee, with actual or potential adverse impact on the City and/or its citizens.

OUTSIDE BUSINESS INTERESTS. Employees may have outside business interests and other employment, as long as the business interests and other employment do not interfere with the employees’ ability to do their jobs. Employees may not make a profit in any way in their outside employment or business interests from their association with the City of Seabrook.

Each employee shall make prompt and full disclosure in writing to his manager of any potential situation that may involve a conflict of interest. Such conflicts include:

- No employee of the City shall have a financial interest, direct, indirect, or by reason of ownership of stock in any corporation in any contract with the City; or
- Be financially interested, directly or indirectly in the sale by the City of any land, materials, supplies, or services except on behalf of the City as an official or employee. (The provisions of this paragraph shall only be applicable when the stock owned by the employee exceeds one percent of the total capital stock of the corporation.)
- Acceptance of remuneration or providing services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City; and
- Any other arrangements or circumstances, including family or other personal relationships which might dissuade the employee from acting the best interest of the City.

Any willful violation of this section shall constitute malfeasance, and any employee found guilty of this violation shall forfeit his position with the City.

The revelation or use of any confidential information, data on decisions, plans or any other information which might be contrary to the interest of the City of Seabrook without prior authorization, is prohibited.

The City may from time to time adopt ordinances relating to the conduct and ethics of its employees. All employees shall be subject to terms of any such ordinances.

GIFTS, GRATUITIES. Employees are not allowed to receive gifts, gratuities, free trips, free meals, personal property, or any other item of value from any outside person or organization as an inducement to do business with or provide services for, or in recognition of having done business with them or provided services for them. Employees receiving gifts or gratuities in violation of this paragraph may be terminated without warning and without notice.

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	CONFLICT OF INTEREST		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 2

Employees may accept unsolicited non-monetary gifts only if they are items of de minimum value (less than \$50) as long as the acceptance of such gift is not intended to serve as a reward for any official action on their part or could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties. Gifts valued in excess of \$50 that meet the standards of this policy may be accepted when approved by the City Manager. Examples of common courtesies that **may** be acceptable:

- Luncheons, dinners, and similar gatherings sponsored by professional, industrial, or technical associations for discussion of matters of mutual interest to the City;
- Unsolicited advertising products or promotional materials, such as pens, pencils, note pads, calendars, and other items under nominal value;
- Gifts of perishable items such as cookies, hams, fruits, flowers, etc;
- An award or gift for meritorious public contribution or achievement;
- Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business; and
- Gifts or gratuity extended to the entire City or an entire department, approved by the City Manager.

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	CONTACT WITH THE PUBLIC		
	Revision: 1	Effective Date: 10/19/1993 Revised:05/06/2008	Chapter 7 Section 3

POLICY

The employees of the City have a commitment to the citizens of the community to provide quality public services.

IDENTIFICATION. An employee shall furnish his or her name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the performance of official City business.

SUGGESTIONS PERTAINING TO SERVICES. An employee shall not recommend or suggest in any manner the employment or procurement of a particular product, professional services, or commercial service (such as an attorney, doctor, ambulance service, towing service, plumber, mechanic, etc.) unless permitted by applicable City ordinance, when authorized by proper authority, or in the transaction of personal business.

REQUESTS FOR ASSISTANCE. When the public requests assistance or advice, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly acted upon consistent with established procedures.

CITIZEN COMPLAINTS. An employee shall courteously and promptly accept a complaint made by a citizen against any employee of the City or against any City policy or procedure shall immediately notify his/her supervisor.

Complaints involving loss or destruction of property, personal injury, alleged criminal or civil law violation shall be referred to the City Manager for investigation and resolution. Persons making verbal complaints under these policies will be requested to submit their complaint(s) in writing with their signature affixed. A person refusing to make a written complaint or who makes an anonymous complaint does not necessarily prevent an investigation from being initiated on the facts provided, but does cause the matter to be more difficult to process to an effective conclusion.

PUBLIC SAFETY. Persons wishing to make a complaint about an employee in the Seabrook Police Department will be furnished the procedure necessary to file a complaint according to municipal and state law.

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	DISTRIBUTION AND SOLICITATION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 4

POLICY

Solicitation of funds or any thing of value for any private or personal purpose whatsoever by an employee or another employee during the working time of either employee for any reason is prohibited. No employee may be required to make any contribution nor may an employee be penalized in any way in connection with his or her employment according to his or her response to a solicitation.

Distribution of advertising materials, handbills or other literature by City employees is prohibited in public areas at all times.

Solicitation shall not be permitted of or by the City employees during work or business hours, other than for the following exceptions:

- Solicitation of funds for the purpose of parties, gifts, flowers, cards or events for a City employee for special recognition events;
- Solicitation of funds for City sponsored functions and events;
- Solicitation of funds for local, not-for-profit youth-sponsored events (i.e. school, band, little league, etc.) Solicitation of funds for these purposes shall be limited to placing order forms or products in the break room areas(s) for employees to view at their leisure, during breaks and/or lunch periods.

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	FIGHTING, VIOLENCE AND THREATS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 5

POLICY

Fighting, all other forms of violence and threats of violence among employees are strictly forbidden.

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

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

CITY’S RESPONSE TO THREATS OR ACTS OF VIOLENCE. The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City’s response will normally be coordinated by Human Resources, and where applicable, the City’s Police Department or other appropriate law enforcement agency. Human Resources will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and /or terminate without notice the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City’s choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.

No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

MANDATORY REPORTING. Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. 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 target of the threatening behavior. A supervisor who is made

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aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources.

PROTECTIVE ORDERS. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to Human Resources and the City’s Police Department 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. City employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

CONFIDENTIALITY. 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. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

CITY PROPERTY. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

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

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	FRATERNIZATION		
	Revision: 1	Effective Date: 10/19/1993 Revised:06/02/1998	Chapter 7 Section 6

POLICY

Employees are encouraged to develop friendships and social relationships with other employees and their families. Employees may be members of the same social organizations, and the City may sponsor social events from time to time to foster friendships.

The City expects that these social and other relationships will not interfere in work relationships. However, the City discourages the kinds of fraternization listed below, because these relationships could result in problems in working relationships:

DATING. Dating another employee who is in a direct reporting relationship.

EMOTIONAL RELATIONSHIPS. Engaging in a significant emotional relationship with another employee who is in a direct reporting relationship. Two examples of this type of relationship are becoming engaged to be married or co-habitation with another employee who is in a direct reporting relationship.

RELATIVES OF EMPLOYEES. Dating or engaging in a significant emotional relationship with anyone in the immediate family of another employee who is in a direct reporting relationship.

Supervisors must consult with the senior management if they feel any of these relationships are creating an adverse impact on work performance or problems in providing services to the residents. Employee relationships which are causing problems will be evaluated and resolved on a case-by-case basis and might result in termination of one of the employees, if no other solution can be determined.

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	GAMBLING		
		Effective Date: 10/19/1993	Page 1 of 1

POLICY

No form of legal or illegal gambling is allowed on City premises any time.

For the purposes of this policy, “pools” on sporting events and other pools organized on employees’ time and away from their work stations are not considered to be gambling.

Employees may engage in “wagers” of small amounts, if legal on their own time during breaks and meal periods, but must do so away from their regular work stations. All “pools” on sporting events and other events must be organized, collected, and paid on employees’ time, away from work stations.

If such “friendly wagers” or “pools” cause problems among employees or interfere with work in management’s sole judgment, management reserves the right to prohibit them.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	GOVERNMENT AND POLITICAL ACTIVITY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 8

POLICY

The City recognizes that some employees take an active interest in government and participate in public and political affairs. Such activities by employees must follow the guidelines stated below.

NON-PARTISAN POSITION OF THE CITY. No action will be allowed by any person that infringes upon the right of any employee to decide on candidates or positions to support. The City will not endorse or contribute to any political candidate, party, or cause.

INDIVIDUAL ACTIONS.

- No employee of the City is allowed to give the impression that any individual political action or position represents the City.
- City employees shall not engage in any political activity in any capacity or office on a city council campaign, with or without pay that would constitute a conflict of interest with their city employment.
- All political activities must be done on employees' own time, away from the City facilities.
- City employees shall not use working hours or city property to solicit or receive any subscription, contributions, or political service, or to circulate any petition or campaign literature on behalf of any candidate for public office.
- City employees should not participate in any activity supporting or opposing a candidate or proposition expressed in a manner, time, or location that disrupts or interferes with the operations or effectiveness of City operations.

EMPLOYEES SEEKING ELECTIVE OFFICE. Any employee who wishes to accept or seek election to any Seabrook municipal office shall resign from the City service upon indicating such intention by formal declaration or other evidence of candidacy.

All questions relating to this policy must be referred to the City Manager.

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	GROOMING, DRESS, AND PERSONAL APPEARANCE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 9

POLICY

The image employees present to citizens, employees, and visitors impacts their perception of the City of Seabrook. Therefore, the following guidelines for dress, grooming and personal appearance have been developed to promote the image of the City and its employees. These instructions and guidelines are not all inclusive and from time to time items that affect employee’s dress, appearance, and grooming as related to interactions with others may be addressed and changed as necessary.

DEFINITIONS:

- **Business Casual:** Provides employees with an opportunity to dress more informally while maintaining a professional appearance. Business casual is appropriate on normal business days when employees’ duties don’t involve the necessity to dress more formally.
- **Business Attire:** Business attire is the traditional, professional business look. Business attire is appropriate when employees need to present a professional appearance for meeting the public, meetings or special events, including but not limited to city functions such as council meetings.
- **Casual Attire:** Casual attire includes jeans and shirts and is acceptable on Fridays and whenever business dress would interfere with the employee’s task.

DIRECT PUBLIC CONTACT EMPLOYEES. Direct public contact employees must wear the uniforms and other articles of dress required by law and by the City’s policy.

SUPERVISORS. Supervisors are managers and are expected to dress as managers in business or business casual attire, within the legal and professional requirements of their jobs.

OFFICE PERSONNEL. Office personnel are to dress in business and business casual clothing. Casual clothing such as jeans and shirts is specifically prohibited (except on Friday).

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	HARASSMENT AND SEXUAL HARASSMENT		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 7 Section 10

UNIFORMS OR PROTECTIVE CLOTHING IN SPECIFIC CIRCUMSTANCES. Employees in some positions or performing certain duties are required to wear uniforms or protective clothing and equipment. The requirements for uniforms and protective clothing may vary from department to department and job to job. Uniforms should be kept clean and free of tears or holes. City owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director’s prior written authorization.

INAPPROPRIATE ATTIRE:

- Provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics;
- Clothing with in appropriate advertising (e.g. cigarettes, beer or anything which portrays a negative image);
- Short skirts or dresses (more than 6” above the knee);
- Clothes that don’t fit properly (too tight or too baggy);
- Bare shoulders or tank tops;
- Wrinkled, ripped and tattered clothing;
- Visible tattoos which could be deemed offensive;
- Nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.

UNUSUAL CIRCUMSTANCES. Unusual circumstances, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or non-normal working hours and situations, may be sufficient reasons to grant exceptions to the dress guidelines. Department Directors or management will make these determinations.

GROOMING AND PERSONAL APPEARANCE. Grooming and personal appearance includes hair style and color, nails, jewelry, piercings, make up, perfumes/colognes and visible articles of clothing and any other items that affect employees’ interactions with others. Employees are expected to maintain grooming and personal appearance consistent with their jobs and internal and external working relationships. Employees should consult with supervisory personnel if there are questions as to what constitutes proper grooming or personal appearance.

NAME TAGS. Employees in specified positions are required to wear name tags. When employees are required to wear name tags, the City will provide the first name tag. Employees who lose or damage their name tags are required to replace it at their own expense.

AUTHORITY TO ESTABLISH REQUIREMENTS. The City Manager and Department Director establish the requirements for dress grooming, and name tags, and for protective clothing and equipment. If there are questions as to what constitutes proper attire, employees should consult with supervisory personnel.

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DISCIPLINARY MEASURES. Employees who are inappropriately dressed or groomed, in the opinion of supervisory personnel, may be sent home and required to return to work in acceptable attire. Under this circumstance, employees will not be paid for the time away from work. Employees who continue to violate these policies may be disciplined up to and including termination.

RESPONSIBILITY FOR DAMAGE. The City accepts no responsibility for damage to employees’ clothing or accessories (i.e. jewelry, glasses, etc.) incidental to the performance of their job.

This policy is designed to contribute to the success of our employees and to ensure that the dress, grooming, and personal appearance of employees contribute to carrying out the mission of the City. The key word in this policy is the “appropriate.” Employees’ dress, grooming, and personal appearance must be consistent with their jobs and must be consistent with the required internal and external working relationships.

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	HARASSMENT AND SEXUAL HARASSMENT		
	Revision: 2	Effective Date: 10/19/1993 Revised: 06/02/1998 Revised: 05/06/2008	Chapter 7 Section 10

POLICY

It is the policy of the City of Seabrook to maintain a working environment free from all forms of sexual harassment of any employee or applicant for employment. Sexual harassment in any manner or form is expressly prohibited. All reported or suspected occurrences of sexual harassment will be promptly and thoroughly investigated in the strictest confidence. Where sexual harassment has occurred, the City will immediately take appropriate disciplinary action, including possible temporary suspension or termination.

The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

SEXUAL HARASSMENT. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a 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 work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

OTHER PROHIBITED HARASSMENT. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that

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- Verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law;
- Slurs and negative stereotyping;
- Threatening, intimidating, or hostile conduct;
- Denigrating jokes and comments;
- Writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic; or
- Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated.

MANDATORY REPORTING. The City requires that employees report all perceived incidents of harassment, regardless of the offender’s identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to:

- his or her Department Director;
- the Human Resources Manager; or
- the City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and /or the Human Resources Manager. A Complaint Form is available from the Human Resources Department or an employee may write out a complaint in any format to submit.

Under this policy, an employee may report to and/or contact the Human Resources Manager directly, without regard to the employee’s normal chain of command:

HUMAN RESOURCES DEPARTMENT
281-291-5680
281-291-5664

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Voice messages or e-mails may be left at any time.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

RETALIATION PROHIBITED. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

RESPONSIVE ACTION. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

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	LEGAL COMPLIANCE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 11

POLICY

The City intends to conduct all matters of employment in full compliance with applicable federal, state, and local laws and regulations.

Supervisors are responsible for knowing and complying with the legal permissions and restraints related to performing their job responsibilities. In addition, every employee is responsible for complying with all applicable legal requirements of his/her jobs.

The City will outline the applicable legal requirements and communicate them to affected employees.

Employees are expected to contact their supervisors or other appropriate management person if they are not certain of the legal issues of any action.

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	OBEYING ORDERS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 12

POLICY

An effective manager-employee working relationship is integral to the efficient, effective deliverance of quality public services.

INSUBORDINATION. An employee shall promptly obey and execute any and all lawful orders of a supervisor including those relayed from a supervisor by another employee. A "lawful order" is any order in keeping with the performance of any duty, issued either verbally or in writing by the Department Head or any other supervisor, prescribed by the various rules and regulations of the City, and necessary for the preservation of good order, efficiency, or proper discipline of the City and its employees. The willful disobedience of any lawful order issued by a supervisor or any mutinous, insolent, or abusive language or conduct toward a supervisor shall be insubordination.

CONFLICTING ORDERS. An employee who is given a lawful order that is in conflict with a previous order or regulation shall respectfully call attention to such conflict. If the supervisor giving the order does not alter or retract the conflicting order, then his or her order shall stand, and under these circumstances, the responsibility shall be with the supervisor. In such situations, the employee shall obey the conflicting order unless it is a violation of the law, shall not be held responsible for disobedience of any order previously issued, and should thereafter submit a written report stating the facts and circumstances to the Department Head, via the employee's immediate supervisor.

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	PRESENCE DURING NON-WORK HOURS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 13

POLICY

Salaried non-exempt and hourly paid employees are not permitted to be present on City premises or at their usual work stations during hours they are not scheduled to work. Permission may be given at the discretion of the Supervisor or the Director.

Nothing in this policy prevents employees from visiting areas of the premises that are open to the general public.

The purposes of this policy are to avoid possible wage and hour problems by clearly defining when employees are at work, and to prevent employees who are not scheduled to work from interfering with employees who are scheduled to work.

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	RESPECT, CONSIDERATION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 14

POLICY

Employees are required to treat each other with respect and consideration in their daily working relationships. All employees are required to establish effective working relationships with each other in order to provide public services.

When there are differences in opinions, or other issues of interpersonal relationships, the employees involved are expected to treat each other with respect and consideration. They must work together as required by their job descriptions and operations. When such issues require a supervisor to intervene, the issue will be settled on the basis of job related factors. Employees will be required to cooperate. The items of basic respect and consideration summarized below are covered more fully in separate policy statements.

- **NON-DISCRIMINATION.** Employees are not to discriminate against other employees on any prohibited basis.
- **NO HARASSMENT OR INTIMIDATION.** Employees are not to harass or intimidate other employees in any manner.
- **NO SEXUAL HARASSMENT.** Employees are not to sexually harass other employees.
- **PRANKS AND PRACTICAL JOKES.** Employees are not to engage in pranks or practical jokes on other employees.
- **OTHER FORMS OF CREATING AN UNFAVORABLE WORK ENVIRONMENT.** Employees are not to engage in any action or behavior aimed at creating an unfavorable or uncomfortable work environment for any other employee.
- **RECKLESS BEHAVIOR.** Employees are not to engage in any action that would result in an injury or death to self or others.

A good guideline is for every employee to treat all other employees with the respect and consideration they want for themselves.

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	SMOKING, EATING, AND DRINKING		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 15

POLICY

Employees may smoke and eat only in designated areas. The appropriate Department Head shall determine the designated eating areas for each department under their supervision.

- Employees are not allowed to carry food or drink with them, or eat and drink while carrying out their job responsibilities, whenever possible.
- Employees are expected to keep the designated areas for smoking, eating and drinking clean and orderly at all times.
- Employees are expected to use good judgment when eating or drinking near City equipment.
- Smoking is not permitted in municipal facilities or vehicles in accordance with City Ordinance No. 92.22 and Ordinance No. 2007-27.
- City vehicles are considered designated work areas under this policy and as such are “smoke free”.
- Employees who take “smoke breaks” must comply with the City’s Meal/Break Time Policy. No additional breaks will be granted to employees who smoke.
- Smoking is permitted only in designated areas that are more than twenty-five (25) feet from any entrance or exit, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas.
- Employees will keep their immediate work place clean and presentable at all times. Citizens and other persons form their impressions in part from the appearance of the facility. All employees should assist in creating a positive impression of the City of Seabrook.

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	TELEPHONES AND CELL PHONES		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 16

TELEPHONE POLICY

The City's telephones are for use in carrying out our operations. All employees are expected to follow the guidelines listed below in using the City's phones.

Employees whose duties include answering the phone are to answer it promptly and pleasantly.

The City expects all employees to use good judgment in making and receiving personal phone calls as allowed under this policy.

CELL PHONE POLICY

GUIDELINES FOR CELL PHONE USAGE DURING WORKING HOURS. The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Harassment Policy, will be subject to disciplinary action, up to and including discharge.

ACQUISITION OF CITY OWNED CELLULAR PHONES. The purchase of city-owned cellular phones shall be approved by the Department Director. It shall be the responsibility of the Director to ensure that sufficient funds are budgeted for the purchase and monthly operational costs associated with such equipment prior to its use.

REIMBURSEMENT PROCEDURES. Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls but must reimburse the City for all personal use. Reimbursement procedures are maintained by the Finance Department.

USE OF CITY OWNED CELLULAR PHONES. Cellular phone calls are more expensive than those using ordinary telephone service. These higher costs must be weighed against the employee need and expected usage. Cellular phones should be used only when a lower cost alternative is unsafe, inconvenient or not readily available. Cellular transmissions can be overheard by others; discretion is to be used in discussing confidential information. All calls are digitally recorded and calls to inappropriate sites are prohibited.

Employees are responsible for taking reasonable precautions to prevent loss, theft and/or vandalism of cellular equipment. Should any loss, theft or vandalism occur, the city will cover

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the first instance; unless it is determined it was due to employee’s negligence. Any additional incidents of loss, theft or vandalism will be paid for by the employee.

The person assigned to use a cellular phone must exercise discretion as to who has access to the cellular phone number in an effort to minimize phone usage cost while maintaining department service capabilities.

The City recognizes that occasions arise in which personal calls need to be made or received on a cellular phone. However, it is intended that cellular telephones are for city related purposes. Personal calls are to be minimized. To cover the costs of personal use of the cellular phone the employee will pay the city a flat rate as set by the Finance Department, plus any additional charges for long distance. If an employee exceeds their allotted amount of airtime, the bill will be reviewed and the employee will reimburse the city for any overages caused from personal use. The City has the right to monitor the use of all city owned cellular phones and has the authority to withhold any unreimbursed amount from the employee’s wages and/or discontinue the cell phone use where warranted. The City reserves the right to assess additional penalties and/or disciplinary measures as it deems necessary.

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	THEFT AND FRAUD		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 7 Section 17

POLICY

The City of Seabrook is committed to protecting its revenue, property, information and other assets from any attempt to gain by deceit, financial or other benefits or property.

This policy sets out guidelines and responsibilities regarding appropriate actions for the investigation of fraud, theft and other similar irregularities.

DEFINITIONS

Theft, fraud and other similar irregularities includes, but is not limited to:

- Forgery or alteration of checks, drafts, promissory notes and securities.
- Any misappropriation of funds, securities, money, supplies, or any other asset.
- Any irregularity in the handling or reporting of money transactions.
- Misappropriation of furniture, fixtures, and equipment.
- Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the City in violation of the City’s Conflict of Interest policy.
- Unauthorized use or misuse of City property, equipment, materials or records.
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of City-owned software or that violates the City’s policies regarding e-mails and internet access and computer equipment.
- Any claim for reimbursement of expenses that are not made for the exclusive benefit of the City or that violate the City’s travel and training policies.
- Any similar or related irregularity.
- Money includes currency, coins and bank notes in current use and having a face value, traveler’s checks and cashier or certified checks.
- Securities means negotiable and nonnegotiable instruments or contracts representing either money or other property and includes: tokens, tickets, revenue, stamps in current use whether actual stamps or postage in a meter and evidences of debt issued in connection with credit or charge cards, which cards are not issued by the City.

GENERAL POLICY AND RESPONSIBILITIES. It is the City’s intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship with the City of any party who might be or becomes involved in or becomes/is the subject of such investigation.

The City shall maintain a system of internal controls to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities.

The City will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the City losses from the offender, or other appropriate source(s).

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	CREDIT CARDS		
		Effective Date: 05/06/2008	Chapter 7 Section 18

PROCEDURES

An employee or officer of the City who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a theft, fraud or a similar irregularity has occurred, shall immediately notify his/her supervisor.

If the employee’s supervisor is suspected of committing theft, fraud or similar irregularity, he/she shall notify the next level of authority within the department or city including City Council in instances involving employees appointed or hired by the City Council.

When management or council receives a notification of suspected theft, fraud or other similar irregularity an investigation shall be conducted. The City will use the proper law enforcement agency, auditor, or City Manager’s designee to investigate.

The employee or officer of the City shall not discuss the matter with anyone other than the proper authorities. Employees who knowingly make false allegations will be subject to discipline up to and including dismissal.

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	CREDIT CARDS		
		Effective Date: 05/06/2008	Chapter 7 Section 18

POLICY

The Finance Officer is designated to be responsible for the City of Seabrook’s credit card issuance, accounting, monitoring, retrieval, and for general oversight of compliance with this credit card use policy.

- City credit cards may be used only by those authorized and only for the purchase of goods services for the official business of the City of Seabrook.
- All authorized users of City credit cards shall submit documentation detailing the goods or services purchased, the cost of the goods or services, the date of the purchase and official business for which it was purchased.
- Upon termination of an employee who has been issued a City credit card, that employee shall immediately return the credit card to the City of Seabrook, Finance Department.
- An authorized employee, who is issued a credit card, is responsible for its protection and custody, and shall immediately notify the bank card issuer and the Finance Officer if the credit card is lost or stolen.
- The Finance Department will follow established Accounts Payable internal control procedures for approval, documentation and payment of credit card charges.
- Unauthorized use of a City credit card shall result in disciplinary measures to the fullest extent of the law.

PROCEDURES

ISSUANCE OF CREDIT CARDS. Credit cards will be issued to employees approved by the Director of Finance and City Manager and/or City Council. The cards will be issued to individuals, in the name of the individual; there will be no departmental cards with the exception of the Police Department. Only one card will be issued in an individual’s name. Cards are nontransferable.

The authorized credit limit of all credit cards issued by the City shall be set by the Director of Finance and City Manager and/or City Council. Exceptions may be made with City Manager approval.

CARD USE. The credit card shall be used for the purchase of goods and services that are for the official business of the City when normal Accounts Payable procedures cannot be utilized, (e.g., fuel purchases, travel-related expenses, conference registration fees, etc. Misuse of the card will

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subject the cardholder to disciplinary action in accordance with city policies and procedures relating to disciplinary action and termination for cause.

Anyone issued a City of Seabrook credit card shall sign a **Credit Card User Agreement**, thereby agreeing to abide by adopted City credit card policies and procedures. The cardholder is responsible for assuring that all credit card charges are accurate and consistent with policy guidelines.

CARDHOLDER RESPONSIBILITIES

- Ensure the card is used only for legitimate business purposes;
- Maintain the card in a secure location at all times;
- Not allow other individuals to use the card **unless** for city business AND with cardholder’s permission;
- Adhere to City purchase limits and restrictions;
- Obtain all sales slips, register receipts and/or credit card slips and provide same to the Finance Department for reconciliation and approval of transactions;
- Attempt to resolve disputes related to billing errors with the vendor directly or in conjunction with the Finance Department;
- Ensure that the appropriate credit is issued for disputed items or billing errors on a subsequent credit card statement.
- Immediately report a lost or stolen card to the card issuer and notify the Finance Department of the lost or stolen card at the first opportunity during business hours.
- Return the card to the Finance Department upon terminating employment with the City.

CARDHOLDER LIABILITY. The credit card is a corporate charge card that will not affect the cardholder’s personal credit; however, it is the cardholder’s responsibility to ensure that the card is used within stated guidelines, policies and procedures of the City. Failure to comply with program guidelines may result in the permanent revocation of the card, charge-back of an improper or unsupported transaction to the cardholder for reimbursement to the City, notification of the situation to management, and further disciplinary measures, which may include termination.

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CARDHOLDER TERMINATION OR CARD CANCELLATION. The City is required to close an account if a cardholder:

- Terminates City employment;
- Moves to a new position in which a credit card is not required.

The City reserves the right to cancel a credit card at anytime, including any of the following reasons:

- The card is used for personal or unauthorized purposes;
- The card is used to purchase any material or service that violates policy, law or regulation pertaining to the City’
- The cardholder allows the card to be used by another individual not in direct purpose with City business;
- The cardholder fails to provide the required receipts and supporting documentation;
- The cardholder does no adhere to all of the appropriate Personnel Policies and Procedures.

CREDIT CARD USE AUDITS. The Finance Department will make periodic random audits of card use and charges for appropriateness. Areas to be monitored include, but are not limited to, compliance with this and other related policies and procedures. Excessive and/or non-use by cardholders will also be monitored.

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	FIREARMS AND WEAPONS		
		Effective Date: 02/02/16	Chapter 7 Section 19

FIREARMS AND WEAPONS

The possession of firearms or other dangerous weapons (specifically including illegal knife, club, or prohibited weapon listed in Section 46.05 of the Texas Penal Code), by City of Seabrook employees is strictly prohibited on City “premises” (including inside any City owned, operated or controlled facility or vehicle). A dangerous weapon is any object or device designed or intended to be used in attack or defense to inflict serious injury upon persons or property. “Premises” as provided by Texas Penal Code 46.035(f)(4) means “... a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area”.

Law enforcement officers in the performance of their duties are exempt from this directive. Having a concealed handgun license does not release one from this directive.”

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	COMMUNICATIONS		
		Effective Date: 10/19/1993	Chapter 8 Section 1

POLICY

The City encourages open communication among all employees and all departments in order to provide resident services and help achieve operating objectives.

SUGGESTIONS. The City wants to receive suggestions from employees on any matter that will improve resident care and operations. Employees are encouraged to make their suggestions in writing to their supervisors. All suggestions will be considered. Supervisors will respond to each suggestion, telling how and why it will be implemented, or why it will not be acted upon.

EMPLOYEE MEETINGS. Department heads and supervisors will conduct employee meetings from time to time to discuss issues affecting employment, benefits and operations, and to respond to employees' job related concerns. Supervisors will conduct meetings of their employees as needed to achieve operating objectives.

PUBLICATIONS. Publications about the City and for its employees will be published by the persons designated by management to be responsible for such publication.

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	NEWS MEDIA RELATIONS		
		Effective Date: 10/19/1993	

POLICY

All inquiries from the news media City operations are to be referred to the City Manager or Director.

All releases of information to the news media must be approved in advance by the City Manager or Director.

Employees are not permitted to discuss City business with news media personnel outside of working hours and away from premises.

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	SOCIAL RESPONSIBILITY		
		Effective Date: 10/19/1993	Chapter 8 Section 3

POLICY

The management of the City may choose to support the fund raising activities of a limited number of community service organizations that draw their support from the entire community and whose activities benefit the entire community.

PRESENTATIONS. Such organizations may be asked to make presentations to employees to explain their programs and to request financial support.

VOLUNTARY PARTICIPATION. While management encourages employees to attend these meeting, attendance is voluntary, and support of the organizations is voluntary. Employees will be paid their regular rates of pay while attending such meetings.

CRITERIA FOR SELECTING ORGANIZATIONS. The City Manager and the Directors solely determine the organizations that it will request to make a presentation, based on the following criteria:

- It must have broad-based community support;
- It must contribute to the welfare of the entire community; and,
- It must be non-political and non-sectarian.

NO OTHER SOLICITATION IS ALLOWED. No one is allowed to solicit employees or the public on City premises for any reason. This restriction does not apply to employees on breaks, uninterrupted meal times, and other specified non-work periods. This non-solicitation policy prohibits the presence of persons with signs, placards, buttons, or other solicitation materials on the premises. It also prohibits the passing out of printed materials, verbal solicitations, or the depositing of pictures, signs, or other printed material on the premises. All other forms of communication which amount to solicitation of the public or of employees are covered in this prohibition of solicitation.

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	FAIR TREATMENT / OPEN DOOR POLICY		
	Effective Date: 10/19/1993		Chapter 8 Section 4

POLICY

The City policy is to treat all employees fairly and equally in all matters of their employment. The City expects every employee to treat all other employees fairly and equally in all matters of employment and in their working relationships. Supervisors are expected to solve problems with and among employees in a fair and equal manner.

ACCESS TO MANAGEMENT. Employees who feel they have not been treated fairly and equally have an “open door” to any level of management to discuss any concern that they feel has not been or cannot be resolved through their normal chain of command. Employees should attempt to resolve concerns by talking with their supervisors. Employees who feel they cannot resolve an issue with their supervisors may request a meeting with another management person.

NO RETRIBUTION. Employees are not to be disciplined in any manner for pursuing an employment related issue under this policy. Supervisors who cause an employee to experience any adverse consequences for following this policy are subject to disciplinary action.

CONFIDENTIALITY AND INVESTIGATIONS. Employees who go to management under this policy are assured of confidentiality and of an investigation of the facts. They are not assured of the results they want. All issues identified by an employee under this policy will be investigated. If conducting an investigation will require discussing the employee and another person, the employee will be asked to agree to that discussion. If the employee does not agree, the employee will be told that an adequate investigation may not be possible, and therefore, all needed corrective action may not be taken.

RESOLUTION. Resolution of all issues will be on the basis of the job related facts. The employee may be instructed to discuss the issues with their supervisors if the investigation indicates that no unfair treatment is involved.

Supervisors are required to attempt to resolve every issue in a fair and impartial. However, supervisors are not to discourage any employee from going to management under this policy. Supervisors who treat employees fairly and impartially will not be disciplined in any manner when employees go to a higher level of management under this policy.

PROCEDURES

Employees who follow this procedure should state “I’m talking with you under the Fair Treatment/Open Door policy.” The management person must ask if they intend to talk under this policy if the employee does not make the statement. The supervisor or management person must consult with senior management before proceeding with the investigation.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	ELECTRONIC COMMUNICATIONS		
	Effective Date: 06/03/2008		Chapter 8 Section 5

POLICY

“Electronic communications systems” as used in this Section include the City’s connection to the internet, internet email, telephone, voice mail, facsimiles, pagers, cellular phones, radios, computers and computer networks, directories, and files.

NO RIGHT OF PRIVACY/MONITORING. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

PERSONAL USE. The purpose of electronic communications equipment is to enhance the City’s accessibility to citizens and improve service delivery. Limited personal use of electronic communications is acceptable. Department directors will determine the level of access assigned to authorized users and the limits of non-business use in their respective departments.

PROHIBITED ACTIVITY INCLUDES:

- Engaging in illegal, fraudulent, or malevolent conduct;
- Transmitting or storing material that is threatening, obscene, sexually explicit or disparaging of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
- Obtaining unauthorized access to any computer data system;
- Using another individual’s account or identity without explicit authorization;
- Activity used for outside employment or other direct financial profit;
- Conducting political campaigns or other activity; and
- Gambling or playing a game for money or other stakes.
- Posting any information electronically that does not reflect the standards and polices of the City. Under no circumstances, shall information of confidential, sensitive or otherwise proprietary nature be posted.

ELECTRONIC COMMUNICATIONS MAY BE MONITORED TO:

- Provide a workplace that is free of unlawful discrimination;
- Control the presence of inappropriate material;
- Ensure that resources are being used properly; and
- Investigate complaints of improper use.

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	ELECTRONIC COMMUNICATIONS		
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RECORDS RETENTION. Electronic communication is considered a record under the Texas Local Government Record Act and all electronic documents are subject to retention guidelines set by the City’s local government control schedules.

COPYRIGHT RESTRICTION. Employees must follow applicable copyright laws. If any doubt exists regarding copyright status of material, contact the copyright owner to obtain Director’s written permission prior to use. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the Department Director is required before introducing any software into the City’s computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

SOFTWARE REGULATIONS

- All pieces of software shall be registered with the software publisher when acquired by a department or the City.
- City employees may use or install only City authorized software approved by their department on City-owned hardware. The use of unlicensed software copies and unauthorized or expired bulletin board or shareware software is forbidden. Any personally owned software installed on the machine must be accompanied by the original license and approved by the Department Head.
- Software purchased for Local Area Networks (LANs) shall be available only to the maximum number of simultaneous operators as specified by the license. Under no circumstances is a City employee allowed to utilize an application from the LAN server for which he/she does not have a valid license.
- Employees are prohibited from giving copies of software that the City has acquired to non-City employees.

EMPLOYEE’S RESPONSIBILITY. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user’s location. Exchanges that occur in the course of conducting City business on the City’s electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

PROCEDURE

Any employee who violates this policy may be subject to discipline, up to and including termination as so determined by the employee’s Supervisor and/or Department Director.

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	ACCESS TO EMPLOYEE PERSONNEL FOLDERS AND PRIVACY OF RECORDS		
Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008		Chapter 9 Section 1

POLICY

Employee personnel folders are the property of the City. Their contents are confidential information. Personnel folders will be under lock at all times they are not being used. Release of information contained in employee personnel files is controlled by provisions of the Public Information Act.

The Human Resources Manager is the designated person with custody of the City's personnel folders, and responsible for overseeing their security. No information on current or former employees will be released to outside parties except by the Human Resources Manager or Human Resources Specialist.

PERSONNEL FILES ARE OPEN FOR INSPECTION AS FOLLOWS:

- A City employee may review their own file by contacting Human Resources to schedule an appointment. The employee may review the files and take notes or request copies of select pages, but shall not add or remove anything from their personnel file;
- A City employee having supervisory authority over the employee or an employee with a bona fide need to know may examine material in that employee's file;
- By order of a court of competent jurisdiction, any person may examine such portion of any employee's personnel file as may be ordered by the Court;
- An official of an agency of the State or federal government or any other political subdivision of the State may inspect by formal request or subpoena any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuance of the proper function of the inspecting agency or deemed upon advice of the City Attorney to be required by law.
- In other instances, an employee may by written authorization according to established procedures grant permission for inspection and/or duplication of records.
- An employee of the City who objects to material in his personnel file on the grounds that it is inaccurate or misleading may file a statement relating to the material.

Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law.

PUBLIC INFORMATION ACT. An employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security, or that reveals whether the employee has family members, by signing a written non-disclosure form at the time of employment. An employee is required to complete the necessary request form to withhold this information in conformity with the Public Information Act.

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	ACCESS TO EMPLOYEE PERSONNEL FOLDERS AND PRIVACY OF RECORDS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 1

**PRIVACY OF RECORDS
POLICY**

It is the policy of the City of Seabrook to assure compliance with the Healthcare Insurance Portability and Accountability (HIPAA).

The HIPAA Privacy Rule permits disclosure of health information for workers' compensation purposes as governed by the State of Texas Labor Code and the Texas Workers' Compensation Commission associated rules. In addition, the HIPAA Privacy Rule permits the employer to collect health information as needed for employment. The HIPAA Privacy Rule does not affect medical information the employer collects and uses to carry out obligations under the Family Medical Leave Act, the Americans Disability Act, and similar laws.

PROTECTED HEALTH INFORMATION DEFINITION. Protected Health Information (PHI) is any individually identifiable health information that is written, oral, or electronic, including demographic information collected from an individual. PHI also relates to past, present, or future physical or mental health or condition of an individual; or the past, present, or future payment for the provision of health care to an individual; and:

- That identifies the individual; or
- There is a reasonable basis to believe the information can be used to identify the individual.

PRIVACY OFFICER. The Human Resources Manager will be designated as the Privacy Officer with the Human Resources Specialist serving as the backup. The Privacy Officer will oversee all confidentiality issues and serve as the contact point for employee's confidential information.

The Privacy Officer will be responsible for monitoring employee and City compliance with all state and federal privacy standards to respond to complaints and inquiries in regard to HIPAA compliance efforts. Should a complaint or accusation arise against an employee or the department regarding privacy issues, the Privacy Officer will investigate the situation and follow department procedures regarding appropriate disciplinary action if the investigation supports the complaint.

PRIVACY GUIDELINES

- The City will limit whom within the organization has access to PHI based on who needs access to perform their job duties. PHI will only be used or disclosed as authorized or required by law.
- The City may release PHI to business associates with whom the City has written agreements containing terms to protect the privacy of PHI. A business associate is a person or entity that performs or assists the City with an activity involving the use or disclosure of medical information that is protected under the Privacy Rules.

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- The City will use or disclose employee PHI to a public or private entity authorized by law to assist in disaster relief efforts or as authorized by law deemed to be in the public interest or benefit according to the Privacy Rule.
- The Human Resources Manager or Human Resources Specialist will be allowed information related to employment physicals and drug screens. Specific information regarding employment physicals or drug screens will not be disclosed to the supervisor or any other staff member. This information will be filed separately from the employee’s Master Personnel File. It is the responsibility of the employee or prospective employee to discuss specifics with the physician.
- The Privacy Officer will be responsible for retrieving requested information and all Confidential Medical files. Under no circumstances will Human Resources staff allow access to personnel and/or Confidential Medical files without the consent of the Privacy Officer.

COMPLAINT FILING PROCEDURES. Anyone who believes that the City of Seabrook is not complying with a requirement of the Privacy Rule may submit a written complaint to the Privacy Officer. The writing must contain a description of the complaint and an explanation of the circumstances surrounding the complaint.

Complaints may also be filed with the Secretary of the United States Department of Health and Human Services. No retribution or negative action will be taken or tolerated because a member files a complaint with the Privacy Officer or Department of Health and Human Services.

The related incident or any other requested HIPAA related documentation or information will be provided by the Privacy Officer to the investigating agency. All employees will make every attempt to comply with the investigating agency’s requests, and any questions or concerns should be directed to the Privacy Officer.

If an employee is concerned their privacy rights have been violated, or they disagree with a decision that has been made about the access to their medical records, they may contact:

Human Resources Manager
 City of Seabrook
 1700 First Street
 Seabrook, TX 77586
 Phone:281-291-5600

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	CITY PROPERTY		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 2

POLICY

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, 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.

DAMAGE TO PROPERTY. Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee’s responsibility for maintenance and care of equipment used on the job. The improper, carelessness, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

REMOVAL OF PROPERTY FROM PREMISES. Employees are not allowed to remove any of the City's property from City premises except as required to do their jobs.

- The requirement for authorization to remove City property from the premises for purposes of carrying out job responsibilities must be made by a management person.
- Employees who remove City property from City premises to do their jobs must have authorization from the Supervisor or the Director.
- City property may not be removed from premises for any other reason.

EVIDENCE/PROPERTY. No employee shall fail to promptly deliver any evidence, abandoned property, or confiscated property to the proper authority as designated by department procedure or City regulation. An employee shall not convert to his own use, manufacture, destroy or remove, except in accordance with established departmental procedures, any property found in connection with official business. No employee is authorized to keep or claim such evidence or property.

EMPLOYEE PARTICIPATION IN CITY AUCTION. No City employee or City official shall be allowed to bid in City auctions that are solely operated by the City of Seabrook, nor shall

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an employee or official have anyone else represent him at such auctions for the purpose of bidding.

VEHICLES. Employees that are authorized users of city owned or leased vehicles or mobile equipment will abide by the polices as referenced in this manual in Chapter 9, Section 11, Vehicle and Equipment Operations.

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	CONFIDENTIALITY AND THE USE OF POSITION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 3

POLICY

The City expects all employees to act in the City's best interest and to act in the best interests of performing their specific job responsibilities. The misuse of City information or position creates a conflict of interest that can have an actual or potential adverse impact on the City and/or its citizens.

DISCLOSURE OF INFORMATION. No employee shall make known any information concerning an investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with the Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work.

REQUESTS FOR INFORMATION. Employees who need information about another area of the City that is not normally and routinely released to them must request it through their supervisors.

FINAL AUTHORITY ON RELEASE OF INFORMATION. Any disagreements about the validity of requests for information must be referred to the City Manager who has final authority to determine the release of information.

USE OF INFORMATION SYSTEMS. An employee shall not use information gained from any City information system for anything other than official City business.

INTERFERENCE WITH JUDICIAL PROCESS. Employees shall not attempt, recommend, or cause a dismissal, reduction of charges, canceling of a subpoena, or other disposition of a pending criminal case which has been previously filed in any criminal court or before any grand jury, except by written approval of their supervisor. Employees shall not communicate in any manner, either directly or indirectly, any information which may assist persons guilty or accused of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of, or secrete evidence of unlawful activity, money, merchandise, or other property unlawfully obtained.

ABUSE OF POSITION

- **USE OF OFFICIAL POSITION.** An employee shall not use his official position, official identification card or City business card for personal or financial gain or for obtaining privileges not otherwise available to him, except in the performance of

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	CONFIDENTIALITY AND THE USE OF POSITION		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 3

assigned duties or where authorized by the City Manager. An employee may not lend his official identification card or City business card to another person or permit it to be photographed or reproduced without approval.

- USE OF NAME, PHOTOGRAPH OR TITLE.** An employee shall not permit or authorize use of his name, photograph, or official title which identifies him as a City employee, or permit or authorize property of the City to be used in connection with testimonials or advertisements of any commodity or commercial enterprise, or for any personal reasons without the approval of his Department Head.

PROCEDURES

Requests for information not normally and routinely released to an employee must be made in writing by a management person. Supervisors will follow the procedure for Communicating Employee Performance and use the Employee Performance Form to talk with employees about job related behaviors covered by this policy.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	FIRE SAFETY AND EVACUATION		
		Effective Date: 10/19/1993	

POLICY

The Fire Safety and Evacuation Plan of the City is published separately.

- All employees are required to become familiar with the Fire Safety and Evacuation Plan.
- Employees are required to observe all fire safety rules, follow all fire safety procedures, and otherwise support and cooperate with the fire safety plan.
- Department Directors are responsible for the fire safety plan in their designated locations.

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	IDENTIFICATION		
		Effective Date: 10/19/1993	Chapter 9 Section 5

POLICY

Employees are to identify persons not known to them before allowing entry to any restricted area of the City's premises. Persons who are not employees of the City may enter restricted areas of the City only upon authorization by a management person. Non-employees are not allowed in restricted areas of the premises, except at the invitation of a management person for a reason related to the mission or operation of the City.

- **EMPLOYEE IDENTIFICATION.** Employees who wish to enter an area where they are not known are required to identify themselves or to arrange through their management to be introduced.
- **MEANING OF IDENTIFICATION.** Identifying a person means verifying the identity of the person, and it means verifying the business related reason for the person's presence. A person accompanied by a management person does not require identification by any other employee.
- **REFERRING UNIDENTIFIED VISITORS.** Employees who can not immediately identify visitors are to refer the visitors to management.
- **ENFORCEMENT.** All employees are required to enforce and cooperate with this policy. No employee will be reprimanded or criticized in any way for requiring identification.

PROCEDURES

Employees are to identify unknown persons by asking them to wait while a management person is called. If a management person cannot be reached, employees are to ask the person to accompany them to an office where a management person will take responsibility

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	INJURIES		
		Effective Date: 10/19/1993	Chapter 9 Section 6

POLICY

All employment related injuries are to be reported immediately and treated as required. Reports shall be made to their immediate Supervisor, their Director, or the local law enforcement agency as necessary or required, as soon as possible, but no later than 24 hours after the accident.

Employees who suffer either a work related or a non-work related injury will not be allowed to work if the injury interferes with their ability to perform the essential functions of their job responsibilities safely and efficiently.

WORK RELATED INJURIES. Work related injuries require immediate attention and treatment, within the following guidelines:

- **USE OF AMBULANCE AND EMERGENCY MEDICAL PERSONNEL.** The City will immediately call an ambulance and emergency medical personnel for complaints of chest pain, seizures, bad lacerations, compound fractures, amputations, unconsciousness, crush injuries, head injuries resulting in slurred speech or other neurological symptoms, and back and neck injuries.
- **USE OF CAR.** The City will have someone drive injured employees to the physician, if the injury does not require transportation by ambulance. If in doubt, the City will call an ambulance.
- **HOSPITALS.** If the injury or illness requires hospitalization, but time is not critical, the employee should be taken to the hospital. If an ambulance crew is called, the ambulance crew will determine if hospitalization is required, and will determine the hospital, if time is critical.
- **CPR AND FIRST AID.** The City will attempt have one or more employees trained in CPR and first aid. In the event of the need for CPR or first aid, the supervisor will immediately dispatch one person to get the trained employee, and will ask another person to call an ambulance.
- **DRUG SCREENS.** If an employee is involved in a work related injury while operating a City vehicle and the employee is not sent to the hospital, the employee is required to complete a drug and alcohol screen immediately after the accident. It is the Supervisor's responsibility to arrange for on-site drug screening or transportation of the employee to this test.
- **CHOICE OF PHYSICIANS AND HOSPITALS.** Unless an employee needs emergency assistance, the employee should contact their supervisor or Human Resources to verify the City's current authorized facilities.

EMPLOYEE REPORTING REQUIREMENTS. Employees need to report any injury and/or near misses to their supervisor within 24 hours of occurrence. The supervisor will assist the employee in gathering the appropriate information and completing the necessary forms.

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	INJURIES		
		Effective Date: 10/19/1993	Chapter 9 Section 6

SUPERVISOR REPORTING REQUIREMENTS. In any situation involving injury to an employee, property damage to City-owned vehicles or equipment or to private property involving City vehicles or equipment, the Director or Supervisor shall:

- Inform the Department Director; and
- Inform Human Resources; and
- Assist the employee in completing a ‘Report of Accident or Injury on the Job’ and forward the signed form to Human Resources; and
- Complete an ‘Investigation Report’ form that lists witnesses, location, cause of accident, and any corrective measures taken and forward to Human Resources.

NON-WORK RELATED INJURIES. Employees who report to work with a non-employment related injury that interferes with their ability to perform the essential functions of their jobs will not be allowed to work.

- Employees who suffer non-employment related injuries are required to be certified by their physicians to be able to return to work and perform the essential functions of the job before they will be allowed to work.
- At the City's discretion, these employees may be required to be examined by a physician chosen by the City and certified to be able to return to work and perform the essential functions of the job before being allowed to return to work.

PARTIAL OR LIGHT DUTY WORK. Employees who are unable to perform the essential responsibilities of their jobs will not be allowed to work, unless their Supervisor or Director makes the determination the Department has light duty which they can perform. In some cases, it may be necessary to have additional information from the employee's physician.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	PERSONAL PROPERTY		
		Effective Date: 10/19/1993	Chapter 9 Section 7

POLICY

The City does not reimburse employees for the loss of their cash or other personal property at work and on premises.

- The City does not reimburse employees for vandalism perpetrated on employee's personal property on our premises.
- The City will not assume any responsibility for replacing or repairing employees' personal property that is lost, stolen, vandalized, or otherwise damaged or taken from employees during work times and on our premises.
- Employees should properly insure personal property that will be taken on our premises.
- Some employees may be required to provide their own equipment or hand tools. These employees must fill out and sign an inventory of the equipment and tools they own. Their supervisor will verify and sign the inventory. A copy of the inventory will be placed in the personnel files. The purpose of this inventory is to remove any doubt as to the employee's ownership of personal equipment or tools.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	PERSONAL PROTECTION EQUIPMENT		
		Effective Date: 10/19/1993	Chapter 9 Section 8

POLICY

The City of Seabrook, in accordance with its Safety Policies and Procedures, will provide personal protection equipment, as needed. It is responsibility of employees to utilize the equipment as provided.

HEAD. Issued hard hats shall be provided to and used by all employees working in areas where possible danger of head injury from impact, falling of flying objects or from electrical shock and burns exist.

EARS. Issued hearing conservation devices shall be provided to and worn by all employees working in a danger of noise exposure exceeds accepted safe limits.

EYE AND FACE. Issued eye and face protection equipment shall be provided to and used by all employees when machines or operations present potential eye or face injury from physical, chemical or radiation agents.

RESPIRATORY PROTECTION. Issued respiratory protective devices shall be provided to and used by all employees when working in atmospheres immediately dangerous to life and health contaminants which are likely to have adverse delayed effect on the health of the employee.

FOOT PROTECTION. Protective footwear shall be used by all employees when working where equipment operation or the movement of heavy materials or construction situations could cause injury to the feet.

HAND. Issued or employee purchased protective gloves shall be work by all employees when worksite operations could cause injury to the hands.

HIGH VISIBILITY WARNING OUTER GARMENTS. Issued or employee purchased outer garments marked with or made from reflectorized or high visibility material shall be used by all employees when exposed to vehicular traffic on alleys, roads, streets, or highways.

SAFETY BELTS, LIFELINES AND LANYARDS. Issued or purchased by employees' safety belts, lifelines, and lanyards shall be used by all employees when working in an overhead position which may require use of both hands and when there is a danger of falling.

LIFE JACKET or BUOYANT WORK VESTS. Issued life jackets or buoyant work vests shall be provided to and used by all employees when working over or near water where the danger of drowning exists.

SPECIAL PROTECTIVE CLOTHING OR PROTECTIVE DEVICES - GENERAL. All special protective clothing or protective devices shall be used by all employees where departmental or division supervisors or foremen require their use.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	SAFETY		
		Effective Date: 10/19/1993	Chapter 9 Section 9

POLICY

Every employee is responsible for ensuring a safe work environment, for practicing safe work habits, and following the safety procedures prescribed by law, by the City of Seabrook, and by their supervisors. Ensuring a safe work environment means employees are responsible for the safety of residents, their own safety, the safety of other employees, and the safety of all others in their work areas.

The policies as outlined below represent minimum requirements and are only intended to cover average conditions. Since it is not practical to cover all conditions and emergencies, it is the duty of the supervisor to make sure all job assignments are clearly understood, and that all safety rules are observed.

RESPONSIBILITY OF THE CITY MANAGER. The City Manager will be responsible for the coordination and primary actions involved with the implementation and maintenance of the City's safety policy.

RESPONSIBILITY OF MANAGEMENT. Management will:

- Provide means to accomplish this policy;
- Enforce this policy and take disciplinary action (as stated in the Personnel Policies) against any employees willfully disregarding it;
- Require all subcontractors of City departments to abide by this policy;
- Conduct safety inspections regularly and file reports;
- Investigate and prepare reports for accidents involving City-owned property, as necessary;
- Establish procedures for treatment of injured employees;
- Establish and provide safety training for personnel;
-

RESPONSIBILITY OF SUPERVISORS AND DIRECTORS. Supervisors and Directors will:

- Be completely responsible for on-site safety;
- Make available all necessary personal protective equipment, job safety materials, and first aid equipment;
- Instruct the foreman that safe practices are to be followed and safe conditions maintained through the job; and
- Instruct foreman individually regarding their safety responsibilities.

RESPONSIBILITY OF EMPLOYEES. Employees will:

- Adhere to this safety policy and work according to good safety practices as posted, instructed, and discussed;
- Report all accidents to their supervisor and seek first aid for all injuries however minor these may be;

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	SAFETY		
		Effective Date: 10/19/1993	Chapter 9 Section 9

- Use personal protective equipment and/or clothing that is provided (to include safety footwear provided at employees' expense minus the City reimbursement);
- Attend scheduled safety meetings and activities;
- Complete an Employee Report of Accident form immediately following an accident and forward it to their supervisor;
- Report any unsafe condition or act to their supervisor or their director immediately.
- Not engage in any action, such as practical jokes, "horseplay," "carelessness," or work methods, that endanger themselves or others while performing their job duties, while on premises, and during work time.
- Contact their supervisor on a regular basis, as specified by department regulations, when job-related injuries result in lost time for the purpose of keeping the supervisor informed of the employee's medical condition and expected return-to-work status.

EMPLOYEE TRAINING. A vital element of the City Safety Policy is to inform all employees about the hazards associated with their jobs and how to work safely.

- **Orientation:** New employees deserve to be informed of their job responsibilities and their safety responsibilities.
- **On the Job:** In keeping with our safety policy, every individual who directs, supervises, or controls the work of others is responsible for establishing and maintaining the safest possible environment for employees and members of the public within their control or areas of operation. It is also their responsibility to promulgate necessary safety rules and regulations, in coordination with the City Manager. The employee has an equal responsibility to be familiar with all applicable rules and regulations and to apply all training and knowledge to safe work practices that are consistent with the goals stated within this policy.
- **Employee Training:** It shall be the responsibility of each Director to provide adequate training in safety for all employees.

SAFETY INSPECTIONS. It shall be the primary responsibility of the job supervisor to conduct regular safety inspections to insure safe working and worksite conditions. The director shall also conduct periodic on-site safety inspections and report any unsafe conditions to management as necessary to correct the unsafe condition.

SAFETY MEETINGS. Safety meetings shall be scheduled on a regular basis and directed by the job supervisors and directors.

- Managers and employees who violate this policy on safety are subject to disciplinary action, up to and including immediate termination, without notice and without warning.

PROCEDURES

Supervisors will follow the Communicating Employee Performance procedure and use the Employee Performance Form in talking with employees about behaviors covered by this policy.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	VANDALISM		
		Effective Date: 10/19/1993	Chapter 9 Section 10

POLICY

Vandalism by employees against the property of the City, the property of a resident, or the property of another employee is prohibited.

- Employees who vandalize or deliberately damage any property in any manner on City premises will be terminated.
- Employees who threaten to vandalize or deliberately damage any property in any manner on City premises will be warned under the disciplinary actions policy. A second threat, or actual damage, will result in immediate termination.
- Any persons, employees and non-employees alike, who vandalize property on premises in any manner will be reported to the appropriate law enforcement officials.
- The City will cooperate with all law enforcement officials to investigate incidents of vandalism, and will exercise legal remedies to recover losses caused us by vandalism.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	VEHICLE AND EQUIPMENT OPERATIONS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 11

POLICY

No City employee shall operate a City vehicle or piece of equipment in the scope and course of his/her employment without first being trained, instructed, or certified, as may be applicable, in its proper operation and use.

Unless waived by the department head upon due consideration of the employee's or applicant's driving record and circumstances involving violations, accidents, the following driving prerequisites shall apply to every City employee who drives or operates City-owned motor vehicles or motorized equipment:

- A valid Class C Texas driver's license
- A record of no more than 3 moving violations and/or accidents within a 24-month period; and
- No record of D.W.I. or D.U.I.D. convictions in the preceding 24-month period; or
- The employee has not lost State of Texas driving privileges by reason of revocation, suspension, withdrawal or denial of license to drive, or if he/she is required to have an interlock device on his/her personal vehicle.

ANNUAL DRIVING RECORD CHECK. Where a valid Texas driver's license is required to operate such equipment, driving records will be examined on an annual basis.

NOTIFICATION REQUIREMENTS. Employees who operate vehicles in the course and scope of their employment must notify their supervisor if and when their driver's license becomes invalid or suspended for any reason.

Employees who operate City vehicles which require them to have a Texas Commercial Driver's License must notify their supervisor in writing IMMEDIATELY of any conviction of any State law or local ordinance relating to motor vehicle traffic control other than parking violations. The signed, written notification must include:

- The driver's full name and license number;
- The date of the conviction;
- The nature of the violation;
- Whether or not the violation was committed in a commercial motor vehicle; and
- The location of the offense.

USE OF CITY VEHICLES. An employee shall utilize City equipment in accordance with established procedures and shall not abuse, damage, or lose City equipment. City property or equipment shall not be used for any personal non-City business.

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	VEHICLE AND EQUIPMENT OPERATIONS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 11

- An employee shall promptly report the need for repairs of any City-owned or leased property to his supervisor.
- No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased property without the permission of his department head. This includes buildings, office equipment, machines, clothing, tools, and other equipment. Communications equipment and motor vehicles may not be altered, repaired, or in any way changed, added to, or have any parts or accessories removed except with permission of the City department officially charged with maintenance of communications equipment and vehicles.

City vehicles are to be used as necessary to conduct business of the City and its operations. Employees shall not operate City vehicles for the purpose of conducting a private business or enterprise or any other personal use. However, it is recognized that a minimal amount of personal use of a City vehicle may be required for those employees who:

- are assigned a take-home vehicle and, therefore, commute to and from work in the City vehicle;
- conduct their daily work in or from a vehicle;
- are on City authorized travel; and
- minimal personal use shall be limited to:
 - commuting to and from work for those employees assigned a take-home vehicle
 - driving to and from a restaurant to eat during an approved meal break if no personal vehicle is available to the employee
 - personal emergencies if no personal vehicle is available and the appropriate Department Head grants approval

SAFETY

An employee shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the state, city, and any political subdivision pertaining to such operation. An employee shall at all times set a proper example for other persons by his operation of a vehicle.

- Existing seat belts shall be worn by the driver and passengers when a vehicle is in operation.
- An employee who receives a summons, complaint, or other charge regarding the operation of a motor vehicle or other motorized equipment in the course and scope of his/her employment shall report that issuance to his supervisor. The department head or his designee may conduct an inquiry into the circumstances and take such action as necessary under established rules.
- A non-correctable physical or driving skill defect which would retard or impair the employee's ability to safely operate a motor vehicle or failure to comply with the driving prerequisites stated above, may result in that employee being permanently prohibited

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	VEHICLE AND EQUIPMENT OPERATIONS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 11

from operation of any City-owned or leased vehicle or privately-owned vehicle for City business. An employee permanently prohibited from vehicle operation under this provision where driving is an essential requirement and duty of his position may be required to initiate a search for another City position for which he is qualified and which does not involve operation of a vehicle and, if no such position is available, may be terminated, unless a reasonable accommodation must be made as required by law.

OPERATION OF VEHICLES OUT OF CITY LIMITS/SERVICE AREA. City employees, while operating City vehicles, are required to remain within the City limits unless commuting efficiencies can be realized through brief route departures or if the City service be realized through brief route departures or if the City service boundaries extend beyond the City limits. All other departures require the prior approval of the appropriate supervisor.

TRANSPORTATION OF PERSONS NOT ENGAGED IN CITY BUSINESS. Each Department Head shall insure that only authorized personnel are allowed to operate City-owned vehicles and equipment. In addition, non-City employees or other City employees shall not be allowed as passengers in City vehicles except in cases where they are conducting City business with City staff.

VEHICLE INSPECTION. All employees will perform a "walk-around" of the vehicle to see if there are any visible problems prior to it being driven. If problems are noted, please refer to the following instruction, if applicable:

- If body damage is discovered, check to see if the City's standard Accident Report has been completed
- If there appears to be any significant malfunctioning, do not operate the vehicle, call your Department Head for approval to have the vehicle towed

VEHICLE COLLISIONS. All employees, if involved in any vehicular collision in a City vehicle or in a private vehicle while performing City duties, shall:

- call the appropriate law enforcement agency
- call your Department Head
- allow your Department Head or the appropriate law enforcement agency to determine if the vehicle should be towed
- complete the City's standard Accident Report and forward copies to your Department Head

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	VEHICLE AND EQUIPMENT OPERATIONS		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 11

SMOKING AND DRUGS/ALCOHOL PROHIBITIONS. Smoking is not allowed in any City vehicle at any time.

Employees are prohibited from using, possessing, being under the influence of or having the presence of drugs, alcohol or mind altering substances in their system while operating City vehicles.

COMMUTING FRINGE BENEFIT COMPENSATION. Unless an employee is required to be on a 24 hour on-call status as determined by the City Manager and/or Department Heads, use of a City owned or leased vehicle is considered a fringe benefit according to IRS. Any employee using a City owned or leased vehicle for commuting (from work to home and from home to work) and/or for personal use, will be subject to the current cents-per-mile rate to be added to their taxable income. Mileage usage will be recorded on a daily basis and turned in with an employee's timesheet for each pay period.

PROCEDURES

Supervisors will follow the procedure for Communicating Employee Performance and use the Employee Performance Form to talk with employees about violations of this policy.

	City of Seabrook – Personnel Policies and Procedures Last Published Date: June 4, 2008		
	WORK RESTRICTIONS DUE TO AGE		
	Revision: 1	Effective Date: 10/19/1993 Revised: 05/06/2008	Chapter 9 Section 12

POLICY

The City may employ persons who are under 18 years of age. Persons under 16 years of age will not be employed.

- Employees under 18 years of age are not employed in positions that require work with equipment and machinery or work in areas that are prohibited by Child Labor Laws.
- Supervisors and Directors are responsible for determining in accordance with federal law if persons under the age of 18 are restricted from working in specific jobs, in specific areas, or with specific machinery and equipment.

**CITY OF SEABROOK
ORDINANCE NO. 2016 -05**

AMENDMENT TO THE FIREARMS ORDINANCE

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1, "GENERALLY" BY AMENDING SECTION 48-78, "DISCHARGE OF WEAPONS AND EXCEPTIONS", ADDING A NEW SECTION 48-79, "REGULATION OF FIREARMS AND AIRGUNS"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500, OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the Code of Ordinances (Code) relating to the elimination of hazards, nuisances and other circumstances which negatively impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, Section 229.001, Texas Local Government Code, provides a municipality may regulate the carrying of a firearm or air gun by a person other than a person licensed to carry a handgun under Subchapter H, Chapter 411, Texas Government Code, under specific provisions; and

WHEREAS, the City Council of the City of Seabrook has investigated, reviewed and considered the use of firearms and airguns within the city limits, as defined in Section 229.001 of the Texas Local Government Code, that pose the potential risk of serious personal injury, death or damage to property of its residents; and

WHEREAS, a city may prohibit the carrying of firearms by non-license holders, including long guns such as rifles and shotguns, in city buildings and related areas pursuant to Texas Penal Code Section 30.05; and

WHEREAS, the City Council has determined that firearms and airguns should be regulated, as provided by law, for the protection of the health, peace and safety of its residents and others; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS:

SECTION 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and incorporated herein.

SECTION 2. AMENDMENT TO THE CODE.

Chapter 44 "Law Enforcement and Offenses", Article III., "Offenses," Division 1, "Generally" of the Seabrook Code of Ordinances is amended as follows:

"Sec. 44-76. - Enforcement.

Enforcement of this article is the responsibility of the police.

(Code 1976, § 18-6; Code 1996, § 42-2)

Sec. 44-77. - Penalties.

Any person convicted of any provisions of this chapter, except as otherwise provided for in this chapter, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine not to exceed the maximum amount allowed by law.

(Code 1976, § 18-7; Code 1996, § 42-1)

Sec. 44-78. - Discharge of weapons and exceptions.

(a) Definition. For the purposes of this section, the term "weapon" means any firearm, (including revolver, pistol, rifle, shotgun, pellet gun, BB gun, airgun), bow and arrow (including cross bow, long bow, compound bow, or similar device composed of a curved piece of resilient wood or other material with a taut cord to propel an arrow or bolt), or any other weapon that is spring loaded, discharged by explosive action of any kind or nature, or of pneumatic design and operation.

(b) Discharge prohibited. It shall be unlawful for any person within the city to cast, throw, shoot, fire or discharge any weapon, as defined in subsection (a) above in the city, other than law enforcement officers or authorized persons engaged in the performance of their duty or otherwise permitted by law.

(c) Exceptions; defenses.

(1) Nothing in this section shall be construed to apply to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies, or the discharge of a firearm at a sport shooting range as provided for pursuant to V.T.C.A., Local

Government Code § 229.001; nor shall this section be construed to prevent any public or private demonstration or display of firearms of any kind, if conducted under proper supervision, after an application is made and a permit issued by the city council for such demonstration.

(2) It is a defense to prosecution under paragraph (b) that:

- a. The weapon was discharged upon an authorized sport shooting range;
- b. The weapon was discharged by a law enforcement officer acting within the scope of his duties;
- c. The weapon was discharged in lawful defense of a person or property; or
- d. The bow and arrow discharged was a toy designed to be used by children.

(3) This section shall not apply to any shooting range sponsored and sanctioned by the city.

(Code 1976, § 18-1; Code 1996, § 42-3; Ord. No. 2014-05, § 2, 2-18-2014)

Sec. 44-79.- Regulation of Firearms and Airguns

(a) The carrying of a firearm or air gun by a person other than a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, is prohibited at a:

- (1) public park;
- (2) public meeting of a municipality, county, or other governmental body;
- (3) political rally, parade, or official political meeting; or
- (4) nonfirearms-related school, college, or professional athletic event;

(b) The carrying of an airgun by a minor is prohibited on:

- (1) public property; or
- (2) private property without consent of the property owner.

(c) "Air gun" means any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring."

Secs. 44-80—44-94. - Reserved.

SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 1-15, "General Penalty; Continuing Violations" which provides that any person who shall violate any provision of this Ordinance, shall be fined in an amount of \$500, or the maximum amount permitted by law.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 2nd day of February, 2016.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2016.

By: _____
Glenn Royal, Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered, City Attorney

**CITY OF SEABROOK
ORDINANCE NO. 2016-07**

**ISSUANCE OF CERTIFICATES OF OBLIGATION
SERIES 2016**

ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF CITY OF SEABROOK, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2016 IN AN AGGREGATE PRINCIPAL AMOUNT OF \$2,500,000 FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENTS OF CERTAIN PUBLIC WORKS; PRESCRIBING THE TERMS AND FORM THEREOF; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL THEREOF AND INTEREST THEREON; AWARDING THE SALE THEREOF; AND MAKING OTHER PROVISIONS REGARDING SUCH CERTIFICATES, INCLUDING USE OF THE PROCEEDS THEREOF; AND MATTERS INCIDENT THERETO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS:

**ARTICLE I
FINDINGS AND DETERMINATIONS**

Section 1.1 Findings and Determinations. The City Council hereby officially finds and determines that:

- (a) The City of Seabrook, Texas (the “City”), acting through its City Council, is authorized pursuant to and in accordance with the provisions of Texas Local Government Code, Chapter 271, Subchapter C, as amended (the “Act”), to issue certificates of obligation to provide all or part of the funds to pay contractual obligations to be incurred for the construction of public works, specifically the projects listed in the City’s Notice of Intention, as described in paragraph (b) below.
- (b) The City Council authorized the publication of a notice of intention (the “Notice of Intention”) to issue the Certificates to the effect that the City Council was tentatively scheduled to meet at 4:00 p.m. on February 16, 2016 at a regular meeting place to adopt an ordinance authorizing the issuance of the City of Seabrook, Texas Certificates of Obligation, Series 2016 (the “Certificates”) to be payable from (i) an ad valorem tax levied, within the limits prescribed by law, on the taxable property located within the City, and (ii) and a surplus pledge of certain revenues of the water and sewer system of the City.
- (c) Such notice was published on January 14, 2016 and January 21, 2016 in the manner required by the Act.
- (d) No petition signed by at least five percent (5%) of the qualified voters of the City has been filed with or presented to any official of the City protesting the issuance of such Certificates on or before February 16, 2016, the date of passage of this Ordinance.

- 49 (e) The City is authorized by Section 1502.052, Texas Government Code, to pledge
50 the revenues of the water and sewer system of the City to the payment of
51 certificates of obligation.
52
- 53 (f) The City has determined that it is in the best interests of the City and that it is
54 otherwise desirable to issue the Certificates to provide all or part of the funds to
55 pay contractual obligations to be incurred for the purposes authorized by the Act.
56

57 ARTICLE II
58 DEFINITIONS AND INTERPRETATIONS
59

60 Section 2.1 Definitions. As used herein, the following terms shall have the meanings
61 specified, unless the context clearly indicates otherwise:
62

63 “Act” shall mean Texas Local Government Code, Chapter 271, Subchapter C, as amended.
64

65 “Attorney General” shall mean the Attorney General of the State of Texas.
66

67 “Certificate” or “Certificates” shall mean any or all of the City of Seabrook, Texas
68 Certificates of Obligation, Series 2016, authorized by this Ordinance.
69

70 “City” shall mean the City of Seabrook, Texas and where appropriate, its City Council.
71

72 “City Council” shall mean the governing body of the City.
73

74 “Code” shall mean the Internal Revenue Code of 1986, as amended.
75

76 “Comptroller” shall mean the Comptroller of Public Accounts of the State of Texas.
77

78 “Fiscal Year” shall mean the City’s then designated fiscal year, which currently is the twelve-
79 month period beginning on the first day of October of a calendar year and ending on the last day of
80 September of the next succeeding calendar year and each such period may be designated with the
81 number of the calendar year in which such period ends.
82

83 “Interest Payment Date,” when used in connection with any Certificate, shall mean
84 September 1, 2016, and each March 1 and September 1 thereafter until maturity or prior redemption.
85

86 “Issuance Date” shall mean the date on which the Certificates are delivered to and paid for by
87 the Purchaser.
88

89 “Ordinance” shall mean this Ordinance and all amendments hereof and supplements hereto.
90

91 “Outstanding”, when used with reference to the Certificates, shall mean, as of a particular
92 date, all Certificates theretofore and thereupon delivered pursuant to this Ordinance except: (a) any
93 Certificates canceled by or on behalf of the City at or before such date; (b) any Certificates defeased
94 pursuant to the defeasance provisions of this Ordinance or otherwise defeased as permitted by
95 applicable law; and (c) any Certificates in lieu of or in substitution for which a replacement
96 Certificate shall have been delivered pursuant to this Ordinance.

97 “Paying Agent/Registrar” shall mean _____, and its successors in that
98 capacity.
99

100 “Paying Agent/Registrar Agreement” shall mean the agreement between the City and the
101 Paying Agent/Registrar setting forth the duties and obligations of the Paying Agent/Registrar with
102 respect to the Certificates.
103

104 “Purchaser” shall mean _____.
105

106 “Record Date” shall mean the close of business on the fifteenth calendar day of the month
107 immediately preceding the applicable Interest Payment Date.
108

109 “Register” shall mean the registration books for the Certificates kept by the Paying
110 Agent/Registrar in which are maintained the names and addresses of, and the principal amounts
111 registered to, each Registered Owner of Certificates.
112

113 “Registered Owner” or “Owner” shall mean the person or entity in whose name any
114 Certificate is registered in the Register.
115

116 Section 2.2 Interpretations. All terms defined herein and all pronouns used in this
117 Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and
118 headings of the articles and sections of this Ordinance have been inserted for convenience of
119 reference only and are not to be considered a part hereof and shall not in any way modify or restrict
120 any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall
121 be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the
122 Certificates and the validity of the levy of ad valorem taxes and surplus pledge of certain revenues of
123 the water and sewer system of the City to pay the principal of and interest on the Certificates.
124

125 **ARTICLE III**
126 **TERMS OF THE CERTIFICATES**
127

128 Section 3.1 Amount, Purpose and Authorization. The Certificates shall be issued in fully
129 registered form, without coupons, under and pursuant to the authority of the Act in the total
130 authorized aggregate principal amount of TWO MILLION FIVE HUNDRED THOUSAND AND
131 NO/100 DOLLARS (\$2,500,000) to pay all or any part of the contractual obligations to be incurred
132 for construction of public works and the purchase of materials, supplies, equipment, machinery,
133 buildings, land and rights-of-way for authorized needs and purposes and for the payment of
134 contractual obligations for professional services, to wit: (i) improvements and repairs to the City’s
135 water system, including the relocation of a water plant and water storage facilities from Humble
136 Drive to Lakeside Drive; and (ii) professional services rendered in connection with the above listed
137 projects.
138

139 Section 3.2 Designation, Date and Interest Payment Dates. The Certificates shall be
140 designated as the “City of Seabrook, Texas Certificates of Obligation, Series 2016,” and shall be
141 dated March 1, 2016. The Certificates shall bear interest as provided in Section 3.3 below.
142
143

144 If interest on any Certificate is not paid on any Interest Payment Date and continues unpaid
145 for thirty (30) days thereafter, the Paying Agent/Registrar shall establish a new record date for the
146 payment of such interest, to be known as a Special Record Date. The Paying Agent/Registrar shall
147 establish a Special Record Date when funds to make such interest payment are received from or on
148 behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for
149 payment of such past due interest, and notice of the date of payment and the Special Record Date
150 shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to
151 the Special Record Date, to each affected Registered Owner as of the close of business on the day
152 prior to mailing of such notice.
153

154 Section 3.3 Numbers, Denomination, Interest Rates and Maturities. The Certificates shall
155 be initially issued bearing the number R-1, and shall bear interest from the date of their delivery at
156 the rate of ____% until the date of maturity or prepayment prior to maturity, and may be transferred
157 as set out in this Ordinance. Principal of the Certificates shall be payable in installments as set forth
158 in the following schedule with final maturity occurring on September 1, 2031. Certificates delivered
159 on transfer of or in exchange for other Certificates shall be numbered (with appropriate prefix) in
160 order of their authentication by the Registrar, shall be in denominations of \$100,000 and increments
161 of \$1,000 in excess thereof (“Authorized Denominations”) and shall mature on the same date and
162 bear interest at the same rate as the Certificate or Certificates in lieu of which they are delivered.
163

	<u>Payment</u> <u>Date</u>	<u>Principal</u> <u>Payment</u>
164		
165		
166		
167	09/01/2017	\$
168	09/01/2018	
169	09/01/2019	
170	09/01/2020	
171	09/01/2021	
172	09/01/2022	
173	09/01/2023	
174	09/01/2024	
175	09/01/2025	
176	09/01/2026	
177	09/01/2027	
178	09/01/2028	
179	09/01/2029	
180	09/01/2030	
181	09/01/2031*	
182	*final maturity	
183		

184 Section 3.4 Optional Redemption Prior to Maturity. (a) The Certificates may be
185 redeemed, at the option of the City, on September 1, 2016 or on any date thereafter, with funds
186 derived from any available and lawful source, as a whole, or in part, and, if in part, the particular
187 principal installments or portions thereof, to be redeemed shall be selected and designated by the
188 City, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the
189 date fixed for redemption.
190

191 (b) Not less than thirty (30) days prior to a redemption date for the Certificates, a
192 notice of redemption will be sent by U.S. mail, first class postage prepaid, in the
193 name of the City to each Owner of a Certificate to be redeemed in whole at the
194 address of such Owner appearing on the Register at the close of business on the
195 business day next preceding the date of mailing. Such notices shall state the
196 redemption date, the redemption price, the place at which Certificates are to be
197 surrendered for payment, and, if less than all Certificates Outstanding are to be
198 redeemed, the numbers of Certificates to be redeemed. Any notice of redemption
199 so mailed as provided in this Section will be conclusively presumed to have been
200 duly given, whether or not the Registered Owner receives such notice. By the
201 date fixed for redemption, due provision shall be made with the Paying
202 Agent/Registrar for payment of the redemption price of the Certificates to be
203 redeemed. When Certificates have been called for redemption in whole and
204 notice of redemption has been given as herein provided, the Certificates so
205 redeemed shall no longer be regarded to be Outstanding, except for the purpose of
206 receiving payment solely from the funds so provided for redemption, and interest
207 which would otherwise accrue after the redemption date on any Certificate called
208 for redemption shall terminate on the date fixed for redemption.
209

210 Section 3.5 Manner of Payment, Characteristics, Execution and Authentication. The
211 Paying Agent/Registrar is hereby appointed the paying agent for the Certificates. The Certificates
212 shall be payable, shall have the characteristics and shall be executed, registered and authenticated, all
213 as provided and in the manner indicated in the FORM OF CERTIFICATES set forth in Article IV of
214 this Ordinance. Payments by the City to the Paying Agent/Registrar will be made by automatic debit
215 of an account of the City held at the Paying Agent/Registrar. If any officer of the City whose manual
216 or facsimile signature shall appear on the Certificates shall cease to be such officer before the
217 authentication of the Certificates or before the delivery of the Certificates, such manual or facsimile
218 signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in
219 such office.
220

221 The approving legal opinion of Orrick, Herrington & Sutcliffe LLP, Houston, Texas, Bond
222 Counsel, may be printed on the back of the Certificates over the certification of the City Secretary,
223 which may be executed in facsimile, and the engagement of such firm to serve as Bond Counsel with
224 respect to the Certificates is hereby approved.
225

226 Section 3.6 Authentication. Except for the Certificates to be initially issued, which need
227 not be authenticated by the Paying Agent/Registrar, only such Certificates as shall bear thereon a
228 certificate of authentication, substantially in the form provided in Article IV of this Ordinance,
229 manually executed by an authorized representative of the Paying Agent/Registrar, shall be entitled to
230 the benefits of this Ordinance or shall be valid or obligatory for any purpose. Such duly executed
231 certificate of authentication shall be conclusive evidence that the Certificate so authenticated was
232 delivered by the Paying Agent/Registrar hereunder.
233
234
235
236

237 Section 3.7 Ownership. The City, the Paying Agent/Registrar and any other person may
238 treat the person in whose name any Certificate is registered as the absolute owner of such Certificate
239 for the purpose of making and receiving payment of the principal thereof and interest thereon and for
240 all other purposes, whether or not such Certificate is overdue, and neither the City nor the Paying
241 Agent/Registrar shall be bound by any notice or knowledge to the contrary. All payments made to
242 the person deemed to be the Registered Owner of any Certificate in accordance with this Section
243 shall be valid and effective and shall discharge the liability of the City and the Paying
244 Agent/Registrar upon such Certificate to the extent of the sums paid.
245

246 Section 3.8 Registration, Transfer and Exchange. The Paying Agent/Registrar is hereby
247 appointed the registrar for the Certificates. As long as any Certificates remain Outstanding, the
248 Registrar shall keep the Register at its principal corporate trust office and, subject to such reasonable
249 regulations as it may prescribe, the Registrar shall provide for the registration and transfer of
250 Certificates in accordance with the terms of this Ordinance.
251

252 Each Certificate shall be transferable only upon the presentation and surrender thereof at the
253 principal corporate trust office of the Paying Agent/Registrar, accompanied by an assignment duly
254 executed by the Registered Owner or his authorized representative in form satisfactory to the Paying
255 Agent/Registrar. Upon due presentation of any Certificate for transfer, the Paying Agent/Registrar
256 shall authenticate and deliver in exchange therefor, within seventy-two (72) hours after such
257 presentation, a new Certificate or Certificates, registered in the name of the transferee or transferees,
258 in authorized denominations and of the same maturity and aggregate principal amount and bearing
259 interest at the same rate as the Certificate or Certificates so presented and surrendered.
260

261 All Certificates shall be exchangeable upon the presentation and surrender thereof at the
262 principal corporate trust office of the Paying Agent/Registrar for a Certificate or Certificates,
263 maturity and interest rate and in any authorized denomination, in an aggregate principal amount
264 equal to the unpaid principal amount of the Certificate or Certificates presented for exchange. The
265 Paying Agent/Registrar shall be and is hereby authorized to authenticate and deliver exchange
266 Certificates in accordance with the provisions of this Section. Each Certificate delivered by the
267 Paying Agent/Registrar in accordance with this Section shall be entitled to the benefits and security
268 of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate
269 is delivered.
270

271 All Certificates issued in transfer or exchange shall be delivered to the Registered Owners
272 thereof at the principal corporate trust office of the Paying Agent/Registrar or sent by United States
273 mail, first class, postage prepaid.
274

275 The City or the Paying Agent/Registrar may require the Registered Owner of any Certificate
276 to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in
277 connection with the transfer or exchange of such Certificate. Any fee or charge of the Paying
278 Agent/Registrar for such transfer or exchange shall be paid by the City.
279
280
281
282
283

284 Section 3.9 Replacement Certificates. Upon the presentation and surrender to the Paying
285 Agent/Registrar of a damaged or mutilated Certificate, the Paying Agent/Registrar shall authenticate
286 and deliver in exchange therefor a replacement Certificate, of the same maturity, interest rate and
287 principal amount, bearing a number not contemporaneously outstanding. The City or the Paying
288 Agent/Registrar may require the Registered Owner of such Certificate to pay a sum sufficient to
289 cover any tax or other governmental charge that may be imposed in connection therewith and any
290 other expenses connected therewith, including the fees and expenses of the Paying Agent/Registrar
291 and the City.

292
293 If any Certificate is lost, apparently destroyed or wrongfully taken, the City, pursuant to the
294 applicable laws of the State of Texas and ordinances of the City, and in the absence of notice or
295 knowledge that such Certificate has been acquired by a bona fide purchaser, shall execute, and the
296 Paying Agent/Registrar shall authenticate and deliver, a replacement Certificate of the same maturity,
297 interest rate and principal amount, bearing a number not contemporaneously outstanding, provided
298 that the Registered Owner thereof shall have:

- 299
300 (a) furnished to the City and the Paying Agent/Registrar satisfactory evidence of the
301 ownership of and the circumstances of the loss, destruction or theft of such
302 Certificate;
- 303
304 (b) furnished such security or indemnity as may be required by the Paying
305 Agent/Registrar and the City to save and hold them harmless;
- 306
307 (c) paid all expenses and charges in connection therewith, including, but not limited
308 to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or
309 other governmental charge that may be imposed; and
- 310
311 (d) met any other reasonable requirements of the City and the Paying
312 Agent/Registrar.

313
314 If, after the delivery of such replacement Certificate, a bona fide purchaser of the original
315 Certificate in lieu of which such replacement Certificate was issued presents for payment such
316 original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such
317 replacement Certificate from the person to whom it was delivered or any person taking therefrom,
318 except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided
319 therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying
320 Agent/Registrar in connection therewith.

321
322 If any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become
323 or is about to become due and payable, the City in its discretion may, instead of issuing a
324 replacement Certificate, authorize the Paying Agent/Registrar to pay such Certificate.

325
326 Each replacement Certificate delivered in accordance with this Section shall be entitled to the
327 benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of
328 which such replacement Certificate is delivered.

329
330

331 Section 3.10 Cancellation. All Certificates paid or redeemed in accordance with this
332 Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are
333 authenticated and delivered in accordance herewith, shall be canceled and destroyed upon the making
334 of proper records regarding such payment or redemption. The Paying Agent/Registrar shall
335 periodically furnish the City with certificates of destruction of such Certificates.
336

337 **ARTICLE IV**
338 **FORM OF CERTIFICATES**
339

340 The Certificates, including the Form of Comptroller’s Registration Certificate, Form of
341 Paying Agent/Registrar Authentication Certificate, and Form of Assignment shall be in substantially
342 the following forms, with such omissions, insertions and variations as may be necessary or desirable,
343 and not prohibited by this Ordinance:
344

345 **THIS CERTIFICATE MAY NOT BE TRANSFERRED EXCEPT IN ACCORDANCE WITH**
346 **SECTION 3.8 OF THE ORDINANCE AND AS PROVIDED HEREIN**
347

348 UNITED STATES OF AMERICA
349 STATE OF TEXAS
350

351 CITY OF SEABROOK, TEXAS
352 CERTIFICATE OF OBLIGATION
353 SERIES 2016
354

355
356 NUMBER DENOMINATION
357 ¹R- \$ _____
358 REGISTERED REGISTERED
359

360 DATED DATE: MARCH 1, 2016
361

362 DELIVERY DATE: MARCH 8, 2016
363

364 INTEREST RATE: _____ %
365

366 REGISTERED OWNER: _____
367

368 PRINCIPAL AMOUNT: _____ AND NO/100 DOLLARS
369

370 THE CITY OF SEABROOK, TEXAS (the “City”), for value received, promises to pay to the
371 Registered Owner identified above, or registered assigns, as set forth in the following schedule:
372 [insert information regarding years of maturity and principal amounts from Section 3.3 of Ordinance]
373 upon presentation and surrender of this Certificate at the principal corporate trust office of
374 _____, or its successor (the “Paying Agent/Registrar”), provided; however,
375 with respect to principal payments prior to the final principal payment, the Certificate need not be

¹ Initial Certificate of Obligation shall be numbered T-1

376 surrendered to the Paying Agent/Registrar, who will merely document such payment on an internal
377 ledger maintained by the Paying Agent/Registrar, payable in any coin or currency of the United
378 States of America which on the date of payment of such principal is legal tender for the payment of
379 debts due the United States of America, and to pay interest thereon at the rate of _____%, subject to
380 adjustment as provided in Sections 3.3 and 7.4 of the Ordinance, until the date of maturity or
381 prepayment prior to maturity, calculated on the basis of a 360-day year composed of twelve 30-day
382 months, from the later of the Delivery Date specified above, or the most recent interest payment date
383 to which interest has been paid or duly provided for. Interest on this Certificate is payable on
384 September 1, 2016 and each March 1 and September 1 thereafter until maturity or prior redemption
385 of this Certificate, by automatic deposit, by the Paying Agent/Registrar to the Registered Owner of
386 record as of the close of business on the last day of the calendar month immediately preceding the
387 applicable interest payment date, as shown on the registration books kept by the Paying
388 Agent/Registrar. Any accrued interest payable at maturity shall be paid upon presentation and
389 surrender of this Certificate at the principal corporate trust office of the Paying Agent/Registrar.
390

391 THIS CERTIFICATE IS ONE OF A DULY AUTHORIZED SERIES OF CERTIFICATES
392 (the "Certificates") in the aggregate principal amount of \$_____ issued pursuant to an
393 ordinance adopted by the City Council of the City on February 16, 2016 (the "Ordinance") to pay all
394 or any part of the contractual obligations to be incurred for construction of public works and the
395 purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for
396 authorized needs and purposes and for the payment of contractual obligations for professional
397 services, to wit: (i) improvements and repairs to the City's water system, including the relocation of a
398 water plant and water storage facilities from Humble Drive to Lakeside Drive; and (ii) professional
399 services rendered in connection with the above listed projects.
400

401 ²THIS CERTIFICATE shall not be valid or obligatory for any purpose or be entitled to any
402 benefit under the Ordinance unless this Certificate is authenticated by the Paying Agent/Registrar by
403 due execution of the authentication certificate endorsed hereon.
404

405 THE CERTIFICATES MAY BE REDEEMED, at the option of the City, on September 1,
406 2016 or on any date thereafter, at the option of the Issuer, with funds derived from any available and
407 lawful source, as a whole, or in part, and, if in part, the particular principal installments or portions
408 thereof, to be redeemed shall be selected and designated by the Issuer, at a redemption price equal to
409 the principal amount to be redeemed plus accrued interest to the date fixed for redemption.
410

411 NOTICE OF ANY REDEMPTION shall be given at least thirty (30) days prior to the date
412 fixed for redemption by first class U.S. mail, postage prepaid, addressed to the registered owner of
413 each Certificate to be redeemed in whole at the address shown on the books of registration kept by
414 the Paying Agent/Registrar. When Certificates have been called for redemption, and due provision
415 has been made to redeem the same, the amounts so redeemed shall be payable solely from the funds
416 provided for redemption, and interest which would otherwise accrue on the amounts called for
417 redemption shall cease to accrue on the date fixed for redemption.

² In the initial Certificate, this paragraph shall read:

"THIS CERTIFICATE shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Certificate of Obligation is registered by the Comptroller of Public Accounts of the State of Texas by due execution of the registration certificate attached or affixed hereto."

418 THIS CERTIFICATE IS TRANSFERABLE only upon presentation and surrender at the
419 principal corporate trust office of the Paying Agent/Registrar, accompanied by an assignment duly
420 executed by the Registered Owner or its authorized representative, subject to the terms and
421 conditions of the Ordinance.
422

423 THIS CERTIFICATE IS EXCHANGEABLE at the principal corporate trust office of the
424 Paying Agent/Registrar for a Certificate or Certificates of the same maturity and interest rate and in
425 the principal amount of \$100,000 and increments of \$1,000 in excess thereof or any integral multiple
426 thereof (or in an amount equal to an authorized denomination, as the case may be), subject to the
427 terms and conditions of the Ordinance.
428

429 THE CITY OR PAYING AGENT/REGISTRAR may require the Registered Owner of any
430 Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be
431 imposed in connection with the transfer or exchange of a Certificate. Any fee or charge of the
432 Paying Agent/Registrar for a transfer or exchange shall be paid by the City.
433

434 THE REGISTERED OWNER of this Certificate by acceptance hereof, acknowledges and
435 agrees to be bound by all the terms and conditions of the Ordinance.
436

437 IT IS HEREBY DECLARED AND REPRESENTED that this Certificate has been duly and
438 validly issued and delivered; that all acts, conditions and things required or proper to be performed,
439 exist and to be done precedent to or in the issuance and delivery of this Certificate have been
440 performed, exist and have been done in accordance with law; that the Certificates do not exceed any
441 constitutional or statutory limitation; and that annual ad valorem taxes sufficient to provide for the
442 payment of the interest on and principal of this Certificate, as such interest comes due and such
443 principal matures, have been levied and ordered to be levied, within the limits prescribed by law,
444 against all taxable property in the City and have been irrevocably pledged for such payment.
445

446 IT IS FURTHER DECLARED AND REPRESENTED that the revenues (not to exceed
447 \$1,000) to be derived from the water and sewer system of the City, after the payment of all operation
448 and maintenance expenses of such water and sewer system of the City (the "Net Revenues") and
449 subordinate to the pledge of Net Revenues to any obligations which are secured by a pledge of Net
450 Revenues superior to the pledge of Net Revenues to the Certificates, are pledged to the payment of
451 the principal of and interest on the Certificates. The City also reserves the right to issue, for any
452 lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other
453 obligations of any kind, secured in whole or in part by a pledge of Net Revenues, that may be prior
454 and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues
455 securing the Certificates.
456

457 REFERENCE IS HEREBY MADE TO THE ORDINANCE, a copy of which is filed with
458 the Paying Agent/Registrar, for the full provisions thereof, to all of which the Registered Owners of
459 the Certificates assent by acceptance of the Certificates.
460
461
462
463
464

465 IN WITNESS WHEREOF, the City has caused this Certificate to be signed by the Mayor,
466 countersigned by the City Secretary by their manual, lithographed or printed facsimile signatures.

467
468 (AUTHENTICATION OR
469 REGISTRATION CERTIFICATE)

CITY OF SEABROOK, TEXAS

Glenn Royal, Mayor

COUNTERSIGNED:

Robin Hicks, TRMC
City Secretary

* * *

481 FORM OF COMPTROLLER'S REGISTRATION CERTIFICATE

482
483 The following form of Comptroller's Registration Certificate shall be attached or affixed to
484 each of the Certificates initially delivered:

485
486 OFFICE OF THE COMPTROLLER §
487 OF PUBLIC ACCOUNTS § REGISTER NO. _____
488 THE STATE OF TEXAS §

489
490 I hereby certify that this certificate has been examined, certified as to validity and approved
491 by the Attorney General of the State of Texas, and that this certificate has been registered by the
492 Comptroller of Public Accounts of the State of Texas.

493
494 WITNESS MY SIGNATURE AND SEAL OF OFFICE this _____.

495
496 _____
497 Comptroller of Public Accounts
498 of the State of Texas

499
500 (SEAL)

501
502 * * *

503
504 FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

505
506 The following form of authentication certificate shall be printed on the face of each of the
507 Certificates other than those initially delivered:

508 AUTHENTICATION CERTIFICATE

509
510 This Certificate is one of the Certificates described in and delivered pursuant to the within-
511 mentioned Ordinance; and, except for the Certificates initially delivered, this Certificate has been
512 issued in exchange for or replacement of a Certificate, Certificates, or a portion of a Certificate or
513 Certificates of an issue which originally was approved by the Attorney General of the State of Texas
514 and registered by the Comptroller of Public Accounts of the State of Texas.

515
516 _____,
517 as Paying Agent/Registrar

518 By: _____
519 Authorized Signature: _____
520 Date of Authentication: _____

521
522 * * *

526 FORM OF ASSIGNMENT

527 The following form of assignment shall be printed on the back of each of the Certificates:

529 ASSIGNMENT

530 For value received, the undersigned hereby sells, assigns and transfers unto

531
532
533
534 _____
535 (Please print or type name, address and zip code of Transferee)
536

537 _____
538 (Please insert Social Security or Taxpayer Identification Number of Transferee)
539

540 the within certificate and all rights thereunder, and hereby irrevocably constitutes and appoints
541 _____ attorney to transfer the within certificate on the
542 books kept for registration thereof, with full power of substitution in the premises.

543
544 DATED: _____

545 Signature Guaranteed: _____

546 _____
547 Registered Owner

548 NOTICE: Signature must be guaranteed
549 by a member firm of the New York Stock to the name of the registered owner as shown on
550 Exchange or a commercial bank or trust
551 company.

547 NOTICE: The signature above must correspond
548 to the name of the registered owner as shown on
549 the face of this certificate in every particular,
550 without any alteration, enlargement or change
551 whatsoever.

552 * * *

553 ARTICLE V
554 SECURITY FOR THE CERTIFICATES

555 Section 5.1 Pledge and Levy of Taxes and Revenues. (a) To provide for the payment of
556 principal of and interest on the Certificates, there is hereby levied, within the limits prescribed by
557 law, for the current year and each succeeding year thereafter, while the Certificates or any part of the
558 principal thereof and the interest thereon remain outstanding and unpaid, an ad valorem tax upon all
559 taxable property within the City sufficient to pay the interest on the Certificates and to create and
560 provide a sinking fund of not less than 2% of the principal amount of the Certificates or not less than
561 the principal payable out of such tax, whichever is greater, with full allowance being made for tax
562 delinquencies and the costs of tax collection, and such taxes, when collected, shall be applied to the
563 payment of principal of and interest on the Certificates by deposit to the Debt Service Fund (as
564 defined below) and to no other purpose.

565
566
567 (b) The City hereby declares its purpose and intent to provide and levy a tax legally
568 sufficient to pay the principal of and interest on the Certificates, it having been
569 determined that the existing and available taxing authority of the City for such
570 purpose is adequate to permit a legally sufficient tax. As long as any Certificates
571 remain outstanding, all moneys on deposit in, or credited to, the Debt Service
572 Fund shall be secured by a pledge of security, as provided by law for cities in the
573 State of Texas.
574

575
576 (c) In addition, the City also hereby pledges the revenues (not to exceed \$1,000) to be
577 derived from the water and sewer system of the City, after the payment of all
578 operation and maintenance expenses of such water and sewer system of the City
579 (the “Net Revenues”) and subordinate to the pledge of Net Revenues to any
580 obligations which are secured by a pledge of Net Revenues superior to the pledge
581 of Net Revenues to the Certificates, to the payment of the principal of and interest
582 on the Certificates by deposit to the Debt Service Fund. The City also reserves
583 the right to issue, for any lawful purpose at any time, in one or more installments,
584 bonds, certificates of obligation and other obligations of any kind, secured in
585 whole or in part by a pledge of Net Revenues, that may be prior and superior in
586 right to, on a parity with, or junior and subordinate to the pledge of Net Revenues
587 securing the Certificates.
588

589 Section 5.2 Debt Service Fund. The Certificates of Obligation, Series 2016 Debt Service
590 Fund (the “Debt Service Fund”) is hereby created as a special fund solely for the benefit of the
591 Certificates. The City shall establish and maintain such fund at an official City depository and shall
592 keep such fund separate and apart from all other funds and accounts of the City. Any amount on
593 deposit in the Debt Service Fund shall be maintained by the City in trust for the Registered Owners
594 of the Certificates. Such amount, plus any other amounts deposited by the City into such fund and
595 any and all investment earnings on amounts on deposit in such fund, shall be used only to pay the
596 principal of, premium, if any, and interest on the Certificates.
597

598 Section 5.3 Further Proceedings. After the Certificates to be initially issued have been
599 executed, it shall be the duty of the Mayor to deliver the Certificates to be initially issued and all
600 pertinent records and proceedings to the Attorney General for examination and approval. After the
601 Certificates to be initially issued shall have been approved by the Attorney General, they shall be
602 delivered to the Comptroller for registration. Upon registration of the Certificates to be initially
603 issued, the Comptroller (or a deputy lawfully designated in writing to act for the Comptroller) shall
604 manually sign the Comptroller’s registration certificate prescribed herein to be affixed or attached to
605 the Certificates to be initially issued, and the seal of said Comptroller shall be impressed, or placed in
606 facsimile, thereon.
607

608 ARTICLE VI
609 CONCERNING THE PAYING AGENT/REGISTRAR
610

611 Section 6.1 Acceptance. _____, is hereby appointed as the initial
612 Paying Agent/Registrar for the Certificates pursuant to the terms and provisions of the Paying
613 Agent/Registrar Agreement by and between the City and the Paying Agent/Registrar. The Paying
614 Agent/Registrar Agreement shall be substantially in the form attached hereto as Exhibit A, the terms
615 and provisions of which are hereby approved, and the Mayor is hereby authorized to execute and
616 deliver such Paying Agent/Registrar Agreement on behalf of the City in multiple counterparts and
617 the City Secretary is hereby authorized to attest thereto. Such initial Paying Agent/Registrar and any
618 successor Paying Agent/Registrar, by undertaking the performance of the duties of the Paying
619 Agent/Registrar hereunder, and in consideration of the payment of any fees pursuant to the terms of
620 any contract between the Paying Agent/Registrar and the City and/or the deposits of money pursuant
621 to this Ordinance, shall be deemed to accept and agree to abide by the terms of this Ordinance.

622 Section 6.2 Trust Funds. All money transferred to the Paying Agent/Registrar in its
623 capacity as Paying Agent/Registrar for the Certificates under this Ordinance (except any sums
624 representing Paying Agent/Registrar’s fees) shall be held in trust for the benefit of the City, shall be
625 the property of the City and shall be disbursed in accordance with this Ordinance.
626

627 Section 6.3 Certificates Presented. Subject to the provisions of Section 6.4, all matured
628 Certificates presented to the Paying Agent/Registrar for payment shall be paid without the necessity
629 of further instructions from the City. Such Certificates shall be canceled as provided herein.
630

631 Section 6.4 Unclaimed Funds Held by the Paying Agent/Registrar. Funds held by the
632 Paying Agent/Registrar that represent principal of and interest on the Certificates remaining
633 unclaimed by the Registered Owner thereof after the expiration of three years from the date such
634 funds have become due and payable (a) shall be reported and disposed of by the Paying
635 Agent/Registrar in accordance with the provisions of Title 6 of the Texas Property Code, as
636 amended, to the extent such provisions are applicable to such funds, or (b) to the extent such
637 provisions do not apply to the funds, such funds shall be paid by the Paying Agent/Registrar to the
638 City upon receipt by the Paying Agent/Registrar of a written request therefor from the City.
639

640 The Paying Agent/Registrar shall have no liability to the Registered Owners of the
641 Certificates by virtue of actions taken in compliance with this Section.
642

643 Section 6.5 Paying Agent/Registrar May Own Certificates. The Paying Agent/Registrar
644 in its individual or any other capacity, may become the owner or pledgee of Certificates with the
645 same rights it would have if it were not the Paying Agent/Registrar.
646

647 Section 6.6 Successor Paying Agents/Registrars. The City covenants that at all times
648 while any Certificates are Outstanding it will provide a legally qualified bank, trust company,
649 financial institution or other agency to act as Paying Agent/Registrar for the Certificates. So long as
650 the Purchaser is 100% owner of the Certificates, the City may not terminate the Paying
651 Agent/Registrar Agreement without prior written consent of the Purchaser; such consent shall not be
652 unreasonably withheld or delayed. Otherwise, the City reserves the right to change the Paying
653 Agent/Registrar for the Certificates on not less than sixty (60) days’ written notice to the Paying
654 Agent/Registrar, as long as any such notice is effective not less than 60 days prior to the next
655 succeeding principal or interest payment date on the Certificates. Promptly upon the appointment of
656 any successor Paying Agent/Registrar, the previous Paying Agent/Registrar shall deliver the Register
657 or a copy thereof to the new Paying Agent/Registrar, and the new Paying Agent/Registrar shall notify
658 each Registered Owner, by United States mail, first class, postage prepaid, of such change and of the
659 address of the new Paying Agent/Registrar. Each Paying Agent/Registrar hereunder, by acting in
660 that capacity, shall be deemed to have agreed to the provisions of this Ordinance.
661
662
663
664
665
666
667

668 ARTICLE VII
669 PROVISIONS CONCERNING SALE AND
670 APPLICATION OF PROCEEDS OF CERTIFICATES
671

672 Section 7.1 Sale of Certificates. The sale of the Certificates to the Purchaser at a price
673 equal to the par value thereof is hereby approved, and delivery of the Certificates to the Purchaser
674 shall be made upon payment therefor in accordance with the terms of sale. It is hereby officially
675 found, determined and declared that the terms of the sale of the Certificates are the most
676 advantageous terms reasonably obtainable by the City at this time.
677

678 Section 7.2 Approval, Registration and Delivery. The Mayor is hereby authorized to
679 have control and custody of the Certificates and all necessary records and proceedings pertaining
680 thereto pending their delivery, and the Mayor and other officers and employees of the City are hereby
681 authorized and directed to make such certifications and to execute such instruments as may be
682 necessary to accomplish the delivery of the Certificates and to assure the investigation, examination
683 and approval thereof by the Attorney General and the registration of the initial Certificates by the
684 Comptroller. Upon registration of the Certificates, the Comptroller (or the Comptroller's certificates
685 clerk or an assistant certificates clerk lawfully designated in writing to act for the Comptroller) shall
686 manually sign the Comptroller's Registration Certificates prescribed herein to be attached or affixed
687 to each Certificates initially delivered and the seal of the Comptroller shall be impressed or printed or
688 lithographed thereon.
689

690 Section 7.3 Application of Proceeds of Certificates. Proceeds from the sale of the
691 Certificates shall, promptly upon receipt by the City, be applied as follows:
692

- 693 (1) Accrued interest, if any, shall be deposited into the Debt Service Fund created in
694 Section 5.2 of this Ordinance;
695
- 696 (2) A portion of the proceeds shall be applied to pay expenses arising in connection with
697 the issuance of the Certificates;
698
- 699 (3) The remaining proceeds shall be applied, together with other funds of the City, to
700 provide funds to pay contractual obligations to be incurred for the construction of
701 public works, specifically the construction of the public works described in Section
702 3.1 of this Ordinance; and
- 703 (4) Any proceeds from the sale of the Certificates, including investment income thereon,
704 remaining after making all the foregoing deposits and payments shall be deposited
705 into the Debt Service Fund and used to pay debt service on the Certificates.
706

707 Section 7.4 Tax Exemption. The City intends that the interest on the Certificates shall be
708 excludable from gross income of the owners thereof for federal income tax purposes pursuant to
709 Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"),
710 and all applicable temporary, proposed and final regulations (the "Regulations") and procedures
711 promulgated thereunder and applicable to the Certificates. For this purpose, the City covenants that
712 it will monitor and control the receipt, investment, expenditure and use of all gross proceeds of the
713 Certificates (including all property the acquisition, construction or improvement of which is to be
714 financed directly or indirectly with the proceeds of the Certificates) and take or omit to take such
715 other and further actions as may be required by Sections 103 and 141 through 150 of the Code and

716 the Regulations to cause interest on the Certificates to be and remain excludable from the gross
717 income, as defined in Section 61 of the Code, of the owners of the Certificates for federal income tax
718 purposes. Without limiting the generality of the foregoing, the City shall comply with each of the
719 following covenants:

720

721 (a) The City will use all of the proceeds of the Certificates to pay all or any part of the contractual
722 obligations to be incurred for construction of public works and for the payment of contractual
723 obligations for professional services. The City will not use any portion of the proceeds of the
724 Certificates to pay the principal of or interest or redemption premium on, any other obligation
725 of the City or a related person.

726

727 (b) The City will not directly or indirectly take any action, or omit to take any action, which
728 action or omission would cause the Certificates to constitute “private activity bonds” within
729 the meaning of Section 141(a) of the Code.

730

731 (c) Principal of and interest on the Certificates will be paid from ad valorem taxes and certain
732 revenues of the City’s water and sewer system collected by the City, investment earnings on
733 such collections, and as available, proceeds of the Certificates.

734

735 (d) Based upon all facts and estimates now known or reasonably expected to be in existence on
736 the date the Certificates are delivered, the City reasonably expects that the proceeds of the
737 Certificates will not be used in a manner that would cause the Certificates or any portion
738 thereof to be an “arbitrage bond” within the meaning of Section 148 of the Code.

739

740 (e) At all times while the Certificates are outstanding, the City will identify and properly account
741 for all amounts constituting gross proceeds of the Certificates in accordance with the
742 Regulations. The City will monitor the yield on the investments of the proceeds of the
743 Certificates and, to the extent required by the Code and the Regulations, will restrict the yield
744 on such investments to a yield which is not materially higher than the yield on the Certificates.
745 To the extent necessary to prevent the Certificates from constituting “arbitrage bonds,” the
746 City will make such payments as are necessary to cause the yield on all yield restricted
747 nonpurpose investments allocable to the Certificates to be less than the yield that is materially
748 higher than the yield on the Certificates.

749 (f) The City will not take any action or knowingly omit to take any action that, if taken or
750 omitted, would cause the Certificates to be treated as “federally guaranteed” obligations for
751 purposes of Section 149(b) of the Code.

752

753 (g) The City represents that not more than fifty percent (50%) of the proceeds of the Certificates
754 will be invested in nonpurpose investments (as defined in Section 148(f)(6)(A) of the Code)
755 having a substantially guaranteed yield for four years or more within the meaning of
756 Section 149(g)(3)(A)(ii) of the Code, and the City reasonably expects that at least eighty-five
757 percent (85%) of the spendable proceeds of the Certificates will be used to carry out the
758 governmental purpose of the Certificates within the three-year period beginning on the date of
759 issue of the Certificates.

760

761

762

- 763 (h) The City will take all necessary steps to comply with the requirement that certain amounts
764 earned by the City on the investment of the gross proceeds of the Certificates, if any, be
765 rebated to the federal government. Specifically, the City will (i) maintain records regarding
766 the receipt, investment, and expenditure of the gross proceeds of the Certificates as may be
767 required to calculate such excess arbitrage profits separately from records of amounts on
768 deposit in the funds and accounts of the City allocable to other obligations of the City or
769 moneys which do not represent gross proceeds of any obligations of the City and retain such
770 records for at least six years after the day on which the last outstanding Certificate is
771 discharged, (ii) account for all gross proceeds under a reasonable, consistently applied method
772 of accounting, not employed as an artifice or device to avoid in whole or in part, the
773 requirements of Section 148 of the Code, including any specified method of accounting
774 required by applicable Regulations to be used for all or a portion of any gross proceeds,
775 (iii) calculate, at such times as are required by applicable Regulations, the amount of excess
776 arbitrage profits, if any, earned from the investment of the gross proceeds of the Certificates
777 and (iv) timely pay, as required by applicable Regulations, all amounts required to be rebated
778 to the federal government. In addition, the City will exercise reasonable diligence to assure
779 that no errors are made in the calculations required by the preceding sentence and, if such an
780 error is made, to discover and promptly correct such error within a reasonable amount of time
781 thereafter, including payment to the federal government of any delinquent amounts owed to it,
782 interest thereon and any penalty.
783
- 784 (i) The City will not directly or indirectly pay any amount otherwise payable to the federal
785 government pursuant to the foregoing requirements to any person other than the federal
786 government by entering into any investment arrangement with respect to the gross proceeds of
787 the Certificates that might result in a reduction in the amount required to be paid to the federal
788 government because such arrangement results in a smaller profit or a larger loss than would
789 have resulted if such arrangement had been at arm's length and had the yield on the
790 Certificates not been relevant to either party.
791
- 792 (j) The City will timely file or cause to be filed with the Secretary of the Treasury of the United
793 States the information required by Section 149(e) of the Code with respect to the Certificates
794 on such form and in such place as the Secretary may prescribe.
795
- 796 (k) The City will not issue or use the Certificates as part of an “abusive arbitrage device” (as
797 defined in Section 1.148-10(a) of the Regulations). Without limiting the foregoing, the
798 Certificates are not and will not be a part of a transaction or series of transactions that attempts
799 to circumvent the provisions of Section 148 of the Code and the Regulations, by (i) enabling
800 the City to exploit the difference between tax-exempt and taxable interest rates to gain a
801 material financial advantage, or (ii) increasing the burden on the market for tax-exempt
802 obligations.
803
- 804 (l) Proper officers of the City charged with the responsibility for issuing the Certificates are
805 hereby directed to make, execute and deliver certifications as to facts, estimates or
806 circumstances in existence as of the date of issuance of the Certificates and stating whether
807 there are facts, estimates or circumstances that would materially change the City's
808 expectations. On or after the date of issuance of the Certificates, the City will take such
809 actions as are necessary and appropriate to assure the continuous accuracy of the
810 representations contained in such certificates.

811 (m) The covenants and representations made or required by this Section are for the benefit of the
812 Certificate holders and any subsequent Certificate holder, and may be relied upon by the
813 Certificate holders and any subsequent Certificate holder and bond counsel to the City.
814

815 In complying with the foregoing covenants, the City may rely upon an unqualified opinion
816 issued to the City by nationally recognized bond counsel that any action by the City or reliance upon
817 any interpretation of the Code or Regulations contained in such opinion will not cause interest on the
818 Certificates to be includable in gross income for federal income tax purposes under existing law.
819

820 Notwithstanding any other provision of this Ordinance, the City's representations and
821 obligations under the covenants and provisions of this Section 7.4 shall survive the defeasance and
822 discharge of the Certificates for as long as such matters are relevant to the exclusion of interest on the
823 Certificates from the gross income of the owners for federal income tax purposes.
824

825 Section 7.5 Qualified Tax-Exempt Obligations. The City hereby designates the
826 Certificates as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code. With
827 respect to such designation, the City represents the following: (a) that during the calendar year 2016,
828 the City (including all entities which issue obligations on behalf of the City), has not designated nor
829 will designate obligations, which when aggregated with the Certificates will result in more than
830 \$10,000,000 of "qualified tax-exempt obligations" being issued and (b) that the City has examined its
831 financing needs for the calendar year 2016 and reasonably anticipates that the amount of bonds,
832 leases, loans or other obligations, together with the Certificates and any other tax-exempt obligations
833 heretofore issued by the City (plus those of all entities which issue obligations on behalf of the City)
834 during the calendar year 2016, when the higher of the face amount or the issue price of each such
835 tax-exempt obligation issued for the calendar year 2016 by the City is taken into account, will not
836 exceed \$10,000,000.
837

838 Section 7.6 Related Matters. In order that the City shall satisfy in a timely manner all of
839 its obligations under this Ordinance, the Mayor, City Secretary and all other appropriate officers,
840 agents, representatives and employees of the City are hereby authorized and directed to take all other
841 actions that are reasonably necessary to provide for the issuance and delivery of the Certificates,
842 including, without limitation, executing and delivering on behalf of the City all certificates, consents,
843 receipts, requests, notices, and other documents as may be reasonably necessary to satisfy the City's
844 obligations under this Ordinance and to direct the transfer and application of funds of the City
845 consistent with the provisions of this Ordinance.
846

847 **ARTICLE VIII**
848 **MISCELLANEOUS**
849

850 Section 8.1 Defeasance. The City may defease the provisions of this Ordinance and
851 discharge its obligations to the Registered Owners of any or all of the Certificates to pay the principal
852 of and interest thereon in any manner permitted by law, including by depositing with the Paying
853 Agent/Registrar or with the State Treasurer of the State of Texas either:
854

855 (a) cash in an amount equal to the principal amount of such Certificates plus interest
856 thereon to the date of maturity or redemption; or
857

858 (b) pursuant to an escrow or trust agreement, cash and/or (i) direct noncallable
859 obligations of United States of America, including obligations that are
860 unconditionally guaranteed by the United States of America; (ii) noncallable
861 obligations of an agency or instrumentality of the United States, including
862 obligations that are unconditionally guaranteed or insured by the agency or
863 instrumentality and that, on the date the governing body of the issuer adopts or
864 approves the proceedings authorizing the issuance of refunding bonds, are rated as
865 to investment quality by a nationally recognized investment rating firm not less
866 than AAA or its equivalent; or (iii) noncallable obligations of a state or an agency
867 or a county, municipality, or other political subdivision of a state that have been
868 refunded and that, on the date the governing body of the issuer adopts or approves
869 the proceedings authorizing the issuance of refunding bonds, are rated as to
870 investment quality by a nationally recognized investment rating firm not less than
871 AAA or its equivalent, which, in the case of (i), (ii) or (iii), may be in book-entry
872 form, and the principal of and interest on which will, when due or redeemable at
873 the option of the holder, without further investment or reinvestment of either the
874 principal amount thereof or the interest earnings thereon, provide money in an
875 amount which, together with other moneys, if any, held in such escrow at the
876 same time and available for such purpose, shall be sufficient to provide for the
877 timely payment of the principal of and interest thereon to the date of maturity or
878 earlier redemption;

879
880 provided, however, that if any of the Certificates are to be redeemed prior to their respective dates of
881 maturity, provision shall have been made for giving notice of redemption as provided in this
882 Ordinance. Upon such deposit, such Certificates shall no longer be regarded to be Outstanding or
883 unpaid. Any surplus amounts not required to accomplish such defeasance shall be returned to the
884 City.

885
886 Section 8.2 Legal Holidays. In any case where the date interest accrues and becomes
887 payable on the Certificates or principal of the Certificates matures or the date fixed for redemption of
888 any Certificates or a Record Date shall be in the City a Saturday, Sunday, legal holiday or a day on
889 which banking institutions are authorized by law to close, then payment of interest or principal need
890 not be made on such date, or the Record Date shall not occur on such date, but payment may be made
891 or the Record Date shall occur on the next succeeding day which is not in the City a Saturday,
892 Sunday, legal holiday or a day on which banking institutions are authorized by law to close with the
893 same force and effect as if (i) made on the date of maturity or the date fixed for redemption and no
894 interest shall accrue for the period from the date of maturity or redemption to the date of actual
895 payment or (ii) the Record Date had occurred on the last day of that calendar month.

896
897 Section 8.3 Ordinance a Contract - Amendments. This Ordinance shall constitute a
898 contract with the Registered Owners from time to time, be binding on the City, and shall not be
899 amended or repealed by the City so long as any Certificate remains Outstanding except as permitted
900 in this Section. The City may, without the consent of or notice to any Registered Owners, from time
901 to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the
902 Registered Owners, including the curing of any ambiguity, inconsistency, or formal defect or
903 omission herein. In addition, the City may, with the consent of Registered Owners who own in the
904 aggregate 51% of the principal amount of the Certificates then Outstanding, amend, add to, or

905 rescind any of the provisions of this Ordinance; provided that, without the consent of all Registered
906 Owners of Outstanding Certificates, no such amendment, addition, or rescission shall (i) extend the
907 time or times of payment of the principal of and interest on the Certificates, reduce the principal
908 amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the
909 terms of payment of the principal of or interest on the Certificates, (ii) give any preference to any
910 Certificate over any other Certificate, or (iii) reduce the aggregate principal amount of Certificates
911 required to be held by Registered Owners for consent to any such amendment, addition, or rescission.
912

913 Section 8.4 No Recourse Against City Officials. No recourse shall be had for the
914 payment of principal of or interest on any Certificates or for any claim based thereon or on this
915 Ordinance against any official of the City or any person executing any Certificates.
916

917 Section 8.5 Further Proceedings. The Mayor, City Secretary and other appropriate
918 officials of the City are hereby authorized and directed to do any and all things necessary and/or
919 convenient to carry out the terms of this Ordinance.
920

921 Section 8.6 Power to Revise Form of Documents. Notwithstanding any other provision
922 of this Ordinance, the Mayor is hereby authorized to make or approve such revisions, additions,
923 deletions, and variations to this Ordinance and in the form of the documents attached hereto as
924 exhibits as, in the judgment of the Mayor, and in the opinion of Bond Counsel to the City, may be
925 necessary or convenient to carry out or assist in carrying out the purposes of this Ordinance, or as
926 may be required for approval of the Certificates by the Attorney General of Texas; provided,
927 however, that any changes to such documents resulting in substantive amendments to the terms and
928 conditions of the Certificates or such documents shall be subject to the prior approval of the City
929 Council.
930

931 Section 8.7 Severability. If any Section, paragraph, clause or provision of this Ordinance
932 shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such
933 Section, paragraph, clause or provision shall not affect any of the remaining provisions of this
934 Ordinance.
935

936 Section 8.8 Open Meeting. It is hereby found, determined and declared that a sufficient
937 written notice of the date, hour, place and subject of the meeting of the City Council at which this
938 Ordinance was adopted was posted at a place convenient and readily accessible at all times to the
939 general public at the City Hall for the time required by law preceding this meeting, as required by the
940 Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to
941 the public as required by law at all times during which this Ordinance and the subject matter thereof
942 has been discussed, considered and formally acted upon. The City Council further ratifies, approves
943 and confirms such written notice and the contents and posting thereof.
944

945 Section 8.9 Repealer. All orders, resolutions and ordinances, or parts thereof,
946 inconsistent herewith are hereby repealed to the extent of such inconsistency.
947

948 Section 8.10 Effective Date. This Ordinance shall be in force and effect from and after its
949 passage on the date shown below.

950 PASSED AND APPROVED on this February 16, 2016.

951

952

953

954

955

956

Glenn Royal

957

Mayor

958

959

960

961

Robin Hicks, TRMC

962 City Secretary

963

964
965
966
967
968

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT
SEE TAB NUMBER ___

**CITY OF SEABROOK
ORDINANCE NO. 2016-08**

**BUDGET ORDINANCE
FY 2014-15**

**AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR
BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015
FOR THE CITY OF SEABROOK.**

WHEREAS, the City of Seabrook adopted the 2014-2015 Operating budget by Ordinance No. 2014-24 and,

WHEREAS, the City of Seabrook adopted the 2014-2015 EDC budget by Ordinance No. 2014-23 and,

WHEREAS, various actions have occurred in 2014 and 2015 subsequent to the adoption of said budget, requiring formal appropriations;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SEABROOK, STATE OF TEXAS THAT:**

The 2014-15 Adopted Budget for the City of Seabrook for the period October 1, 2014 through September 30, 2015 is hereby amended as shown and described in Exhibit A which is hereby, attached and made a part of this Ordinance.

**PASSED, APPROVED, AND ADOPTED ON FIRST AND FINAL READING THIS
THE 16th DAY OF FEBRUARY, 2016.**

Glenn Royal
Mayor

ATTEST:

Robin Hicks, TRMC
City Secretary

PROPOSED AMENDMENTS TO CITY OF SEABROOK 2014-15 BUDGET
February 16, 2016

GENERAL FUND			Original	Amendment	Revised	Unaudited
	Account No	Line Item	Budget		Budget	Actual
Revenue	100-7010	Propert Taxes-Current	4,308,162	(138,162)	4,170,000	4,174,210
Revenue	100-7020	Property Tax-Delinq	50,000	50,000	100,000	103,122
Revenue	100-7100	Sales tax	1,475,000	275,000	1,750,000	1,760,865
Revenue	100-7210	Franchise Tax-Private	685,000	50,000	735,000	742,750
Revenue	100-7220	Mixed Beverage tax	100,000	75,000	175,000	177,739
Revenue	100-8640	License & permits	320,000	(90,000)	230,000	234,429
Revenue	100-9620	Other revenue	30,000	110,000	140,000	141,736
Revenue	100-9901	Transfers to Parks	0	(45,739)	(45,739)	(45,739)
		Total change	6,968,162	286,099	7,254,261	7,289,112
					0	
		Total Revenues	9,835,420	286,099	10,121,519	10,398,429

GENERAL FUND EXPENDITURES			Original	Transfer	Revised	Unaudited
			Budget	In/(Out)	Budget	Actual
Legislative	100-5195	Election expense	<u>46,000</u>	<u>18,000</u>	<u>64,000</u>	<u>63,059</u>
		Dept. Total	46,000	18,000	64,000	63,059
Information Tech	103-6020	Equipment	<u>0</u>	<u>36,000</u>	<u>36,000</u>	<u>35,329</u>
		Dept. Total	0	36,000	36,000	35,329
Public Safety	200-3010	Salaries	<u>1,986,883</u>	<u>(54,000)</u>	<u>1,932,883</u>	<u>1,775,274</u>
		Dept. Total	1,986,883	(54,000)	1,932,883	1,775,274
		Total Change	2,032,883	0	2,032,883	1,873,662
					0	
					0	

AMENDED GENERAL FUND DEPARTMENTAL BUDGETS

	Original	Net	Revised	Unaudited
	Budget	Change	Budget	Actual
Legislative	285,876	18,000	303,876	300,258
Administration	886,660	0	886,660	884,845
IT	262,579	36,000	298,579	279,307
Emergency Mgt	124,691	0	124,691	115,272
Non-Departmental	1,846,098	0	1,846,098	1,770,273
Public Safety	3,563,820	(54,000)	3,509,820	3,300,809
Animal Control	139,061	0	139,061	109,274
Parks	707,307	0	707,307	697,129
Public Works	890,572	0	890,572	876,663
Community Dev	477,262	0	477,262	439,028
Municipal Court	<u>441,077</u>	<u>0</u>	<u>441,077</u>	<u>397,428</u>
Total Expenditures	9,625,003	0	9,625,003	9,170,286
Total GF Revenue	9,835,420	286,099	10,121,519	10,398,429
Total GF Expenditure	9,625,003	0	9,625,003	9,170,286
Revenues OVER expenditures	210,417	286,099	496,516	1,228,143

**ENTERPRISE FUND
ENTERPRISE FUND EXPENSES**

Water	902-6090	Water System Maint/Major	<u>150,000</u>	<u>(120,000)</u>	<u>30,000</u>	<u>29,581</u>
		Dept. Total	150,000	(120,000)	30,000	29,581
Billing & Collections	905-5025	Bank Fees	28,000	8,000	36,000	35,464
	905-5030	Rentals & Serv Agrmts	<u>16,680</u>	<u>4,000</u>	<u>20,680</u>	<u>20,040</u>
		Dept. Total	44,680	12,000	56,680	55,504
Sewer	912-6101	Sewer Plant-Screen & Engr	0	553,000	553,000	552,049
	912-6102	Lakeside Lift Station Repair	<u>0</u>	<u>364,000</u>	<u>364,000</u>	<u>363,781</u>
		Dept. Total	0	917,000	917,000	915,830
Sanitation	922-5469	Residential Service	850,000	55,000	905,000	904,468
	922-5479	Commercial Service	<u>675,000</u>	<u>34,000</u>	<u>709,000</u>	<u>708,780</u>
		Dept. Total	1,525,000	89,000	1,614,000	1,613,248
		Total budget change	1,719,680	898,000	2,617,680	2,614,163

AMENDED ENTERPRISE FUND DEPARTMENTAL BUDGETS

	<u>Original Budget</u>	<u>Net Change</u>	<u>Revised Budget</u>	<u>Unaudited Actual</u>
Water	2,328,545	(120,000)	2,208,545	2,172,160
Billing & collections	241,374	12,000	253,374	247,820
Sewer	2,106,254	917,000	3,023,254	2,961,069
Sanitation	<u>1,909,875</u>	<u>89,000</u>	<u>1,998,875</u>	<u>1,992,303</u>
Total Expenses	6,586,048	898,000	7,484,048	7,373,352
Total EF Revenue	6,588,951		6,588,951	6,670,827
Total EF Expense	6,586,048	898,000	7,484,048	7,373,352
Revenues over/(under) exp	2,903	(898,000)	(895,097)	(702,525)

BUDGET AMENDMENTS - OTHER FUNDS

		<u>Original Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>	<u>Unaudited Actual</u>	
State Seizure	205-9520	Seizure revenue	50,000	(49,900)	100	121
Law Enforce Educ	601-9520	Education Grant	2,500	(2,500)	0	0
Debt Service Fund	808-7010	Current taxes	1,504,063	130,000	1,634,063	1,639,890
	808-7020	Delinq tax	0	39,000	39,000	39,088
	808-7300	Penalty & interest	17,000	(1,200)	15,800	15,819
	808-9510	Interest Earnings	<u>2,500</u>	<u>(1,200)</u>	<u>1,300</u>	<u>1,340</u>
		Total Revenue Change	1,523,563	166,600	1,690,163	1,696,137
	808-5470	Debt service agent	2,200	800	3,000	2,925
	808-6350	Int on bonds	<u>569,063</u>	<u>139,000</u>	<u>708,063</u>	<u>707,427</u>
		Total Expenditure Change	571,263	139,800	711,063	710,352
CDBG/TDRA/GLO	130-8250	Grant proceeds	648,403	(473,600)	174,803	174,803
	130-9907	Tran From/(To) Other Fds	<u>0</u>	<u>57,394</u>	<u>57,394</u>	<u>57,395</u>
		Total Revenue Change	648,403	(416,206)	232,197	232,198
GLO exp	130-6051	Street improvements	0	219,578	219,578	219,578
GLO exp	130-6052	Flood & Drainage	648,403	(648,403)	0	0
GLO exp	130-6070	Land acquisitions	<u>0</u>	<u>12,619</u>	<u>12,619</u>	<u>12,619</u>
		Total Expenditure Change	648,403	(416,206)	232,197	232,197

GO Bonds IT	310-9540	Bond Proceeds	0	<u>529,000</u>	<u>529,000</u>	<u>529,672</u>
		Total Revenue Change	0	529,000	529,000	529,672
GO Bonds IT	310-5227	Prof fees-Consulting	0	15,000	15,000	14,897
GO Bonds IT	310-5472	Bond Issuance Costs	0	4,200	4,200	4,104
GO Bonds IT	310-6020	Equipment	0	<u>10,000</u>	<u>10,000</u>	<u>9,856</u>
		Total Expenditure Change	0	29,200	29,200	28,857
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GO Bonds - PW/AC Facility	320-9540	Bond Proceeds	0	<u>6,911,000</u>	<u>6,911,000</u>	<u>6,910,957</u>
		Total Revenue Change	0	6,911,000	6,911,000	6,910,957
	321-5212	Prof Fees-Architect	0	145,000	145,000	144,086
	321-5215	Prof Fees-Engineering	0	15,100	15,100	15,035
	321-5472	Bond Issuance Costs	0	<u>54,000</u>	<u>54,000</u>	<u>53,545</u>
		Total Expenditure Change	0	214,100	214,100	212,666
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GO Bonds-Fire	331-9540	Bond Proceeds	0	<u>731,500</u>	<u>731,500</u>	<u>731,452</u>
		Total Revenue Change	0	731,500	731,500	731,452
	330-5200	Prof Fees-accounting	0	2,005	2,005	2,005
	330-6020	Equipment	0	6,480	6,480	6,480
	331-5472	Bond Issuance Costs	0	5,700	5,700	5,667
	331-6010	Autos & Trucks	0	<u>699,600</u>	<u>699,600</u>	<u>699,504</u>
		Total Expenditure Change	0	713,785	713,785	713,656
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GO Bonds-Splashpads	341-9540	Bond Proceeds	0	<u>454,000</u>	<u>454,000</u>	<u>454,004</u>
		Total Revenue Change	0	454,000	454,000	454,004
	341-5472	Bond Issuance Costs	0	3,600	3,600	3,518
	341-6050	Facilitites	0	<u>346,000</u>	<u>346,000</u>	<u>345,748</u>
		Total Expenditure Change	0	349,600	349,600	349,266
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Carothers	410-8620	Rental Revenue	60,000	(15,000)	45,000	45,326
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Park Improve Fees	420-7521	Revenue	<u>104,000</u>	(97,500)	<u>6,500</u>	<u>6,500</u>
		Total Revenue Change	104,000	(97,500)	6,500	6,500
	410-5180	Bldg & grounds maint	0	1,400	1,400	1,397
	410-6050	Facilities	0	<u>3,700</u>	<u>3,700</u>	<u>3,617</u>
		Total Expenditure Change	0	5,100	5,100	5,014
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EDC	707-9903	Trsfr (to)/from Other funds	0	(78,000)	(78,000)	(77,832)
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TDRA Grant	720-9903	TRsfr (to)/from other funds	0	<u>17,437</u>	<u>17,437</u>	<u>17,437</u>
		Total Revenue Change	0	17,437	17,437	17,437
	720-5215	Prof fees-Engineering	0	<u>17,437</u>	<u>17,437</u>	<u>17,437</u>
		Total Expenditure Change	0	17,437	17,437	17,437