

**Ordinance No. 23-23**

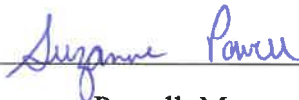
AN ORDINANCE OF THE CITY OF DANBURY REPEALING AND REPLACING ORDINANCE NO. 23-21, DANBURY EMPLOYEE MANUAL, AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS:


1. The attached Amended City of Danbury Employee Manual is hereby adopted.
2. This ordinance repeals and replaces the prior City of Danbury Employee Manual adopted under Ordinance No. 23-21. This ordinance does not replace the Police Policy Manual of the City of Danbury, but this ordinance governs and controls over any conflict in terms with the existing Police Policy Manual. This ordinance does not replace any existing ordinances on personnel matters, but to the extent of any conflict in terms, this ordinance governs and controls. Any reference herein to "this ordinance" includes the Amended City of Danbury Employee Manual hereby adopted.
3. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.
4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 16<sup>th</sup> day of November, 2023.

CITY OF DANBURY, TEXAS

By:   
Suzanne Powell, Mayor

ATTEST:

  
Erin Nolan, City Secretary

**City of Danbury**  
**Amended Employee Manual**

**Section 1     Purpose**

It is the purpose of this Employee Manual to adopt guidelines and procedures to promote full communication between the City as the employer, and its employees and to continuously improve personnel management and employer-employee relations.

**Section 2     Definitions**

- a. The term “comp-time” or “compensatory time” shall mean compensatory time given for hours worked by non-exempt employees over the regular weekly schedule for the employee as defined by position in Section 10 of this policy.
  
- b. The term “employee handbook” or “employee manual” shall mean the same as “personnel policy” or “employee policy.”
  
- c. The term “employees” in this ordinance shall mean all employees, officers and personnel of any nature whatsoever of the City of Danbury, but not elected officials and not independent contractors.
  
- d. The term “full time employee” shall mean an employee who works a required minimum of at least 32 hours each week.
  
- e. The term “leave of absence” or “leave” shall mean any time an employee is absent from work during their regular schedule or when their attendance is required, whether such leave is paid or unpaid

- f. The term “overtime” herein shall mean the amount of time worked in excess of the following:
  - 1. Police officers: 80 hours in a fourteen day pay period; or
  - 2. Non-police officers: 40 hours in a seven day pay period.
  
- h. The term “part time employee” shall mean an employee who works less than the hours required to be a full time employee.
  
- i. The term “permanent employee” shall mean an employee retained for a period lasting or expected to last at least a year; **provided, however, that nothing herein shall impair the at will status of any employee.**
  
- j. The term “personnel policy” in this ordinance shall mean the City of Danbury Employee Manual, the Danbury Police Department Departmental Rules and Regulations, all personnel policies, all personnel manuals, and all policy manual and other City authorities of any nature affecting personnel of the City of Danbury, including the foregoing that appear in any ordinance, resolution, policy, manual, or any other source and including the foregoing as they now exist or hereafter amended or created.
  
- k. The term “temporary employee” shall mean any employee other than a permanent employee.
  
- l. The term “work schedule” shall mean the regular schedule, workdays and workweek as established by the City of Danbury Employee Manual for the employee’s position of employment.

**Section 3     At- Will Employment**

Regardless of any other provision in any personnel policy or other source, all employees of the City of Danbury shall be employed at the will of the City of Danbury. No employee of the City of Danbury shall have any contractual right, property right, or other right to his/her employment. Any employee of the City of Danbury may be discharged, demoted, or subjected to any disciplinary action at any time at the will of the City of Danbury.

**Section 4      No Vested Right in Procedures or Rules**

EMPLOYEES OF THE CITY ARE EMPLOYEES AT-WILL. THIS EMPLOYEE HANDBOOK IS NOT A CONTRACT BETWEEN THE CITY AND ANY APPLICANT FOR EMPLOYMENT OR ANY EMPLOYEE, AND IT SHOULD NOT BE CONSTRUED AS SUCH. RATHER, THIS HANDBOOK IS AN ADVISORY GUIDE AND DESCRIBES THE PROCEDURES THE CITY WILL ATTEMPT TO FOLLOW IN MOST CASES. THE CITY RESERVES THE RIGHT TO VARY FROM THESE PROCEDURES WHEN NEEDED AND TO OVERRULE THEM COMPLETELY, IN COMPLEEING SITUATIONS, AND AT THE DISCRETION OF THE MAYOR AND CITY COUNCIL.

**Section 5      Non-liability of City, Officers, Employees, and Representatives**

Neither the City nor any person acting on its behalf shall have any liability, of any nature whatsoever, to any employee of the City, nor to anyone claiming derivatively or through such employee, on the grounds that the City or any person acting on its behalf fails to follow any procedure or provision in any personnel policy.

**Section 6      Amendment of Other Authorities**

This policy supersedes and replaces all personnel policies of any nature of the City of Danbury; however, this policy governs and controls over any conflicting terms in Ordinance No. 20-19 (police department) but it does not repeal that ordinance.

**Section 7      Complaint Resolution**

Any employee may file a grievance regarding a work place condition that the employee feels is in violation of the letter or spirit of City policies. "Grievance" means a complaint from an employee that the City, a City employee or a City officer, has violated, misinterpreted, or inequitable applied an existing law, resolution, policy, rule or regulation as it applies to the conditions of employment. Harassment and discrimination claims, however, should be addressed through the Harassment policy outlined in the manual.

Grievances regarding transfers, promotions, demotions, discipline, layoff or discharge shall be presented to the employee's supervisor in writing within five (5) working days from the date of the transfers, promotions, demotions, discipline, layoff or discharge. If notice in writing is not given to the employee's supervisor within five (5) working days of the occurrence, the grievance shall be deemed waived and abandoned and shall not thereafter form the basis of a grievance between the parties.

The employee's supervisor shall indicate his/her disposition of the grievance in writing within five (5) working days of the receipt of the employee's grievance. The employee's supervisor shall furnish copies of his/her disposition to the aggrieved party and the aggrieved party's designated representative, if applicable.

If an employee's grievance has not been resolved, to the employee's satisfaction, through the employee's supervisor, or if the employee feels uncomfortable presenting the grievance to his/her supervisor, the employee should present such grievance in writing to the Mayor within five (5) days of the occurrence. The Mayor will provide a disposition of the grievance within five (5) working days of the receipt of the grievance or as soon as possible thereafter. The Mayor's decision shall be final.

## **Section 8      Sexual and Other Unlawful Harassment**

A. 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.

B. 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: 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting

such individual, or 3. 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.

C. 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.

D. 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 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 is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. 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, text, 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. This policy applies to City employees, volunteers, citizens, vendors, and other visitors to the workplace.

E. 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: 1. his or her Department Director; 2. the Mayor.

F. 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 Mayor. A Grievance Complaint form is available from the Human Resources Manager.

G. Under this policy, an employee may report to and/or contact the Mayor directly, without regard to the employee's normal chain of command.

H. 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/her behavior is unwelcome and request that it be discontinued.

I. Investigation. All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

J. 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.

K. 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.

**Section 9     Eligibility**

Permanent-full time employees are eligible for the benefits and allowances in this personnel policy, except as stated herein. Part-time employees or temporary employees are eligible only for salary and compensatory time, not other benefits, unless this policy specifically states that the specific benefit or allowance is for temporary or part time employees. When this policy states that employees (without specifying what kind of employees) receive a benefit, such benefit does not include temporary or part-time employees.

City Council members are not entitled to compensation or benefits for their service as Council Members. However, all representatives of the City of Danbury are expected to conform to the conduct and behavior as outlined in this handbook.

**Section 10     Classification of Non-exempt Salaried Employees and Exempt Salaried Employees by Position**

City Secretary	Non-exempt
Office Assistant	Non-exempt

Utility/Maintenance Superintendent	Non-exempt
Utility/Maintenance Field Employees	Non-exempt
Utility Clerk	Non-exempt
Police Chief	Exempt
Police Officers	Non-exempt
Animal Control Officer (Part Time)	Non-exempt
Court Clerk (Part Time)	Non-exempt
Part-time Police Officer	Hourly
City Judge/Alternate Judge	Hourly

**Section 11    Work Schedules**

*a.    Eight Hour Schedule for Full-Time Office Personnel*

The normal work day for full-time office personnel will be 8:00 a.m. until 12:00 pm and 1:00 p.m. until 5:00 p.m. with one hour allowed for unpaid lunch from 12:00 p.m. until 1:00 p.m. The regular work week will be Monday through Friday.

*b.    Procedure for Lunch Break of Full Time Office Personnel*

1.    Employees shall normally go to lunch from 12:00 p.m. until 1:00 p.m.
2.    If urgent business or a customer in the office prevents an employee from going to lunch exactly at noon, then the employee shall go to lunch as soon as possible thereafter, and:
  - i.    The employee shall take one full hour for lunch, provided there is another employee to reopen City Hall at 1:00 p.m.; or
  - ii.   If there is no other employee to reopen City Hall at 1:00 p.m., then the employee who left late for lunch shall reopen City Hall at 1:00 p.m., even though this results in less than one full hour for lunch. An employee does not need authorization to work the overtime, if any that results from complying with this section.



- iii. If compliance with this section causes an employee to work during lunch, then that employee shall sign a written record of the time worked during lunch and turn it in to the City Secretary.

c. *Closing Time of City Hall*

The normal closing time of City Hall for full time office personnel is 5:00 p.m. However, it is understood that Office Personnel may not be able to close City Hall for the day at exactly 5:00 pm because of the business of City Hall, but every effort should be made by Office Personnel to close as soon as possible and to end their work day.

An employee is not required to obtain authorization to work a small amount of overtime that results from the inability to close City Hall promptly at 5:00 p.m., due to the presence of a customer or other urgent business. However, this section is intended to authorize only small amounts of overtime on any given day and in the aggregate. Any additional overtime work requires authorization pursuant to this policy.

d. *Eight Hour Schedule for Utility Superintendent and Utility Field Personnel*

The normal work day will be 8:00 a.m. until 5:00 p.m. with one hour allowed for lunch. The lunch break can be taken at any time that work allows, but if allowed should be taken from 12:00 p.m. to 1:00 p.m. The regular work week will be Monday through Friday. It is understood that the nature of these positions require regular routine duties on weekends (Saturday and Sunday) and after hours work and after hours call-outs.

e. *Schedule for Full-time Police Chief*

The Police Chief will work a regular schedule from 8:00 a.m. until 5:00 p.m. with one hour allowed for lunch at any time during the shift. The City of Danbury Police Department is a small department employing fewer than 5 full-time officers and it is assumed and understood that the Police Chief is on duty for his/her entire shift and that if he/she receives a call while on break that he/she will immediately respond to the call. The regular work week will be Monday through Friday. The Police Chief is required to work additional hours and/or days as required for the performance of his duties as Chief of Police. The Chief of Police is an exempt salaried employee and is not subject to receiving overtime pay or compensation time in lieu of overtime pay. The Position of Chief of Police requires a minimum of 47.5 hours per week (the Chief of Police will not clock out for his regular lunch hour). This allows for 42.5 hours worked plus a one hour lunch break during the shift.

f. *80 Hours in 14 Days Schedule for Full-time Non-exempt Police Officers:*

Police officers, other than the Chief, will work a 14-day pay period and will receive overtime or compensatory time after 80 hours of actual work during that period.

One hour is allowed for lunch (paid) and may be taken any time during the officer's shift. It is assumed and understood that officers are on duty for their full shift and that if they receive a call while on break that they will immediately respond to all calls.

*g. Court Clerk and Animal Control Officer*

The duties of Court Clerk and Animal Control Officer are part time positions and may be assigned to an employee that holds another full time position with the City of Danbury. If so assigned these positions may carry an additional salary that will be added to and included in the employee's regular salary. The combined salary will be calculated for pay and comp time, accrued vacation time and accrued sick leave as one salary. If these positions are filled by a full time employee then their regular scheduled hours will include these duties on an as needed basis. They are not required or limited to any set hours or required hours to be worked during their regular schedule to fulfill this requirement. It is assumed they will fulfill the duties of the position. These positions are considered salaried non-exempt. It is understood by the City of Danbury and the employee that these positions may require working after hours and call out hours. Any after hours worked or hours worked over regularly scheduled hours of such employee will be paid as comp time or call out hours as provided in this policy.

**Section 12 Other Jobs/Other Employers.**

No employee is allowed to work for any employer except the City of Danbury during any hours the employee works, or is scheduled to work, for the City of Danbury.

**Section 13 Pay Period for Accounting Purposes**

Employees are paid every two weeks.

**Section 14    Pay Day**

- a.    *Exempt employees* are paid based on a percentage of their yearly salary. All employees will normally receive a paycheck by direct deposit on the Wednesday following the end of each pay period. Should this day occur on a bank Holiday, the payday will be the day before the bank holiday.
  
- b.    *Non-Exempt employees* are paid on an hourly pay scale. They will normally receive a paycheck by direct deposit by the Wednesday following the end of each pay period. Should this day occur on a bank Holiday, the payday will be the day before the bank holiday.
  
- c.    Non-Police employees who are non-exempt, will be provided overtime pay or compensatory time after working more than 40 hours in a work week. Non-exempt police personnel will be provided overtime pay or compensatory time after working more than 80 hours in a two week pay period. (See compensatory Time and Overtime Pay provision herein).

**Section 15    Form for Request for Time Off**

An employee requesting time off for any reason shall submit a written request on a form to be provided by the City Secretary.

**Section 16    Compensatory Time and Overtime Pay**

**a.    Compensatory Time for Overtime**

Exempt employees shall not receive compensatory time off or overtime pay, except as specifically stated herein.

Compensatory time off will be given to nonexempt employees at the rate of 1 ½ hours of compensatory time for each hour worked above the following:

1. Police officers: 80 hours in a 14 day pay period;
2. Non-police officers: 40 hours in a 7 day pay period; or
3. All employees: any other overtime required by law, if any.

**b. *Accrual and Use of Compensatory Time Hours***

Federal law limits accrued comp time to 480 hours for police and fire employees, and 240 hours for other employees and cities must use overtime pay, rather than compensatory time off, to avoid exceeding those limits of accrued comp time. However, this policy provides additional restrictions on overtime worked, in order to further limit the accrued compensatory time.

Employees shall not work overtime resulting in more than 160 hours of compensatory time accrued and outstanding, except with the consent of the City Council as provided herein.

Employees shall use all but 80 hours of their compensatory time in the same calendar year in which it is earned, so that no more than 80 hours of compensatory time remains accrued and unused at the end of the calendar year, unless the City Council chooses to grant an exception.

**c. *Cashing In Compensatory Time***

A non-exempt employee may choose in writing to be paid wages for up to 40 hours of compensatory time accrued two times per fiscal year. The fiscal year begins October 1 and ends September 30 of the next year.

Scheduling time off to utilize your comp time will be done in the same manner as vacation time. *See Section 17 Vacation Time.* The City Secretary will maintain records of

comp time on all employees. Any inaccuracies should be addressed so as to keep the records up to date.

**d. Overtime Pay, During Emergency**

1. Any non-exempt city employee shall receive overtime pay in lieu of compensatory time off, if during an emergency declared by the Mayor, the employee works overtime that would entitle the employee to overtime pay or compensatory time off. The Mayor shall have the authority to declare, prospectively or retroactively, what constitutes an emergency under this subsection 2.4(2) and when the overtime under this subsection 2.4(2) begins and ends. The intent of this subsection 2.4(2) is to replace compensatory time with overtime pay in the circumstances herein described. Nothing herein shall impair any right than an employee may have to compensatory time, unless such compensatory time is replaced with overtime pay.
2. Exempt employees shall receive overtime pay for overtime worked during an emergency under the terms of the previous paragraph, regardless of whether they would otherwise be exempt from overtime requirements.

**e. Approval Required for Overtime Work**

Except as otherwise provided herein, employees shall not work overtime without the approval of their supervisor or Mayor. The approval shall be written if circumstances reasonably permit. The approval shall be obtained before working the overtime, except in an emergency. The approval may be for a specific date or situation, or it may be a blanket approval for multiple occasions, such as utility callouts, court clerk, general clerk, city secretary, or animal control duties required after hours or on weekends.

In addition, no employee shall work overtime that results in accrued compensatory time in excess of 160 hours total, without the approval of the City Council. The approval shall be obtained before working the overtime, except in an emergency.

To the extent required by law, employees shall receive compensatory time for overtime worked, even if the overtime is not approved as required by this policy. However,

employees shall be subject to disciplinary action of any and all types for failing to obtain approval of overtime work as required by this policy.

This policy does not require authorization for small, non-habitual amounts of overtime during lunch and at the end of the work-day, as authorized by the section of this policy on Work Schedules.

**f. Counting Hours Worked**

1. This section covers just how to count the hours worked. Other sections cover the calculation of pay or compensatory time off.
2. Except as otherwise provided in this section, employees shall receive credit for the amount of time actually worked.
3. Work time shall include time worked at a City Council meeting by the City Secretary, an employee performing the duties of the City Secretary, and any employee required by a Supervisor or the Mayor to attend the Council meeting for purposes of the City's business.
4. Routine job duties requiring after hours work will be credited at a one hour minimum. Examples are regular weekend and after hours duties of utility personnel, the court clerk, and animal control personnel. This does not include working briefly during lunch or closing slightly late, which is covered by another section.
5. Other after hour's callouts will be credited at a two hour minimum.

**Section 17 Prior Approval Required for Meetings, Training and Luncheons**

- a. This section is to define and clarify paid time to attend required training or certification courses and optional meetings, trainings, and luncheons outside of the corporate city limits of the City of Danbury.

The term "required" is understood to mean: training required for certification/re-certification or licensing as required by law for the current position held by the employee.

The term "optional" is understood to mean: meetings, trainings, or luncheons which the employee may choose to attend, that is beneficial to their employment with the City, but does not meeting the definition of "required" above.

- b. Prior approval is required by action through council at least one month in advance for any required training/certification and for any optional meeting, training or luncheon that is to be attended by any employee during such employee's regularly scheduled work time as defined in the City of Danbury Employee Manual Section 10.
- c. The employee shall provide to their supervisor the date, time, place, and cost of the required training/certification or optional meeting, training, or luncheon. The supervisor shall direct the item to be placed on the agenda for council consideration and action at a regularly scheduled meeting.
- d. An exception may be granted for the one month pre-approved time limit if notice of the required training/certification or optional meeting, training, or luncheon is not received by the employee a month or more in advance. In this instance the employee's supervisor may seek the approval and posting of a "Special Meeting" from the Mayor.
- e. Required trainings/certification and optional meetings, trainings, and luncheons that require payment by the City of Danbury and/or travel and related expenses should be limited to the least costly and closest distance.
- f. Generally, the City will pay one time for a required training/certification.
- g. If the City pays for an employee's required training/certification and the employee does not successfully complete the training or obtain the required certification, the City may seek timely reimbursement of all money paid, including cost of training and expenses.
- h. Absent extenuating circumstances, if an employee voluntarily resigns within one (1) Calendar Year of attending any required training/certification paid for by the City, any monetary costs the City incurred, including but not limited to the cost of the required training/certification and any associated expenses, shall be refunded to the City by the employee. Unless otherwise coordinated, to the extent allowable by law, the funds will be taken from the employee's final paycheck.
- i. If an employee voluntarily resigned within one (1) Calendar Year of attending any optional meetings, trainings, or luncheons paid for by the City, any monetary costs the City incurred, including but not limited to the cost of the optional meeting, training, or luncheon and any associated expenses, may be refunded to the City by the employee at council's discretion. Unless otherwise coordinated, to the extent allowable by law, the funds will be taken from the employee's final paycheck.
- j. Unless otherwise coordinated, within ten (10) business days of completing a council approved required training/certification or optional meeting, training, or luncheon, the employee shall submit to their supervisor a copy of the certificate achieved or proof of attendance obtained as verification of employee's attendance, respectively. If the employee fails to submit the certificate or proof of attendance within the ten (10) business day deadline or within the coordinated deadline, any monetary cost the City incurred, including but not limited to, the cost of the required training/certification or

optional meeting, training, or luncheon and any associated expenses, shall be refunded to the City by the employee within five (5) business days, unless otherwise coordinated.

k. A rolling approval by council action may be granted for regularly scheduled meetings such as: Attendance by the City Emergency Manager and his Assistant to attend the Brazoria County Monthly Emergency Management Meeting, etc., if such meetings are required of an employee that is appointed to fill such position.

l. It is not the intent of the City of Danbury to hinder any employee from continuing their education for the betterment of themselves or the betterment of their performance of their job duties. However, if approval for attendance at a required training/certification or optional meeting, training, or luncheon will be conducted at the employee's own expense and time. Time missed from work to attend shall be scheduled in advance as time off for vacation or comp-time.

m. In lieu of comp time payment for traveling, the employee is paid for the mileage used calculated by Google Maps to the trip destination per the current government rate.

## **Section 18 Paid Holidays**

Holidays for each calendar year will be set by the Council.

Non-exempt employees will receive 8 hours pay for approved Holidays, but only if the employee either (1) works the scheduled workdays immediately preceding and following the holiday or (2) works at least thirty-two hours during the pay period that includes the holiday. Receiving holiday pay does not count as hours worked.

Police Officers, are eligible for holiday hours (at the rate of all other City Employees, 8 hour days), as a total upfront, 88 hours, to be used as they deem necessary during the Calendar year with prior approval of the Chief

10 holidays per year x 8 hours=80 hours

1 floating holiday per year x 8 hours = 8 hours

The floating holiday may be taken at any time by the City employee with a 10 day written notice.



Exempt salaried employees are not eligible for Holiday pay.

Part-time or temporary employees are not eligible for Holiday pay.

**Section 19 Vacation Policy**

All permanent full-time exempt and nonexempt employees, shall be eligible for vacation benefits.

Part-time and/or temporary employees shall not be eligible for vacation benefits.

Newly hired employees shall not accrue vacation during the first full year of their employment but rather, they shall qualify for 5 days (40 hours) of vacation benefit upon completion of the first full year of their employment.

Newly hired employees whose employment is terminated during the first year of service for any reason shall not be entitled to any prorated vacation benefit. This paragraph shall apply to all employees hired on or after the date this policy was initially adopted.

***Vacation Accrual***

**Vacation Accrual Schedule**

**(References to a Year in this Schedule Refer to the Year Beginning on the Date the Employee is Hired as a Full Time, Permanent Employee or the Anniversary of that Date.)**

Years of Service Completed	Annual Accrual Rate/Benefit	Monthly Accrual Rate	Maximum Carryover (Total, Not Per Year and Not Per Group of Years on this Chart)
0	0 during first year, but five days (40 hours) at the end of the first year	N/A	N/A
1-4			A. 40 Hours

	<p>A. For employees hired before the date of this employee manual: zero hours accrued during year one; 80 hours upon the completion of year one; zero hours accrued during year two; and up to 80 hours per year accruing monthly after the completion of year two.</p> <p>B. All other employees: 80 hours</p>	<p>A. Not Applicable</p> <p>B. 7.0 hours per month, up to 80 hours per year</p>	<p>B. 40 hours</p>
5-9	96 Hours	8.0 Hours	80 Hours
10+	120 Hours	10.0 Hours	80 Hours

Police employees shall accrue the same number of hours, not work days, of vacation as non-police employees do.

Pay in lieu of vacation is not permitted except for employees who terminate employment. In that case employees will be paid for all eligible unused and accrued vacation.

An employee must use the vacation in the year in which it accrues or lose it, with the following exceptions: an employee under 5 years of employment with the City can carry over a maximum of 40 hours vacation and employee with over 5 years of employment with the City can carry over up to 80 hours of vacation.

The Calendar Year is used for recordkeeping of time taken and necessity for carryover.

References in this section to a year mean the year from the employee's starting date of permanent, full-time employment or the anniversary thereof, until the next anniversary thereof.

Vacation scheduling must be made in order to maintain adequate coverage of necessary functions of the City. Vacation of more than 10 consecutive days must have prior approval by the Mayor and/or the Supervisor over the Department. A scheduling calendar will be posted in the City Hall and maintained by the City Secretary. Any conflicts over scheduling will be handled by the Supervisor or Mayor based on past vacation use and seniority. The City Secretary will maintain accurate and true records of all vacation taken on each employee. All time away from work shall be noted on the calendar in order to aid in scheduling vacation. The calendar may be accessed by the governing body at any time.

All employees shall make any request for accrued vacation/comp time off at least 2 weeks or 10 days prior to the requested time off, and if impracticable, shall provide at least a 24- hour notification. If a 24- hour notification is impracticable the employee must notify the Supervisor and the City Secretary as soon as practicably possible. Upon return to work the employee shall furnish to the Mayor and all Council members, by City Council "mailbox," a written explanation of the reason for the unexpected leave.

Vacation time will not be accrued during any month in which an eligible employee is on unpaid personal leave, extended sick leave or any leave under the Family Medical Leave Act (FMLA).

Vacation must be taken in increments of at least a half days.

## **Section 20    Sick Leave for Full Time Employees**

- a.        All full-time, permanent employees shall be eligible for sick leave benefits. Part-time and temporary employees shall not be eligible for sick leave benefits.
  
- b.        *Sick Leave Accrual Rate*

No employee shall have any sick leave during the first ninety days of employment. However, after an employee has been a permanent, full-time employee for ninety consecutive days, the accrual of sick leave shall be retroactive to the first day of the employee's permanent, full-time employee.

Eligible employees shall accrue sick leave at a rate of one workday (8 hours) per month, for a total of 12 workdays (96 hours) per year. Employees shall be allowed to accrue up to a maximum of sixty (60) workdays (480 hours) of sick leave benefits.

Police employees shall accrue the same number of hours, not work days, of sick leave as non-police employees do.

Sick leave will not be accrued during any month in which an eligible employee is on unpaid personal leave, extended unpaid sick leave or any unpaid leave under the Family Medical Leave Act (FMLA).

*c. Use of Sick Leave*

Sick leave may be used for the following purposes:

- a. Illness or injury of the employee;
- b. Appointments with physicians, optometrists, dentists, and other qualified medical professionals.
- c. To attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative who is dependent on the employee for care.

Sick leave may not be used as vacation or any other reason not provided for in this policy.

All sick leave unused and/or accrued will be forfeited if employment is terminated for any reason.

*d. Documentation*

Employees requesting paid sick leave must submit their request to their supervisor for approval.

- a. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for three (3) or more consecutive work days, and at any other time if requested by the City.
- b. 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.
- c. If the employee fails to present such proof in a timely manner, use of sick leave will be denied.

**Section 21    Insurance and Retirement**

No employee shall be eligible for insurance benefits during the first thirty days of permanent, full-time employment. Thereafter, eligibility for insurance shall be as provided in the insurance policy, if any.

**Section 22    Provisions for Paid Leave of Absence**

a.        We want to do our best to alleviate hardships for you with respect to unusual personal problems such as personal illness, family illness, or death in the family. However, you should minimize the effect of your personal problems on your job and the jobs of other employees.

*b.        Notification of Absence*

Permission should be obtained from the Mayor or your supervisor. When situations arise which make advance notification impossible, contact must be made as soon as possible. You must notify the City Secretary to assist in his/her keeping accurate time worked records. The City Secretary will note on the scheduling calendar any absences from the employees regular assigned work schedule.

*c.        Salary Continuation during Personal Illness*

Personal illness will be handled on an individual basis. Employees will be paid for days missed due to personal illness in the following order of accrued time: accrued sick leave, accrued compensatory time and then accrued vacation. See section on sick leave

for sick leave benefits. If you have an illness lasting more than 3 days you must provide the city with a return to work release signed by your doctor.

*d. Extended Personal Illness*

Personal illness lasting longer than two weeks must be handled as a leave of absence request to the City Council. Employees will be paid for days missed in the following order of accrued time: accrued sick leave, accrued compensatory time and then accrued vacation. An employee that has exhausted all accrued leave paid may request an unpaid personal leave from City Council in accordance with the FMLA. See the Section on *Unpaid Personal Leave of Absence* in this employee manual. An employee that is granted a paid leave of absence due to an extended personal illness will not accrue vacation hours or sick leave hours while on that leave.

*e. Salary Continuation During Personal Emergencies*

It is recognized that situations arise that require your absence from work to handle emergencies that effect your immediate family or property. If you have accrued comp-time, vacation, or sick leave hours available, then you must use them for this absence, in that order. Otherwise, the City may choose, in its discretion, whether to grant leave for hours under this section, and such leave will be unpaid.

*f. Salary Continuation During Funeral Leave*

You may receive paid funeral leave up to a maximum of 3 (three) days to arrange for and attend the funeral of a member of your immediate family. The members of the immediate family are defined as: spouse, parent, step-parent, child, step-child, grandparent, brother, step-brother, sister, step-sister, parents, brother or sister (immediate uncle or aunt), spouse's parent, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

*g. Salary Continuation During Jury Duty*

If you are summoned or subpoenaed to serve on a jury or to appear as a witness in a legal proceeding other than one which is initiated by you or on your behalf, you will receive your regular pay for all scheduled hours of work which are lost as a result of your service. All monies paid to the employee for jury service will be surrendered to the City of Danbury.

*h. Salary Continuation During Military Leave*

If you are a member of the National Guard or an Active Military Reserve organization which requires attendance at annual two week military training camp as a condition of

retaining your status, you will be paid the difference between your military base pay while on duty and your base pay for scheduled working days lost as a result of fulfilling your two-week military obligation. Only one such military training program in any calendar year will be reimbursed. Any or all of the days on duty may be covered with accrued comp time or accrued vacation if you desire.

- i. In no instance shall approved leave hours and actual time worked exceed allocated position amounts provided or put an employee into an overtime situation.

**Section 23    Unpaid Personal Leave of Absence Not requesting FMLA**

At the discretion of the City Council, you may be granted an unpaid personal leave of absence when there is a compelling and justifiable need for your request and when your absence will not result in unreasonable added expense or disruption to the City of Danbury. The maximum length of time for which a leave of absence may be granted is one year. The request for leave must be submitted in writing to your immediate supervisor for presentation to the Danbury City Council. Final approval must be granted or denied by the Council as a regular business item. The request for leave should state the reason for leave and the duration. Upon return from the leave of absence, every effort will be made to reinstate you to the same or equivalent position as held prior to the commencement of the leave; however, changed conditions may not allow this to occur.

**Section 24    Unpaid Leave of Absence under the Family and Medical Leave Act (FMLA)**

- a. Employees shall not accrue sick leave or vacation benefits during any month when he/she is off work on unpaid FMLA.
  
- b. *Eligibility.* All employees who have been employed by the City of Danbury for at least one year and have worked at least 1,250 hours during the previous 12 months, are eligible for leave as provided by the Family Medical Leave Act.

*c.    Qualifying Events*

The Family and Medical Leave Act of 1993 provides for up to 12 work weeks of unpaid leave during a 12 month period:

1. To care for employee's own serious illness or health condition.
2. To care for the employee's child after birth, or placement of an adopted child or foster child.
3. To care for the employee's spouse, child or parent, who has a serious illness or health condition.

*d. Maximum Leave Excluding Leave for Military Family Leave*

The maximum 12 work weeks of family leave can be taken continuously or, under certain circumstances on a reduced leave schedule, or intermittently. It cannot be carried over from year to year. The FMLA will govern this type of leave.

*e. Advance Notice*

The employee must make every effort to provide 30 days advance notice when the leave is "foreseeable." Foreseeable meaning but not limited to: the birth of a child, elective surgery or procedure, something that can be scheduled, etc.

*f. Medical Certification and Documentation*

An employee wishing to take unpaid leave under the FMLA shall contact the City Secretary and complete all appropriate government forms and medical certification or documentation shall be required to support the request.

*g. Military Family Leave Provision Under the FMLA*

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent or next of kin.

*Qualifying Exigency Leave*

An eligible employee must be granted up to 12 workweeks of unpaid, job protected leave during any 12 month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or



has been notified of an impending call or order to covered active duty. Covered active duty means:

1. For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country, or for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.
2. Deployment to a foreign country includes deployment to international waters.

### *Qualifying Exigencies*

An eligible employee may take FMLA leave for the following:

1. To make alternative child care arrangements for a child of the deployed military member
2. Attending certain military ceremonies and briefings, or
3. Making financial or legal arrangements to address the military member's absence.

### *Military Caregiver Leave*

An eligible employee must be granted up to a total of 26 workweeks of unpaid, job-protected leave during a "single 12-month period" to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent or next of kin of the covered service member.

A covered service member is either:

a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

a veteran of Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical

treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran that was dishonorably discharged does not meet the FMLA definition of a covered service member.

For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

*h. Group Health Insurance*

The City of Danbury as the employer will continue to pay the City portion of premiums for medical insurance for the employee during FMLA leave.

*i. Military Leave of Absence*

If you should enlist or are inducted into the Armed Forces of the United States, you will be placed on unpaid leave of absence status and will be afforded seniority and reinstatement rights in accordance with applicable federal legislation. The City of Danbury as the employer will not pay the premiums for medical insurance for the employee during this type of leave.

**Section 25 Substance Abuse**

It is the policy of the City Danbury to prohibit the use, sale, dispensing, or possession of illegal drugs and narcotics (controlled substances) and alcoholic beverages or their effects on its premises. The unauthorized presence of controlled substances or alcohol in the workplace and the influence of these substances on employees while at work are inconsistent with safe and efficient operations and are grounds for disciplinary action, up to and including termination with the City of Danbury. The City may send employees to a certified clinic for drug/alcohol testing. Employees may be tested for the presences of unauthorized controlled substances on the basis of reasonable suspicion of impairment. Employees holding safety-sensitive positions may be tested

on a random basis. Applicants, and those employees found to be at-fault in an accident, may also be subject to immediate drug/alcohol testing.

## **Section 26    Public Relations**

All City employees are representatives of the City: therefore conduct in the public must be professional. Resolving conflicts should be conducted out of the public eye.

## **Section 27    Guidelines to Personal Conduct**

Certain rules and regulations have been established to assure an orderly and safe work environment. Usually, most rules only say in print what everyone knows or practices from their own common sense and moral judgment. It is believed that a detailed rule-by-rule explanation is not necessary; however to avoid misunderstandings, listed below are typical items or acts which are not allowed and may result in immediate discharge.

- a.     Willful unsafe acts.
  
- b.     The possession or use of alcoholic beverages or illegal drugs.
  
- c.     Being intoxicated or under the influence of illegal drugs.
  
- d.     Falsification of City records.
  
- e.     Dishonesty or theft.
  
- f.     Fighting, horseplay, or abusive language.
  
- g.     Insubordination.

- h. Any attempt to publicly defame or disgrace a fellow employee or City Official.
- i. Failure to treat all employees of the City of Danbury and all members of Council with the utmost dignity and respect.
- j. Conviction of a Felony.
- k. Improper use of any personal communication devices or social media.
- l. Not respecting employee's workspace and personal space.

No attempt has been made to cover all of the guidelines relating to professional behavior. Any questions regarding the above should be directed to the appropriate individuals within the City.

**Section 28 Federal and State Law Shall Govern Any Conflicting Terms**

In the event any terms of this policy contradict any federal or state law, then such federal or state law shall govern and control.

**Section 29 Termination**

Termination of employment will be based on conduct and any non-compliance with employee guidelines. Under proper circumstances, two weeks of severance pay may be provided at termination.

Any employee that wishes to terminate employment shall give a minimum two (2) full work weeks written notice to be considered leaving under “favorable terms”. If an employee fails to give a two weeks’ notice the employee will forfeit any un-used accrued vacation time.

### **Section 30 City of Danbury Time Keeping Policy**

#### **a. Purpose**

The Time Keeping policy requires employees to accurately monitor and keep track of their time worked and enables the City of Danbury to efficiently process time worked and leave taken for payroll purposes. The following guidelines have been created to assure accurate recordkeeping and compliance within the City of Danbury, to provide a structured, dependable and professional service to the citizens, and to provide an informative system to the governing body that proves accountability.

#### **b. Time Sheets**

Employees are required to turn in their completed time sheets every two weeks on a Monday, or the day following, if that Monday is a holiday. The time sheets must accurately reflect all hours worked by the employee during that two week period. The time sheet must be signed by the employee’s direct supervisor or the Mayor prior to processing. The signed time sheet is the “official” City record regarding that work period.

All employees, shall use and adhere to this Policy. However, the other provisions of this employee manual shall determine what compensation, pay, and/or compensatory time an employee is entitled to receive.

#### **c. Employee Time Records**

The Fair Labor Standards Act (FLSA) requires that employers keep detailed records on time and payments for all employees. The official time sheets are used to record all hours worked.

#### **d. Employee Information**

The time sheets will also include the employee’s name or an identification number as assigned by the City Secretary.

**e. Absences**

Your attendance is extremely important to the services provide to citizens. Employees are expected to strive for perfect attendance and to arrive for work on time. The governing body recognizes however that, on occasion, an absence from duty or a late start may be unavoidable. Employee shall immediately report an absence from duty to the City Secretary, and she shall note any change in the employees regularly scheduled hours on the scheduling calendar. The Mayor and Council members shall have access to the scheduling calendar at any time.

**F. Responsibilities of the City Secretary**

The City Secretary is responsible for monitoring and editing the time sheet records, and notifying the Mayor and City Council of the data and any discrepancies. Responsibilities include:

1. Collecting, verifying and maintaining Time adjustment requests, approval, denials, forms and any information necessary for explanation of the use and pay of an employee's time
2. Editing employee's time as needed to correct mistakes including notifying the Mayor and Council as required in the City of Danbury Employee Manual and this policy.
3. Adding time sheet entries to record paid leave days, maintaining and accounting for accrued and used time, providing reports to the Mayor and City Council as required by this policy.
4. Monitoring and approving attendance information for each employee's payroll period.
5. A record of all time not worked will be maintained in the Danbury City Hall Office. The City Secretary will be responsible for maintaining these records in a timely and accurate manner. Any inaccuracies noted should be address immediately in order to keep the records up to date.
6. The City Secretary shall furnish to the Mayor and all Council Members, at the regularly scheduled Council meeting a printed calendar of the previous month showing "all time missed" for all employees. The term "all time missed" shall include scheduled vacation/comp time off, sick leave taken or hours taken off for personal business and all unpaid leave during the employees regular work schedule as defined and established in this policy.

7. The City Secretary shall furnish to the Mayor and all Council Members, at the regularly scheduled council meeting a printed calendar of the previous month showing all vacation time, sick time and “comp-time” accrued for all non-exempt employees and hours worked for exempt employees. The term “comp-time accrued” shall include all time worked by non-exempt employees over the employees regular work schedule, call out hours and regular job duty hours after hours, on weekends and holidays as defined and established in this policy.

**j. Time Sheets**

All paper time sheets shall be kept on a form to be provided by the City Secretary.

**k. Time Audits**

Documents regarding time worked by employees are subject to audit by any Council member at any time, and an annual external audit, and may be monitored by a third party to verify compliance. Additionally, the City Secretary, Mayor or any member of the City Council may monitor time worked data on a regular basis and review for irregularities or patterns. Any irregularities and/or patterns will be reported to the employee’s Supervisor and the City Council, and all findings may be investigated.

**l. Notice to All Employees**

Failing to comply with the City of Danbury Employee Manual is strictly prohibited and may result in Disciplinary Actions up to and including dismissal.

**Section 31. THIS EMPLOYEE MANUAL IS A GENERAL GUIDE AND THE PROVISIONS OF THIS HANDBOOK DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR A GUARANTEE OF CONTINUED EMPLOYMENT. THE CITY OF DANBURY RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. ANY PROMISES WHICH CONFLICT WITH THE PROVISIONS IN THIS POLICY MANUAL ARE EFFECTIVE ONLY IF IN WRITING AND EITHER (1) AUTHORIZED BY THIS MANUAL OR (2) APPROVED BY THE CITY COUNCIL.**





## **32. EQUAL EMPLOYMENT OPPORTUNITY & AFFIRMATIVE ACTION POLICY**

The City of Danbury's officers, employees, and contractors and their agents, in accordance with Federal civil rights law, civil rights regulations and policies, together with State of Texas and City policies are prohibited from discriminating based on race, color, national origin, ancestry, veteran status, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by any federal or state program or any other grant or funding opportunity.

Further, the City of Danbury does not discriminate against any employee or applicant for employment because of race, disability, color, religion, sex, age, or national origin. The City takes affirmative action to ensure that applicants are employed and that employees are treated without regard to their race, color, sex, religion, age, disability, or national origin. Such action shall include, but is not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City agrees to post notices, which set forth the provisions of this nondiscrimination article, in conspicuous places available to employees or applicants for employment.

**I, have received a copy of the Amended Employee Manual (Ordinance No. 23-23) approved by the City Council on the 16<sup>th</sup> day of November, 2023. I understand that my acceptance of this Policy does not alter the At-Will Employment relationship or constitute an employment agreement, a contract, or a guarantee of continued employment. I further understand that the City of Danbury reserves the right to change the provisions contained in this policy at any time and without prior notice.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

**I acknowledge that the above named employee has received a copy of the Amended Employee Manual Ordinance No. 23-23 dated November 16<sup>th</sup>, 2023 on this \_\_\_\_ day of \_\_\_\_\_.**

\_\_\_\_\_  
**City Secretary-City of Danbury, Texas**

\_\_\_\_\_  
**Date**