

ORDINANCE NO. 20-08-20-26

AN ORDINANCE AMENDING ORDINANCE NO. 16-07-21-22 BY APPROVING VARIOUS AMENDMENTS TO THE CITY OF CORINTH PERSONNEL POLICY MANUAL; PROVIDING AMENDMENTS TO SECTION 3 (EQUAL EMPLOYMENT), SECTION 4 (PERSONAL APPEARANCE), SECTION 6 (RESIDENCY REQUIREMENT), SECTION 8 (CODE OF ETHICS - TRUTHFULNESS AND CLEAN LANGUAGE), SECTION 9 (ON-CALL AND CALL-BACK PAY), SECTION 12 (ABUSE OF SICK LEAVE DEFINITION), SECTION 15 (DRIVER LICENSE CHECK), AND SECTION 17 (POLICE STANDARD OPERATING PROCEDURES), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth Personnel Policy Manual (“Manual”) was most recently adopted on July 21, 2016 with an effective date of October 3, 2016; and

WHEREAS, the City Manager and his Staff have recommended revisions to the Manual, specifically amending Section 3 (equal employment), Section 4 (personal appearance), Section 6 (residency requirement), Section 8 (code of ethics – truthfulness and clean language), Section 9 (on-call and call-back pay), Section 12 (abuse of sick leave definition), Section 15 (driver license check), and Section 17 (police standard operating procedures); and

WHEREAS, the revisions have been reviewed by legal counsel and found to be appropriate and necessary; and

WHEREAS, after review and consideration of the recommended revisions, the City Council wishes to amend certain provisions of the Manual accordingly as set forth more fully herein and finds the proposed amendments necessary and appropriate;

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

SECTION 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. That Section 3. A. 1. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 3 Equal Employment Opportunity Policy & Reporting Procedures

A. Equal Employment Opportunity

1. The City is an equal employment opportunity employer (EEO) and does not discriminate against employees or job applicants on the basis of race, religion, color, sex (as defined by applicable state and federal law), age, national origin, disability, veteran status, or any other status or condition protected by applicable federal, state and local laws.

SECTION 3. That Section 3. D. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 3 Equal Employment Opportunity Policy & Reporting Procedures

D. Grievance Procedures

Employees may report a grievance when they reasonably believe they or another employee have been subjected to a discriminatory working environment, sexual harassment, or other harassing, illegal or discriminatory practice. Concerns regarding items such as schedules, grant or denial of vacation, and disciplinary appeals are not covered under this policy unless the employee believes such items are motivated by discriminatory animus.

Level I: An employee may submit in writing a complaint to either (a) their supervisor or Department Director, or (b) the Human Resources Director. Oral reports will also be accepted and investigated where time is of the essence or other circumstances prevent the employee from providing a written complaint.

The complaint must be submitted within fourteen (14) calendar days from the date the employee first knew or, with reasonable diligence, should have known of the action giving rise to the grievance or complaint.

The supervisor, Department Director, Human Resources Director or designee will investigate and evaluate the complaint within fourteen (14) calendar days and respond to the employee regarding their findings. The Human Resources Director may approve a reasonable extension of time to respond and notify the employee of the new anticipated deadline to respond. If a response is not given within the specified time limit, the employee may proceed to Level II.

Reasonable measures will be undertaken to preserve the confidentiality of information reported during the investigation. No employee shall be retaliated against for reporting or complaining in good faith of sexual harassment.

Level II: If the employee is not satisfied with the response by the supervisor, Department Director, Human Resources Director or designee, the employee may appeal to the City Manager. The City Manager or his/her designee will respond to the employee regarding their findings within a reasonable time.

The City Manager or his/her designee's decision is final.

At the conclusion of the grievance process, if appropriate, disciplinary action, including, but not limited to counseling, reprimand, suspension, demotion, or termination of individuals found to have engaged in any prohibited conduct will be taken. Appropriate documentation of the grievance and investigation will be made available to both parties.

SECTION 4. That Section 4. B. 1. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 4 Employment and Selection

B. Administrative Guidelines

1. Applications are accepted for existing vacancies only. All applicants must complete an official application, as provided on-line by the City of Corinth. The Human Resources Director will maintain applications in accordance with legal guidelines.

SECTION 5. That Section 4. D. 8. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 4 Employment and Selection

D. Conditions of Employment

8. Personal Appearance. All employees are expected to dress in a manner appropriate to the business environment in which they work, complying with safety standards as indicated by department or industry standards. Clothing should be clean and comfortable but not distracting. All office/public contact employees are expected to be appropriately dressed and well groomed to reflect a professional, business environment. Business casual attire during working hours is permitted. Business casual does not include t-shirts, sweatshirts, sweatpants, warm-up/wind suits, shorts, tank tops, flip-flop shoes, midriff baring tops, camisole tops, or any other clothing determined by the supervisor to be unacceptable. No visible body piercing except for ear lobes is permitted. Any questions about what is considered to be appropriate business attire in the workplace should be directed to the appropriate supervisor. The City reserves the right to relieve any employees of their duties without pay until their appearance meets City standards.

SECTION 6. That Section 4. E. 2. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 4 Employment and Selection

E. Promotions and Transfers

2. Any employee with the proper qualifications and with more than six months of service is eligible to apply for a vacant position. Applications should be submitted on an application provided on-line by the Human Resources Director.

SECTION 7. That Section 6. F. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 6 General Work Rules

F. Residency Requirement or Reasonable Response Time

Residency requirements or Reasonable Response Time for employees of the City shall be based entirely on the requirements of the position held by the employee. Unless specifically required by the City Manager or as a condition of employment in a certain position, an employee is encouraged, but not required, to live within the boundaries of the City and/or be able to arrive at their work station from their residence within a reasonable period of time (usually thirty minutes) when called in for operational purposes.

SECTION 8. That Section 8. A. and 8. B. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 8 Code of Ethics

A. Purpose

The purposes of this policy are as follows:

1. To provide guidance to employees regarding standards of ethical conduct and procedures for avoiding conflict of interest; and
2. To maintain a professional climate for efficiently conducting the business affairs of the City; and
3. To instill public confidence in the City by helping attract competent and principled individuals as employees.”

B. Truthfulness

All employees are expected to demonstrate the highest levels of integrity, honesty, and truthfulness. Employees are expected to refrain from knowingly making false or misleading statements that are reasonably calculated to maliciously or falsely, directly or indirectly, injure the professional reputation, authority, or employment status of other employees.

Employees are prohibited from failing to disclose, misrepresenting material facts, or making any false or misleading statement on any job application, or other official document, report or form, or during the course of any City investigation.

SECTION 9. That Section 8. D. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 8 Code of Ethics

D. Conflict of Interest

Employees of the City will endeavor to avoid conflicts of interest with the purposes and mission of the City and to conduct themselves according to the highest standards of public service. Nonetheless, it is expected that certain conflicts may arise in the normal course of business and personal life; and such conflicts should never deter principled and competent individuals from providing public service to the City.

When an employee becomes aware that the City is considering a transaction related to a business entity or real property in which the employee has a substantial interest, the employee will disclose such interest to his/her immediate supervisor and shall not participate in recommendations, approvals or decisions related to such transactions with the business entity or regarding real property.

SECTION 10. That Section 8. G. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 8 Code of Ethics

G. Responsibilities

All employees are prohibited from the use of unprofessional speech including profanity and vulgarity in the form of racial slurs, religious intimidation, sexually explicit “jokes” or comments, or for an otherwise legally prohibited derogatory purpose.

All employees are expected to present a professional demeanor and appearance in all interactions with co-workers, supervisors, public officials, and citizens. All employees are further expected to adhere to the highest standards of conduct in the business affairs of the City and in the fulfillment of their duties. If an employee has any doubt about the appropriateness of any action or business relationship, the employee should discuss the situation with his or her supervisor. An employee should report to his or her immediate supervisor any action or offer that appears to constitute a conflict of interest or a violation of this policy.

SECTION 11. That Section 9. C. 5. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 9 Compensation

C. Work Hours and Overtime

5. On-Call Pay.

- a. Only public works department employees are eligible to be assigned on-call duty. All other employees are only subject to call back to work for emergency purposes or unforeseen circumstances.
- b. Nonexempt public works employees who are required to remain in an on-call status. Employees will receive one hour of regular pay for each day they are assigned to be on-call.
- c. On-call status is defined as the twenty-four (24) hour period beginning at the start of a business day (or a specified shift) and continuing through the following morning. The supervisor shall determine the period of on-call.
- d. Employees in on-call status must be able to be contacted and to respond within the time frame established by the supervisor.
- e. Employees are expected to be fit for duty at all times while on call.
- f. While on call and for four (4) hours prior to being on call, employees are prohibited from drinking alcoholic beverages. In addition, employees should not take any prescription drug that adversely affects his or her ability to safely and effectively perform his or her job duties.
- g. Employees in on-call status who fail to respond, or if unable to be contacted at any time during that status, shall forfeit their claim to on-call pay and be removed from the on-call list for that assigned interval. Failure to respond may subject the employee to disciplinary action.
- h. On-call pay is received in addition to any other compensation and is not used in calculation of the overtime rate.
- i. Employees who are assigned to on-call duty and are required to report to work for operational or emergency purposes during non-scheduled work hours, shall receive a minimum of two-hours pay for that day. These two hours of pay is in addition to the on-call pay described in Paragraph b. of this section.
- j. Actual hours worked, including the two-hour minimum, will count as hours worked when calculating overtime. Only one two-hour minimum will apply in a given workday, even if more than one call-out is experienced.

6. Call Back Pay.

- a. Due to emergencies or other unforeseen conditions, all employees are subject to call back to work.

Employees who are able to return to work shall be compensated for all hours worked, beginning at the time they leave for work, with pay for non-exempt employees. Employees may be assigned "call-back" duty but are considered off-duty unless they are called and are able to return to work. In the event an

employee is assigned “call back” duty and is not able to return to work or does not reasonably respond to a call to return to work may be subject to discipline under these policies. Departments may also establish guidelines for what is considered a reasonable time to both respond to a call to return to work and to appear at the assigned work site.

- b. Employees who are called back to work during non-scheduled work hours shall be compensated for a minimum of two (2) hours with pay in the case of non-exempt employees.
- c. Travel time in response to the callback is considered work time and is included in the minimum two (2) hours provided by this policy.

SECTION 12. That Section 12. C. 8 and 12. C. 9 of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 12 Leave Policies

C. Sick Leave

- 8. Abuse of sick leave or inappropriate sick leave usage 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. Abuse of sick leave occurs when an employee uses sick leave for unauthorized purposes, misrepresents the actual reason for the absence, or fails to timely provide proof of injury or illness to the Human Resources Director. Abuse of sick leave includes use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy. Abuse of sick leave may render an employee ineligible for paid sick leave benefits.
- 9. Inappropriate sick leave usage occurs when usage of sick leave, not protected by law, becomes so frequent that an employee cannot fulfill the employee’s essential job functions.
- 10. An employee on sick leave, whether paid or unpaid, may not work a second job during the period of leave, even if he or she has written authorization from the Department Director to work a second job. The only exceptions to this policy must be obtained in writing from the Department Director who will submit it to the Human Resources Department.

SECTION 13. That Section 15. C. 2. of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 15 Vehicle Use Policy

C. Driver Licenses and Driving Records

2. At the direction of the City Manager and in accordance with proper applicable law, a driver license check through the City's vendor will be performed through the Human Resources Department every year for all City of Corinth employees who hold positions that have a direct impact on the public's or fellow employees' health, safety and welfare through products or services provided by the City. After a thorough review, the driving records of employees whose three-year driving history indicates loss of license, DWI, DUI, multiple moving violations, or vehicle accidents will be forwarded to the applicable Department Director for their review and appropriate action. Employees so identified will be suspended from driving City vehicles during the review process.

SECTION 14. That Section 17 of the Manual is hereby amended to read as follows and all other sections not expressly amended hereby shall remain in full force and effect:

Section 17 Police Department

A. General Orders & Code of Conduct

1. General Orders

It is understood that by the very nature of Law Enforcement and Public Safety, a more stringent level of supervision and guidance is required in order to honorably succeed in providing the elevated level of service and training involved in public safety operations. Therefore, the Police Department shall have in place as a guideline to Law Enforcement Policies and Procedures called the "General Orders" Manual. This Manual shall be used by police personnel as a guide to law enforcement related questions and situations which may from time to time arise.

The "General Orders" Manual shall be issued and maintained by the Chief of Police as standing orders to all police personnel. The Chief of Police shall be responsible to the City Manager for its content and guide. At no time should any procedure within the "General Orders" Manual be in conflict with the City of Corinth Personnel Policy Manual. However, if such a contradiction does occur, the provisions of the Personnel Policy Manual shall be the prevailing policy unless otherwise authorized by the City Manager, or with his/her permission, the Chief of Police.

2. Code of Conduct

The Chief of Police shall be responsible for the creation, issuance, and adherence to a special Police Department "Code of Conduct." This Code of Conduct shall serve as a strict guide for police personnel with reference to ethical, moral and legal matters. It shall be adhered to at all times by all police personnel and shall serve as a detailed extension of the City of Corinth Personnel Policy Manual specifically designed for the special conditions and expectations placed upon those in the law enforcement profession.

Any disciplinary actions taken according to the code of conduct or failure to follow a directive within the "General Orders" or "Standard Operating Procedures" or this Personnel Policy Manual shall be taken in accordance with the Texas Government

Code. Before any disciplinary actions are delivered to the employee, the supervisor shall discuss the matter with the Human Resources Director.

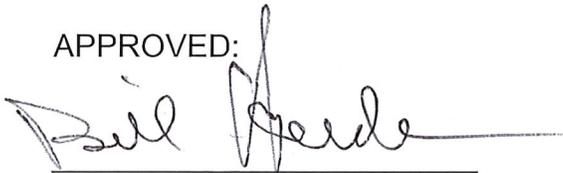
SECTION 15. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or the application thereto to any persons or circumstances, is held invalid, such invalidity shall not affect the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 16. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 17. That this Ordinance shall take effect on October 1, 2020. The Human Resources Director shall notify all employees of the amendments to the Manual.

ADOPTED on this 20th day of August, 2020.

APPROVED:



Bill Heidemann, Mayor

ATTEST:


Lana Wylie, Interim City Secretary

APPROVED AS TO FORM:


Patricia Adams, City Attorney