

City of Denton
EMPLOYEE HANDBOOK

Revision January 17, 2023



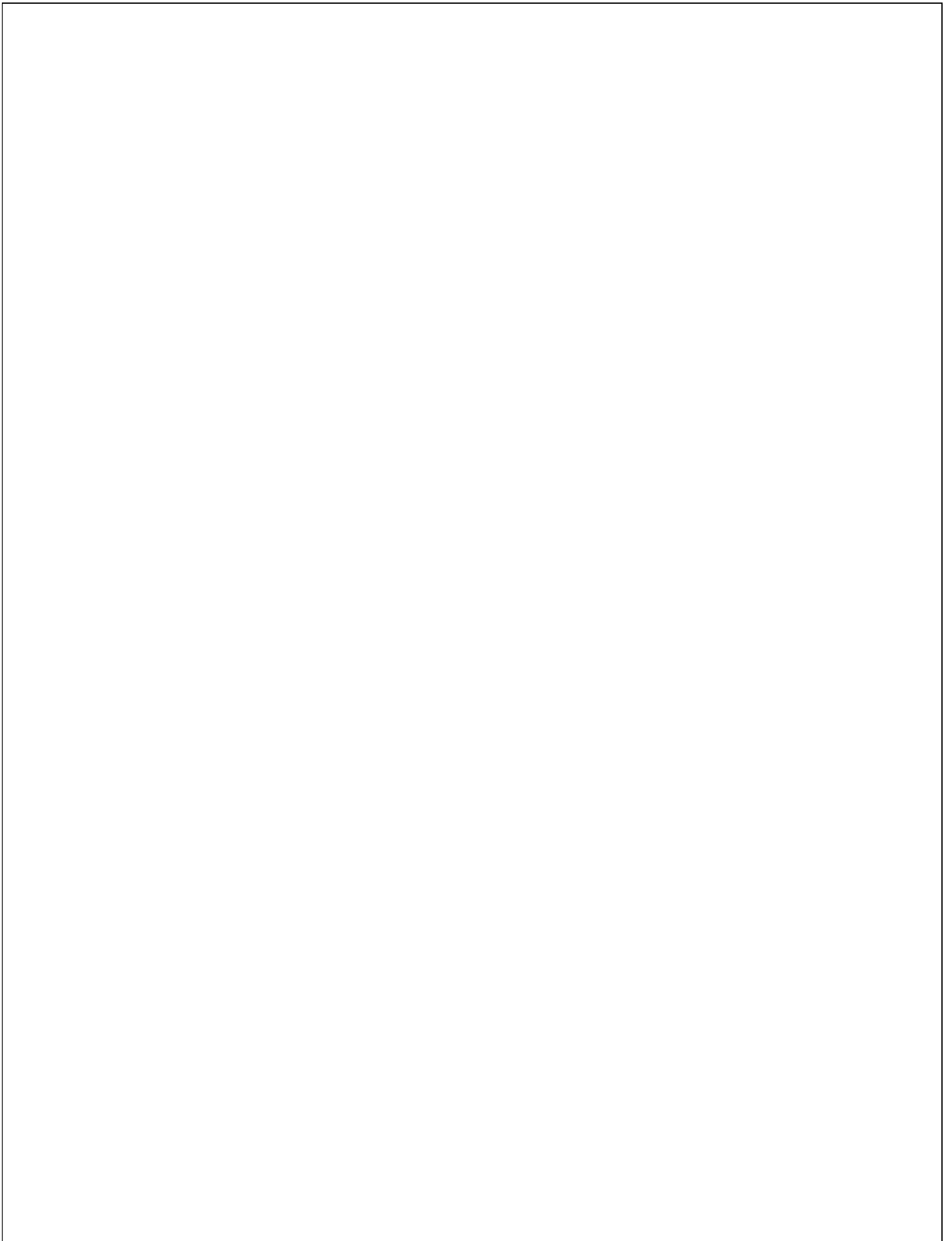


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Introduction

Whether you have just joined our staff or have been at the City of Denton for a while, we are confident that you will find the City of Denton to be a dynamic and rewarding place to work, and we look forward to a productive and successful relationship. We consider our employees to be our most valuable assets.

This handbook has been written to serve as a guide for the employer/employee relationship and to give you an overview of key policies as an employee of the City of Denton.

Several things are important to keep in mind about this handbook:

- I. It contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning the applicability of a policy or practice to you, the Human Resources department is here to help you with your questions.
- II. The procedures, practices, policies, and benefits described here may be modified or discontinued from time to time. Employee communications will be sent out electronically when this occurs and real-time City of Denton policies and procedures are available on the City's intranet site, called the HUB, under Human Resources' documents.
- III. This handbook was written to provide information about the employment policies that are most likely to affect your employment relationship with the City of Denton and a description of the benefits offered to City of Denton employees.
- IV. Many of the subjects described here are covered in detail in official policy documents. You should refer to these documents for specific information since this handbook only briefly addresses those policies and benefits. For the full text of these and other City of Denton policies, please refer to the HUB under Human Resources' documents.

Receipt of Employee Handbook

I acknowledge that I have received a copy of the City of Denton's Employee Handbook. I agree to read it thoroughly, including the statements in the Introduction describing the purpose and effect of the handbook. I acknowledge I am responsible to comply with all City policies, whether they are included in this handbook or not and that I am able to access these policies. I understand that failure to thoroughly read this Employee Handbook and all City and department policies will not excuse any failure on my part to conform to City policies and expectations of conduct. I agree that if there is any policy or provision that I do not understand, I will seek clarification from the Human Resources Department. **I understand that the City of Denton is an "at-will" employer and, as such, employment with the City of Denton is not for a fixed term or definite period, and the City may terminate my employment at any time, with or without cause, and with or without prior notice.** No supervisor or other representative of the City (except the City Manager) has the authority to enter into any agreement for employment for any specified period or to make any agreement contrary to the above.

In addition, I understand that this handbook is representative of the City of Denton's policies, benefits, and practices in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the City of Denton for benefits or any other purpose. I also understand that these policies, benefits, and practices are continually evaluated and may be amended, modified, or terminated at any time.

Please sign and date this receipt and return it to the Human Resources Department.

Signature: _____

Date: _____

Print Name: _____

Employee ID: _____

THIS IS A COPY

The original signed receipt is maintained in the employee's personnel files.

Applicability

The content of this handbook applies to all City of Denton employees, including civil service employees, unless a provision is in direct conflict with or is specifically excepted by a provision of the City Charter, City policy, City ordinance, State or Federal law, or a duly ratified Meet and Confer Agreement.

At-Will Employment

Neither this handbook nor any other City of Denton document confers any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, by the City or you may resign for any reason at any time. No supervisor or other representative of the City of Denton (except the City Manager) has the authority to enter into any agreement for employment for any specified period, or to make any agreement contrary to the above.

Select Important City of Denton Policies

A. EQUAL OPPORTUNITY & COMMITMENT TO DIVERSITY

Equal Employment Opportunity (No. 100.01)

It is the policy of the City of Denton to afford equal opportunity in employment to all individuals regardless of race, color, religion, gender, sexual orientation, gender identity, age, disability status, national origin, genetics, or other protected classification under Federal or State law

Americans with Disabilities Act (No. 100.02)

The City of Denton will not discriminate against a "qualified individual with a disability," as this term is defined by the Americans with Disabilities Act (ADA), with regard to job applications, hiring, advancement, termination, compensation, training and, other terms, conditions, and privileges of employment. Consistent with this policy of nondiscrimination, the City of Denton will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of their disability, provided that such accommodation does not constitute an undue hardship on the City. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. The City of Denton encourages individuals with disabilities to come forward and request a reasonable accommodation. The ADA does not require the City of Denton to reallocate essential job functions, or to provide personal use items (*e.g.*, eyeglasses, hearing aids, wheelchairs).

Harassment Prevention (No. 108.10)

It is the policy of the City of Denton to prohibit any form of sexual, racial, ethnic, disability, age, sex/gender, sexual orientation, gender identity, pregnancy, national origin, genetic, or religious harassment of its employees, volunteers, applicants, and other applicable parties. The City of Denton recognizes that any form of harassment may be a violation of federal and state laws. Harassment is not restricted to the workplace or during working hours. When interacting with other City of Denton employees, in any capacity, or representing the City, such as at a conference, employees must always be professional and respectful and refrain from any conduct that could be perceived as harassing or abusive. Abusive conduct includes, but is not limited to, persistent treatment that is humiliating, embarrassing, undignified, or bullying to either party.

I. Complaint Procedure

An employee who observes behavior that they believe is a violation of this policy must report the behavior, and is *strongly urged* to do so to their supervisor or someone else within their chain of

command, regardless of the offender's identity or position before the conduct becomes severe or pervasive. If the employee is uncomfortable for any reason in reporting the behavior to someone in their chain of command, the employee may report the behavior to the Director of Human Resources or designee, or an HR Business Partner. An employee need not be the target of the harassing behavior to be considered a victim, and the employee need not be either the target or the victim of the harassment to report behavior that is a violation of the City's Harassment Prevention Policy.

Appropriate corrective action will be taken when the findings warrant such action. Such corrective action should be determined by the nature of the wrongful act(s) and may result in immediate termination of employment.

Retaliation (No. 108.06)

The City of Denton prohibits retaliation against any individual who, in good faith, reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to corrective action.

B. EMPLOYMENT RELATIONSHIP

Confidentiality (contained within the Ethics Policy (No. 10.00))

Confidential information includes all information held by the City that is not available to the public under the Texas Public Information Act.

- An employee shall not use their position to obtain official information about any person or entity for any purpose other than the performance of their essential duties.
- An employee shall not intentionally, knowingly, or recklessly disclose any confidential information gained by their position concerning the property, operations, policies, employees, or affairs of the City. This rule does not prohibit:
 1. Any disclosure that is no longer confidential by law; or
 2. The confidential reporting of illegal or unethical conduct to authorities designated by law.

Conflicts of Interest (contained within the Ethics Policy (No. 10.00))

A conflict of interest is a situation in which personal and/or financial considerations actually have or may have the potential to influence or compromise professional judgment or actions. Conflicts of interest are

challenging organizational concerns because they are subject to sensitivities based on perception. In order to manage the associated risks, real or perceived, it is the City's policy to address conflicts of interest through disclosure and recusal.

I. General Rules

Employees shall be proactive and transparent with any relationships that create an actual or potential conflict of interest. Employees shall avoid actions or conduct that they know, or should know, is likely to impact the personal or financial interests of:

- The employee;
- The employee's spouse, child, parent, or member of the household;
- An outside client or secondary employer of the employee;
- A client or employer of the employee's spouse, child, parent, or member of the household;
- An entity for which the employee serves as an officer, director, or policy maker;
- A board or committee to which the employee is appointed; or a person or entity with whom the employee or their spouse solicited, received, or accepted an offer of employment or business opportunity within the past twelve (12) months.

II. Disclosure and Recusal

Employees shall proactively report an actual or a potential conflict of interest by submitting a disclosure form for any relationship that presents a potential conflict of interest as soon as they are aware of the conflict. Employees involved in the purchase of goods or services on behalf of the City who have an actual or perceived conflict of interest must submit a disclosure form prior to the commitment of any funds to a vendor. Employees involved in a procurement solicitation must submit the required disclosure forms before any solicitation material will be shared with them. The disclosure forms may be reviewed by Purchasing, Compliance, and Legal to determine if a conflict exists. If a conflict is identified, the employee will be recused from any decision-making, influence, commitment of funds, or solicitations that involve the vendor or individual(s) identified in the conflict. Failure to disclose an actual or potential conflict of interest may result in corrective action, up to and including dismissal of employment.

Nepotism (contained within the Ethics Policy (No. 10.00))

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, employment of certain related persons by the City, or within designated City departments, is not allowed. The provisions of this policy apply to persons from outside the City workforce who are applying for employment, or re-employment, with the City, as well as those employees applying for or transferring to other positions within the City.

No person shall be appointed to an office, or be employed by the City of Denton, who is related to any member of the City Council or the City Manager within the third degree of affinity (“marriage”) or consanguinity (“blood”), and this shall apply to heads of departments in their respective departments.

In a department comprised of more than one operational division, an applicant related within the third degree of marriage or blood to a City employee employed in that operational division will not be eligible for employment within the same division. An applicant for a job in a department consisting of one operational division who is related within the third degree of marriage or blood to an employee of the department will not be eligible for employment in that department. At the discretion of the department head, and with the approval of the City Manager, or designee, stricter guidelines for business reasons may be instituted as long as the reasons are not illegal or discriminatory.

An applicant for a temporary or seasonal position within an operational division of the City may be eligible for the position, without regards to kinship of other employees within that operational division, as long as the period of employment does not exceed 120 days within a twelve-month period.

An applicant for a job in an operational division that reports to or serves as staff liaison to a City board or commission is ineligible for employment in that division if the applicant is related within the third degree of marriage or blood to any member of the board.

Nepotism guidelines as defined in approved Meet and Confer agreements will supersede this policy.

Secondary Employment (contained within the Ethics Policy (No. 10.00))

The City of Denton shall be the primary employer for all employees (excluding temporary, seasonal, or contract employees). An employee may be employed in any capacity in any other business, trade, occupation or profession while employed by the City of Denton, so long as the outside employment does not tend to bring the City into disrepute, reflect discredit upon the employee, impair independence of judgment, create a conflict (or appearance of a conflict of interest), or conflict with their employment or performance as a City employee.

The City recognizes the prerogative of its employees to pursue other employment to occupy their off-duty hours. However, this must be balanced with the City's need for full productivity during working hours and with loyalty from its employees.

No City time, resources, personnel, facilities, or equipment may be used in conjunction with secondary employment unless authorized in advance by the City Manager or designee.

Secondary employment shall not impair the employee's availability upon emergency recall by the City.

Secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, or refusal to work overtime. Should the secondary employment cause or contribute to any of these situations, it must be discontinued, or the employee will be subject to corrective action, up to and including termination from City employment.

As the primary employer, the employee must recognize the City's need for flexibility and changing schedules based upon the demand for services or departmental needs.

Before engaging in secondary employment, whether as an employee at another organization, independent contractor or self-employed, an employee must request prior approval through their immediate supervisor and department head by completing a Secondary Employment Approval Request form. An employee who is working another job at the time of hire, and who intends to continue the other employment, must also obtain approval as outlined in the policy. The Secondary Employment Approval Request form is available on the HUB under the Ethics and Compliance department forms.

Employment Classification (No. 103.01)

- I. In order to determine eligibility for benefits and to ensure compliance with federal and state laws and regulations, the City of Denton classifies its employees as shown below.
 - Regular Full-time Employees - are employees budgeted to work at least forty (40) hours per week on a continuing basis
 - Regular Part-time Employees - are employees budgeted to work less than forty (40) hours per week on a continuing basis
 - Half-time regular part-time employees are employees who are budgeted to work at least twenty (20) hours but less than thirty (30) hours per week
 - Three-quarter time regular part-time employees are employees who are budgeted to work at least thirty (30) hours per week but less than forty (40) hours
 - Temporary Employees - are employees who work a specified number of hours per week for a limited period. Such positions are deleted after expiration of the authorized period
 - Seasonal Employees - are employees who work a specified number of hours per week during a specified work season. The need for such positions usually recurs on an annual basis
 - Contract Employees – terms and length of employment are defined by a written and signed contract. This should not be confused with independent contractors who are not considered to be employees of the City of Denton.

- II. These definitions are not intended to indicate whether or not overtime is an aspect of the job.

Investigation and Inspection of City Equipment (No. 108.13)

The City of Denton has an interest in ensuring that the day-to-day operations of the City are carried out in an effective, efficient, and safe manner. The consequences of employee misconduct or incompetence may be severe both to the City and the public interest. City facilities, offices and equipment are provided to employees for the sole purpose of facilitating the work of the City and as such, are subject to an investigatory search for evidence of work-related misconduct. The term "City equipment" includes City owned offices, work areas, vehicles, lockers, desks, cabinets, and other containers. Employee-owned items, such as purses and briefcases, are not included within the definition of this term.

The City reserves the right to search the contents of City equipment at any time, and for any reason.

Retention of personal items within City equipment is at the risk of the employee, and the City shall not be responsible for any losses.

Surveillance (No. 506.06)

The City of Denton reserves the right to place video/audio monitoring and/or recording equipment on its premises where necessary and appropriate.

This applies to all property owned or controlled by the City of Denton and/ or its representatives. Any applicable law will supersede this directive. This directive does not apply to covert cameras used by City of Denton Police Department or another law enforcement agency for law enforcement purposes.

Separation from Employment (No. 112.01)

It is the policy of the City of Denton to require advance written notice of an impending voluntary separation from all positions of employment within the City organization. Minimum notice is necessary in order to expedite employee out-processing and ensure a smooth transition without adversely affecting department efficiency.

Retirement (Nos. 112.03 and 406.09)

City of Denton employees may choose a retirement date regardless of age and free of any influence because of their age.

An employee is eligible to retire from the City based upon the policies and requirements of either the Texas Municipal Retirement System ("TMRS") or the City of Denton's Fire Pension Plan ("Fire Pension Plan").

C. COMPENSATION

Procedure for Receiving Pay (No. 106.01)

The City of Denton's workweek begins every Saturday morning at 12:01 a.m. and ends every Friday at 12:00 midnight. Employees are to be paid for hours worked or for the use of authorized paid leave every other Friday. The pay period ends on the alternate Friday at 12:00 midnight. Employees are paid on the Friday following the end of the pay period.

The City of Denton requires direct deposit for all employees.

Employees are responsible for notifying their supervisor regarding any inaccuracies in their pay, including inaccuracies resulting in underpayment or overpayment. Failure of an employee to bring inaccuracies to the attention of their supervisor will delay the correction process until the next payroll period.

If an employee is overpaid, the City of Denton will take appropriate action to correct such overpayment, including seeking to deduct the amount of the overpayment from subsequent pay. Failure of an employee to report an overpayment could be a violation of the City's Fraud Directive (No. 509.01) and may subject an employee to corrective action up to and including termination of employment.

Time Records (No. 106.05)

The Fair Labor Standards Act (FLSA) requires employers to keep records on wages and hours worked. The City of Denton has elected to use an automated timekeeping system as a means to track time worked for non-exempt employees.

The FLSA requires employers to pay non-exempt employees for all hours worked, so it is important for employees to clock in and clock out appropriately. Early or late clocking in/out will not be permitted unless the employee is actually working. Reference policy no. 106.04 – Overtime for information on working more than 40 hours per workweek.

Misrepresentation of time worked, clocking in/out for a co-worker, working off the clock, or falsifying City records may be considered fraud and may result in disciplinary action, up to and including dismissal.

Overtime (No. 106.04)

The City of Denton requires employees to work overtime when necessary and as requested by the supervisor. Overtime for all employees (except Fire Civil Service) who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) is defined as *authorized* time worked, which exceeds 40 hours per workweek. It is the City of Denton's policy to pay all overtime to non-exempt employees,

authorized or not; however, non-exempt employees who work overtime without prior authorization from their supervisor may be subject to corrective action.

In compliance with the FLSA, non-exempt employees will be paid at the rate of one and one-half times their regular rate of pay for overtime whether authorized or unauthorized. Overtime will be paid for all additional time worked to the nearest quarter-hour.

When calculating whether an employee has worked 40 hours during a workweek, use of military leave, vacation time (except for Vacation in lieu of sick leave), holiday time, and on-call hours subject to provisions of the Response Time and On-Call Duty Policy (No. 106.06) will count as "time worked." All other leave (*e.g.*, Sick, Bereavement, Jury Duty) will not count as "time worked" for purposes of calculating whether the employee is entitled to overtime.

Payroll Deductions (No. 106.03)

The City of Denton's policy on payroll deductions is to limit deductions to taxes, insurances, retirement, or specific approved voluntary contributions. Payroll deductions for the City may be divided into two categories: 1) mandatory and 2) employee authorized. The mandatory category includes taxes and retirement. The employee-authorized category includes, but is not limited to, City insurance premiums, excess medical and dependent care, credit union shares or payments, United Way contributions, and extra federal income tax withholdings.

Meal and Break Time (No. 108.02)

I. Meal Break

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 instances, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.

Unless otherwise instructed, employees will receive at least a 30 consecutive minute, duty-free meal break during a normal workday. In the event a non-exempt employee does not get a 30 consecutive minute duty-free meal break, the employee shall be paid in accordance with the Fair Labor Standards Act.

II. Rest Breaks

No more than two rest breaks may be made available with the approval of the immediate supervisor. Rest 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 schedules.

Response Time and On-Call Duty (No. 106.06)

Although residency within the city limits is not a condition of employment per City policy or State law, certain positions require a reasonable response time to calls outside normally scheduled work hours.

This policy applies to non-exempt employees (as defined by the Fair Labor Standards Act) of the City of Denton who are required to maintain their availability after hours and be on-call to come back to work or otherwise respond to an emergency. This policy does not apply to Police and Fire civil service employees.

I. On-Call

- An on-call period shall be a period of time during which a non-exempt employee is not actually performing work but is scheduled to remain at, near, or be able to return to work for operational requirements that may develop outside normally scheduled work hours
- An on-call period is defined as a period of consecutive hours that an employee is scheduled to be available for on-call duties
- An on-call shift is defined as the number of consecutive hours per day that an employee is required to work within an on-call period

II. Emergency Call-Back

- On-call should not be confused with emergency call-back. All City of Denton employees are subject to call-back during an emergency. In the case of an emergency call-back, employees are not subject to a response time, nor will they be subject to corrective action if they are not able to respond; however, an employee who is capable of responding in an emergency but chooses not to may be subject to corrective action, up to and including termination of employment.
- For an emergency call-back, work time for purposes of emergency call-back begins when the employee arrives at the location designated by their supervisor (e.g., City premises or another worksite location) and ends when the employee leaves their designated worksite location or City premises. However, if the employee begins work earlier (e.g., the employee is in contact with dispatch or having to take other action necessary in preparation of performing their on call work activities), the employee's work time shall begin when they receive the emergency call-back request and will include their commute time. Further, if the employee has to talk to dispatch or other personnel while driving from their designated worksite location or City premises, the employee's work time will end upon the conclusion of the phone call.

III. Response Time

- A response time is the length of time that an employee's supervisor finds reasonable for an on-call employee to arrive at a designated work site in response to an on-call request.

- A response time starts when the on-call employee responds to the phone call or returns a missed phone call for an on-call request; the response time ends when the on-call employee arrives at the worksite designated by their supervisor.
 - *(The employee must respond to a phone call or message within 15 minutes from the time the phone call is made to the employee. See I.B.3 below.)*
- Response time for each department is 30 minutes unless stated otherwise in the table below:

Department	Response Time
Airport	45 minutes
Facilities	1 hour
Public Safety Communications	2 hours
Streets and Drainage	1 hour
Traffic	1 hour
Wastewater - Collections	45 minutes for 1 st employee called back 1 hour for 2nd employee called back 1 hour for 3rd employee called back
Water Distribution	45 minutes for 1st employee called back 1 hour for 2nd employee called back 1 hour for 3rd employee called back
Water Metering	1 hour
Water Production	1 hour
Water Reclamation	1 hour

Hours of Work/Flexitime (No. 110.02)

The hours that City offices and departments are open for business shall be determined by the City Manager or their designee(s). Within the framework set by the City Manager or their designee(s), departments may schedule work shifts as workload demands and may use flexible scheduling and/or alternative workweeks so long as the standard of outstanding customer service is not impaired.

D. BEHAVIOR EXPECTATIONS

Problem Solving (No. 115.02)

In an effort to promote improved employer-employee relationships the City of Denton has an open-door policy. Employees who feel they are being unfairly treated, wish to correct a misunderstanding or desire information concerning their work relationships are encouraged to discuss these concerns with their immediate supervisor or higher levels of supervision.

In the normal operation of any organization, problems or questions may arise. In most instances, a supervisor should be able to give a prompt answer to an employee's questions and will assist in solving problems.

The express intent of this policy shall be:

- To afford employees an informal yet systematic means of obtaining consideration of their concerns
- To ensure that an employee who presents a problem in good faith and in a reasonable manner will be free from reprisal
- To ensure that problems are settled as near as possible to the point of origin

Corrective Actions (No. 109.01)

It is the policy of the City of Denton to maintain an effective and productive workforce to deliver outstanding quality services to the citizens of Denton. Employees are expected to maintain high standards of performance and conduct, and to comply with all federal, state, and local laws, rules, regulations, and policies governing the conduct of public employees. Employees are also expected to perform their duties in accordance with the instructions and standards established by the employees' supervisors. Supervisors are responsible for communicating job duties, responsibilities, performance standards, and expectations.

When an employee's conduct or performance falls below expectations or violates any applicable law, rule, or regulation, the employee may be subject to corrective action.

The City of Denton's corrective action guidelines typically consists of a system of increasingly significant measures to provide feedback to employees so employees can correct conduct or performance problems. The City of Denton recognizes four (4) types of corrective action:

- Written Reprimand
- Suspension Without Pay
- Involuntary Demotion
- Dismissal

Although one or more corrective action measures may be taken in connection with a particular performance or conduct problem, no formal order or sequence of actions or steps will be followed in all cases. The appropriate corrective action will depend on the totality of the circumstances, including the severity of the performance deficiency or conduct, the employee's role within the organization, and other relevant factors.

The City of Denton's use and publication of the corrective action model does not prohibit the supervisor from taking appropriately severe corrective action when the severity of the behavior or performance deficiency warrants such action.

The City of Denton is an at-will employer and may terminate employees at any time and for any reason, with or without cause or notice, and without the use of progressive levels of corrective action, unless expressly prohibited by law.

Before a supervisor takes action to administer any corrective action identified, the supervisor must consult with the Human Resources Department and receive approval to administer the corrective action. The Director of Human Resources or designee will review the proposed corrective action before any formal action is taken against an employee.

All records of corrective action will be maintained in the employee's official personnel file in Human Resources for the remainder of the employee's employment with the City of Denton.

Fraud Policy (No. 509.01)

The City of Denton is committed to upholding the public trust through a commitment to high legal, ethical, and moral standards. As stewards of public funds, all City employees should be aware of fraud risks and should be adequately prepared to respond in the event of fraud.

Fraud is defined as the intentional or knowing misappropriation of City assets by any act including, but not limited to, theft, corruption, conspiracy, embezzlement, deception, bribery, extortion, and intentional misrepresentation. Attempted fraud is treated as seriously as accomplished fraud. Fraud may involve:

- Forgery or alteration of any document or account belonging to the City
- Forgery or alteration of a check, bank draft, or any other financial document representing funds belonging to the City
- Misappropriation of funds, securities, supplies, or other assets of the City
- Impropriety in the handling or reporting of money or financial transactions involving the City and any other entity
- Profiteering as a result of insider knowledge of City activities
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the City
- Inappropriate destruction, removal or use of records, furniture, fixtures and equipment belonging to the City
- Authorizing or receiving payments for goods not received or services not performed
- Authorizing or receiving payment for hours not worked
- Embezzlement, larceny or any other misapplication of City funds

- Any official misconduct including the misapplication or misuse of City funds or property

All City employees shall support the fraud response policy by avoiding fraud as defined and by supporting efforts aimed at preventing fraud. In addition, employees are expected to report possible fraudulent activity or any internal/external practices that would allow for or facilitate fraudulent activity through the process described in Fraud Policy No. 509.01.

Supervisors and managers have a greater responsibility to uphold the City's fraud response policy. They are expected to initiate appropriate preventive measures, implement necessary controls and initiate investigations by promptly reporting allegations to a member of the Investigation Committee.

All employees are required to cooperate fully during any City review or investigation of an allegation of fraud. Anyone informed of an investigation in progress shall ensure that strict confidentiality is observed so as to not prejudice the investigation or the City's rights and integrity. Anyone found violating this requirement will be subject to corrective action.

All City employees are required to comply with the fraud response policy and procedures.

Absenteeism/Tardiness (No. 110.01)

Absenteeism and tardiness on the part of employees increases the workload of fellow employees, interferes with productivity, and reduces the quality of service. The absence from work of any employee usually involves the rearrangement of work schedules and the temporary reassignment of other employees. To accomplish these tasks, sufficient advanced notice of an absence is necessary.

Each department head or their designee shall develop a protocol for notifying the appropriate person when an employee will be absent or tardy for work. Each department or division shall designate an individual who will be responsible for receiving absentee calls. Notification does not excuse the absence or tardiness.

An employee's failure to report their absence or tardiness according to the departmental protocol may be grounds for corrective action, including and up to termination of employment.

Unauthorized absence, failure to return at the expiration of a leave of absence or being absent without approved leave for a period of at least two (2) working days or shifts of duty may be deemed an automatic resignation. The department director may rescind such a resignation if the employee presents a satisfactory reason for failure to report the absence within three (3) working days of the effective date of the automatic resignation.

Guidelines regarding unscheduled or unauthorized absences are provided for in the Absenteeism/Tardiness Policy No. 110.01. Appropriate corrective action will depend on the totality of the circumstances.

Based on business necessity and the nature of services rendered, a department may have a more stringent policy on attendance. If so, that departmental policy will be given deference in conjunction with this policy.

Dress Code / Personal Appearance (No. 108.07)

In order to project a positive, professional, and safe environment, City of Denton employees are expected to maintain a positive and professional appearance at all times. All employees are expected to comply with safety regulations (*e.g.*, type of shoes, shirt sleeve length) - as dictated by departmental and industry safety standards. All office and public contact employees are expected to be appropriately dressed and well-groomed to reflect a professional, businesslike atmosphere. Clothing should be clean, comfortable, and appropriate for the job being performed, as determined by the supervisor and/or department procedures. Clothing having pictures, designs, words, or advertising not conducive to a professional image, see-through or otherwise sexually provocative clothing is prohibited for all employees. Employees who are required to wear uniforms shall conform with the Uniform policy (No. 102.11).

E-Mail Use (No. 506.05)

The City of Denton provides employees, at public expense, an email system as a tool to assist employees in conducting the business of the City. Personal use of the email system is not permitted. However, employees may forward unsolicited, personal email received at the City to a personal email account. The email system, including all messages composed, sent, or received on the system, is the City's property. Employees do not have a right to or an expectation of privacy to the content of any message composed, sent, or received over the system. The City reserves the right and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over the email system. The email system should not be used to create or distribute any offensive or disruptive messages.

Social Media (Contained within the Ethics Policy No. 10.00 and Social Media Policy 505.03)

The City recognizes that social media has become a critical source of communication. Many, including City employees, utilize social media to voice their opinions on matters of both private and public concern. This policy is not intended to prevent employees from making non-confidential communications that are of a general, legitimate concern. However, employees are strongly encouraged to exercise due diligence and caution when utilizing social media to post communication, including but not limited to pictures, documents, or materials, for the public's view. Internet postings can be detrimental to the City. Employees should be mindful that social media and internet postings, even when done off duty, may cause unintended reactions from the public or consequences to the City and its officials and employees.

Guidelines for social media use:

- Employees shall effectively communicate that their postings are their own personal opinions and do not represent the entity in which they are employed (i.e., the City);
- Employees shall not post any information that is considered confidential, sensitive, or copyrighted to which they have access due to their position with the City;
- Employees must be truthful, courteous, and respectful toward other City employees, customers, citizens, and City Officials (e.g., City Council, Mayor); and
- Employees shall not harass others based on protected characteristics (e.g., race, sex, religion, sexual orientation, gender identity, national origin, disability status, etc.). See the City's Harassment Prevention/Workplace Abuse policy 108.10 for additional guidelines regarding discrimination and harassment.

Employees who distribute or post communication by way of social media, or other means, which has the effect of any of the following may be subject to disciplinary action:

- destroying the efficiency of City employees in performing their duties;
- impairing harmony;
- interfering with or disrupting City operations or functions;
- undermining authority; or
- prevents successful service with employees' superiors or close working relationships which are essential to fulfill public responsibilities

Any employee who believes that their First Amendment Right has been infringed upon may request an administrative review under the Disciplinary Actions policy 109.01, Section VI.

Any employee who believes their social media account was compromised, resulting in a communication that would violate these policy guidelines shall immediately report the incident to Human Resources, Compliance, or the City Manager's Office.

For guidelines on social media use on behalf of the City or for City business, see the City's Social Media policy 505.03.

Solicitation (No. 114.01)

City offices are for the purpose of conducting City business. To facilitate internal productivity, no organization or business will be allowed to solicit to any City employee during work hours or on City property except as provided by this policy. Additionally, no employee of the City of Denton may engage in political activity, solicit contributions or donations, sell tickets, or take orders for any cause or function to another City employee, retail business, or to a member of the general public while on duty, except as provided by this policy.

Any solicitation to or by City employees must be deemed a “public purpose” and approved by the City Manager.

E. WORKPLACE SAFETY

Workplace Violence Prevention (No. 108.05)

It is the policy of the City of Denton to provide a safe workplace and to reduce the risk of violence to our employees and our citizens. Violence, or the threat of violence, has no place in any of the City’s work locations. Any person who engages in a violent or threatening manner, either verbal or physical in nature, will be removed from the premises as quickly as safety permits. At the City’s discretion, an employee and/or a member of the public may be barred from City premises pending the outcome of an investigation. Any employee who engages in such behavior may be subject to corrective action up to and including termination of employment, criminal penalties, or both. An employee terminated for violating a provision of the City’s Workplace Violence Prevention directive shall not be eligible for future employment with the City in any capacity.

If an employee is confronted by or encounters an armed or dangerous person, the employee should not attempt to challenge or disarm the individual. The employee should use their best judgment under the circumstances to avoid injury to the employee or others. If the employee can contact the Police Department or emergency assistance safely, then the employee should do so immediately or as soon as they can safely do so. If the employee believes that a supervisor or another person can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given.

Health, Safety, and Environmental Policy (No. 410.01)

Excellence in Health, Safety, and Environmental (HSE) performance is the responsibility of every City employee and a core value for the City of Denton. The City of Denton is committed to completing operations in a safe manner and protecting its employees and the environment while providing exceptional service to the residents and businesses in our community.

Drug and Alcohol-Free Workplace & Anti-Substance Abuse and Rehabilitation (Nos. 108.11 and 108.12)

It is the City of Denton’s policy to provide a drug and alcohol-free workplace. Employees may be subject to drug and/or alcohol testing before and during their employment with the City of Denton. The City of Denton employs a “zero tolerance” standard of employment when it pertains to drug and alcohol testing per the policy. Types of testing may include pre-employment testing, reasonable suspicion testing, post-accident testing, testing after on-the-job injuries, testing for employees transferring to other jobs within the City, random testing as required by federal Department of Transportation regulations, random

testing for safety-sensitive positions, and follow-up testing. Employees who have a confirmed positive test result for the use of drugs or alcohol under this policy will be subject to termination of employment.

Use of Tobacco Products and Electronic Cigarettes (No. 108.03)

In the interest of employee, citizen, and public health, it is the City of Denton's policy to provide all of its employees with a smoke-free workplace. Additionally, a work environment in which employees are allowed to use smokeless tobacco products or electronic cigarettes promotes an image that many regard as unsanitary or unprofessional. It is, therefore, the policy of the City of Denton to prohibit the use of smoking tobacco products, smokeless tobacco products, and electronic cigarettes by City employees at all City worksites and on all City property while on duty, including buildings, vehicles, and equipment - including during breaks and lunches, if the break or lunch is conducted on City property or a City worksite. This prohibition extends to employees smoking or using tobacco products or electronic cigarettes in their personal vehicle if it is parked on City property or at a City worksite.

Tobacco products include cigarettes, cigars, pipes, and smokeless tobacco products. A more comprehensive definition of "smokeless tobacco products" is included in the policy.

City employees who need or desire assistance with overcoming a nicotine addiction may seek help through the City's health insurance program or Employee Assistance Program (EAP). Interested employees or supervisors may contact a representative of the Human Resources Department for assistance.

Inclement Weather (No. 110.03)

The City of Denton ("City") is responsible for providing Police, Fire, EMS, electric, water, wastewater, streets, drainage, traffic, and other supporting services to residents in Denton with or without inclement weather conditions. Given these responsibilities, it is the policy of the City to remain open during most periods of inclement weather; however, where extraordinary circumstances warrant, due to weather or other unforeseen business interruption, the City Manager or their designee may close City offices or facilities. Employees should never assume City offices or facilities will be closed. All instructions regarding the delayed opening or closing of City offices or facilities will be issued by the City Manager or their designee.

Although City offices or facilities may remain open, City employees are expected to use their judgment in determining whether they can safely report to work due to inclement weather. The procedure for reporting an absence due to inclement weather conditions is the same as for any other absence. The employee should comply with their department's call-in procedures in the event of inclement weather.

If weather conditions are so severe that an employee feels they cannot safely report for work and City offices remain open, the supervisor may account for the employee's absence by one of the methods defined in the Inclement Weather Policy No. 110.03.

Employees in positions that are considered “essential” should plan to ensure that they are able to report for work in the event of inclement weather. Department heads or their designee will determine the positions that will be essential personnel in the event of inclement weather.

Comprehensive Driving & City Vehicle Use (No. 409.05)

This policy applies to regular full-time, regular part-time, temporary, and seasonal employees who drive on City business as indicated on their job description. Police Officers and Firefighters are subject to the applicable provisions of Texas Local Government Code Chapter 143, the Rules of the City of Denton Firefighters and Police Officers Civil Service Commission, and the general and special orders of the Police and Fire Departments, which may incorporate some or all of the provisions of this policy.

The City of Denton requires that all employees driving or operating a City Vehicle or equipment have an appropriate operator's or commercial driver's license as required by the State of Texas. Employees who use their personal vehicles while conducting City business shall maintain current liability insurance and a driver's license in accordance with Texas law. City employees are strongly encouraged to contact their insurance carrier to determine the necessity for a Business Use rider to their policy. The City will not assume responsibility for any deductible amounts necessitated by claims, and the employee shall bear the responsibility of pursuing claims against either their carrier or the other driver in the event of a collision or other loss. Failure to maintain current liability insurance and a driver's license may result in corrective action up to and including dismissal.

Employees shall self-disclose, without the necessity of an inquiry, any loss or limitation in driver's license status, any and all warrants for arrest for driving-related offenses, and any and all arrests, charges, or convictions for DWI, DUI, involuntary (vehicular) manslaughter, or reckless driving, whether such incidents arose out of work-related driving or not. Employees shall make such self-disclosure to their supervisor, Human Resources, or Risk Management within three (3) business days of the incident, offense, or conviction and shall not operate any City Vehicle or their personal vehicle to conduct City business until cleared to do so by Human Resources. Employees who fail to make such required self-disclosure within three (3) business days of the incident, offense, or conviction shall be subject to corrective action up to and including dismissal.

Employees who are required to operate City Vehicles (City or personal) as stated in their job description shall attend a DDC within 2 months of employment and every 2 years thereafter. Employees may arrange to attend a DDC conducted for employees by the City by enrolling online through the City's web portal. Each department will maintain driver records and budget for the completion of DDCs.

All City drivers shall wear safety belts when any vehicle is in motion and require all occupants (including back seat passengers) of the vehicle to do the same. This Section applies to motor vehicles, other than motorcycles, as those terms are defined by Tex. Rev. Civ. Stat. Ann., Art. 6701d §2, or its successor.

All City drivers shall comply with City of Denton Code of Ordinances, Chapter 18, "Motor Vehicles and Traffic," Section 18-38, prohibiting the use of wireless communication devices while driving unless employing a hands-free device. In addition to the City Ordinance, all City drivers shall also comply with the Texas Transportation Code with respect to wireless communication devices. Refer to the Comprehensive Driving & City Vehicle Use policy (No. 409.05) for more information.

Employees who use a City-owned vehicle must comply with the specific standards outlined in the text of the policy, including following the proper procedures for taking vehicles home. (Please see the full text of policy 409.05).

E. LEAVE AND TIME-OFF

Holidays (No. 107.02)

The City observes eleven (11) paid holidays and two (2) personal floating holidays per calendar year. The holidays are:

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- Personal Floating Holidays (2)

For the purposes of this policy, a holiday is defined as a period of eight (8) hours at the regular rate for regular full-time employees. Regular part-time (includes one-half (1/2) and three-quarter (3/4) time) employees who work twenty (20) hours or more per week shall be entitled to holiday pay at a rate equivalent to the budgeted pay classification of either one-half (1/2) or three-quarter (3/4) time.

Holidays occurring on Saturday will be observed on the preceding Friday, and holidays occurring on Sunday will be observed on the following Monday.

All regular full-time and part-time employees are eligible for holiday pay after the completion of one (1) day of work.

Seasonal and temporary employees will be paid their regular rates on a holiday only if required to work.

The City will seek to reasonably accommodate an employee's request for absence to participate in religious observances.

Vacation Leave (No. 107.03)

The City of Denton provides paid vacation leave to all regular full-time and part-time employees. Vacation hours for eligible employees are accrued on a monthly basis.

An employee is not eligible to use vacation hours until they have completed three (3) full months of regular employment. Vacation hours may not be used in advance of the hours being accrued.

Pay in lieu of taking vacation is not permitted except upon termination. Only employees who have worked with the City for three (3) full months are entitled to be paid for vacation at termination.

I. Non-Civil Service

Vacation leave for full-time non-Civil Service employees is accrued at the rate of ten (10) hours per month of continuous service. For part-time regular employees, vacation leave is accrued at the rate equivalent to the budgeted pay classification, with three-quarters (3/4) employees receiving seven and a half (7.5) hours per month of continuous service and for half-time (1/2) employees receiving five (5) hours per month of continuous service.

Upon completion of five (5) years of continuous service, each full-time regular employee shall receive an additional four (4) hours of vacation leave. For every year of continuous service thereafter, the employee receives an additional four (4) hours for successive years beyond the fifth anniversary. Part-time employees (includes 1/2 and 3/4 time) are not eligible for additional vacation time. For example, a full-time regular employee will accrue twelve (12) hours of bonus time on their seventh anniversary (four (4) hours each for the fifth, sixth, and seventh anniversary).

The additional vacation hours accrue annually on the employee's anniversary date and are added to the existing vacation accrual in the timekeeping system. This annual accrual continues until regular full-time service with the City has ended.

II. Civil Service

Vacation accrual rates for Civil Service employees are covered in the Texas Local Government Code, Chapter 143.046, and are outlined in Policy 107.03.

Accrued vacation for regular full-time employees, up to 320 hours (480 hours for Fire Civil Service on a 56-hour workweek), may be paid out to employees upon termination of employment with the City of Denton. More detail is provided in Policy No. 107.03.

Vacation leave will not accrue during an employee's extended unpaid leave of absence (see Family & Medical Leave policy no. 107.04; Off Duty Injury or Illness policy no. 107.05; and Personal Leave

Without Pay policy no. 111.08).

The use of vacation leave is subject to the approval and at the discretion of the employee's supervisor. An employee who takes unapproved time off will not be paid for the time they failed to report to work and may be subject to additional corrective action according to the Corrective Actions policy (No. 109.01).

Sick Leave (No. 111.01)

Sick leave is a benefit provided to cover illnesses of the employee or covered dependents. Sick leave is accrued at the rate of ten hours (10) for regular full-time employees and prorated for regular part-time employees for each month of continuous service. (Fire Civil Service Employees working a 12-hour shift accrue fifteen (15) hours). Upon completion of one (1) full month, the appropriate number of sick leave hours will be deposited into the employee's account. Employees will accrue $\frac{1}{2}$ of the monthly accrual on the 1st of the month and $\frac{1}{2}$ of the monthly accrual on the 15th of the month.

Although the City provides sick leave accrual at the rate of fifteen (15) days per year, it is expected that the actual use of sick leave will normally be fewer than the number of days that are provided per year.

An employee may use sick leave in cases of personal illness, doctor's or dentist's visits, or physical incapacity of the employee. Additionally, sick leave may be used when an employee is required to attend to their spouse, child, parent, or dependent who is ill, incapacitated, or incapable of self-care; or to attend a bona fide counseling session by a qualified counselor. Sick leave may also be used in the case of critical illness or emergency medical situations for immediate family (for the purposes of this policy, "immediate family" is defined as an employee's spouse, parents, children, siblings, grandchildren, grandparents, parents-in-law, siblings-in-law, children-in-law, and grandparents-in-law).

In the case of unforeseen illness or injury, an employee must report to their supervisor using the department's reporting procedures.

Regular full-time employees (except for Civil Service Police and Fire employees who have unlimited accruals) may accrue up to 720 hours of sick leave. This amount is prorated for regular part-time employees. Once an employee has accrued of the maximum amount of sick leave, they will cease to accrue any additional unless and until the employee begins to use their accruals.

Except in the case of Civil Service employees, sick leave is not paid out at the time of termination of employment.

Paid Parental Leave (No. 107.11)

The City of Denton shall provide paid parental leave to employees following the birth of an employee's child

or the placement of a child with an employee through adoption or foster care. The purpose of this policy is to enable eligible employees to care for and bond with a newborn or newly adopted or newly placed foster child.

In order to be eligible for the Paid Parental Leave benefit, an employee must be in a full-time or part-time position and must be eligible for leave under the Family and Medical Leave Act (employed by the City for at least 12 months and have worked at least 1,250 hours as a City employee in the 12-month period immediately preceding the start of leave).

Eligible employees will receive a maximum of six (6) weeks of their regularly scheduled time through paid parental leave per birth, adoption, or placement of a child/children. A multiple birth, adoption, or placement (e.g., the birth of twins or adoption of siblings) does not increase the total amount of leave granted for that event.

Please see Paid Parental Leave Policy No. 107.11 for more information, including the amount, time frame, and duration of leave and how to request paid parental leave.

Absence for Voting (No. 111.03)

Employees may receive a short-term paid leave of absence when work scheduling would prohibit participation as a voter in national, state, county, district, and municipal elections. Employees who have either two (2) hours between the opening of polls (generally 7:00 a.m.) and their start of work or two (2) hours between the close of work and the close of polls (generally 7:00 p.m.) are **not** entitled to paid leave of absence to vote. Employees who are entitled to paid leave of absence to vote are only entitled to a reasonable time, not to exceed two (2) hours, in which to vote and should request leave from their supervisor in advance of the voting day.

Leave for Judicial or Legal Matters (No. 111.02)

It is the policy of the City of Denton to grant approved leave to an employee who is required to participate in judicial or legal matters. The employee's leave may be paid or unpaid depending on the nature of the leave.

The employee's leave will be paid in the following situations:

- When the employee is called for jury duty;
- When the employee is subpoenaed to testify in a court proceeding and his/her testimony relates to a matter or matters that occurred in the course and scope of his/her employment with the City; or

- When the employee is required by the City of Denton to participate in judicial or legal matters related to City business

An employee may retain any fees paid by governmental agencies for jury duty or subpoenaed witness testimony.

An employee may be granted approved leave without pay in the following situations:

- When the employee participates in judicial or legal matters not related to City business; or
- When the employee voluntarily initiates or participates in judicial or legal matters, including filing claims against the City

Military Service Leave (No. 111.04)

It is the policy of the City of Denton to provide authorized leave of absence for all regular full-time employees who participate in the United States Armed Forces, State Military Forces, or National Guards tour of military duty in compliance with all relevant federal and Texas laws.

There is no accrual of military leave. Up to fifteen (15) paid days, per calendar year, of military leave is available for use as required by state law. Unused military leave will not be paid out at the time of separation. The City has no obligation to pay an employee on military leave for training days that occur on a regular day off or outside of work time. A supervisor who has an employee using military leave has no obligation to change the work schedule so that the employee receives a full forty (40) hours of work (for example, if an employee's normal schedule is 8 am to 5 pm Monday through Friday, and the employee must miss Friday due to military duty, the supervisor does not have to let the employee work additional hours to make up the time).

Death in the Family Leave (No. 111.06)

It is the policy of the City of Denton to provide paid leave to regular full-time employees in cases of death of family members, which may be referred to as "bereavement leave", to allow time for the employee to attend to the needs of the situation. Uses of this leave may include making funeral arrangements and attending funeral services, including travel time.

While there is no accrual of bereavement leave, each regular full-time employee will be eligible for up to three (3) paid working days of bereavement leave per occurrence of the death of a relative as defined in the policy.

Up to five (5) paid working days of bereavement leave may be provided per occurrence for the

death of a child, parent, or spouse (defined by the Family and Medical Leave Act as an immediate family member) or a domestic partner (defined as an unrelated and unmarried person who shares common living quarters with an employee and lives in a committed, intimate relationship that is not legally defined as marriage).

For the purposes of this policy, “day” will be considered an employee’s regularly scheduled work period (e.g., 8-hour shift = 8 hours; 10-hour shift = 10 hours; 12-hour shift = 12 hours), except for firefighters working a 56-hour workweek. For firefighters working a 56-hour workweek, a “day” shall be considered 12 hours.

Family & Medical Leave (“FMLA”) (No. 107.04)

It is the City of Denton’s policy to comply with the federal Family and Medical Leave Act (FMLA) in all respects. Eligible employees are entitled to up to twelve (12) weeks of protected leave for:

- The birth, adoption, or foster placement of a child;
- A serious medical condition of the employee or their spouse, parent, child under eighteen (18), or child over eighteen (18) who is incapable of self-care due to a mental or physical condition.

FMLA is not granted for grandparents, grandchildren (unless they are the dependent of the employee), or parents-in-law.

Eligible employees are entitled to up to twenty-six (26) weeks of protected leave in the case that they are the spouse, parent, child, or next of kin of a covered servicemember who requires care for a serious injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating. For further definitions, please see the text of the full policy.

“Protected leave” means that an employee is entitled to return to their former position or an equivalent position at the end of the leave period (contingent upon presenting a medical release if the employee was the one with the serious medical condition), as long as the return to work is within twelve (12) weeks. In addition, an employee will not suffer any adverse employment action (including corrective action, reduction of benefits, or termination of employment) *because of* the employee’s leave. Protected leave does not mean that an employee is protected from corrective action, including termination of employment, because of the employee’s failure to meet the job expectations of their supervisor. Protected leave also does not mean that an employee is protected from a change in job duties, job title, or employment status as the result of a departmental/divisional re-organization or a reduction in force.

I. Eligibility

To be eligible for FMLA, an employee must have been employed by the City of Denton for at least twelve (12) months total at any time (including temporary and seasonal work) **and** have worked at least 1,250 hours in the twelve (12) months immediately prior to the need for leave.

II. Calculation of Twelve (12) Weeks

The City of Denton uses a “rolling back” method of calculating how much time an employee *has left* of their FMLA twelve (12) week entitlement. This means that to determine how much time an employee has left, the City of Denton will look backward twelve (12) months to determine how much FMLA time the employee has already used and subtract that time from twelve (12) weeks. In the case of Military Caregiver leave, the time will be counted rolling forward in compliance with federal law.

FMLA used is tracked using 15-minute increments for both non-exempt and exempt employees. The total amount of time that an employee is entitled to is determined by calculating how many hours an employee would typically work in a twelve (12) week period. For regular, full-time, exempt employees, it is assumed that they work forty (40) hours per week.

Employees may use FMLA time in minimal increments of no less than one-quarter hour (15 minutes) because the City’s leave benefits (sick and vacation leave) are used in quarter-hour increments.

III. Notice Requirements

Employees must give thirty (30) days’ notice of the need for FMLA leave by submitting a Request for FMLA Leave to the Human Resources department and by informing their supervisor of the need for leave. If an employee has less than thirty (30) days’ notice of the need for leave, they must give notice *as soon as possible* of the need for leave to Human Resources and their supervisor.

If an employee returns from leave that could have been FMLA, the employee has two (2) business days to request FMLA to cover the previous leave.

IV. Certificate of Healthcare Provider Certification

In most cases when an employee requests FMLA leave for a serious health condition, the City of Denton will require the employee to obtain a Certificate of Healthcare Provider (Provider Certification) so that the Human Resources department has enough information to determine whether the employee is eligible for FMLA. It is the employee’s responsibility to return a *complete* Provider Certification to Human Resources within the time period requested by Human Resources. If an employee is unable to obtain the Provider Certification within the requested time period, it is

the employee's responsibility to contact Human Resources to inquire if they may have additional time. Additional time may be granted if the employee can establish that they have made a reasonable effort to obtain the Provider Certification within the required time. If the employee's provider assesses a fee for completing a Provider Certification, it is the employee's responsibility to pay the provider's fee. Failure to return a complete Provider Certification promptly may result in the denial of FMLA leave.

The City of Denton retains the right to request additional re-certification of a serious health condition as permitted by federal law.

V. Concurrent Benefits

The FMLA only requires that an employer provide twelve (12) weeks of unpaid leave. The City of Denton policy states that employees on FMLA leave will receive their sick and vacation leave benefits concurrent with FMLA. This means that employees who have sick and vacation leave accruals will be paid from their leave balances (beginning with the sick leave accrual) until the individual employee returns to duty or until the accruals are exhausted. If an employee exhausts their sick and vacation leaves before the expiration of the FMLA leave, the employee will be placed on unpaid leave for the remainder of the FMLA period. Fire Civil Service employees will also be required to use any accrued compensatory time, if applicable.

Employees should be aware that Workers' Compensation benefits also run concurrently with FMLA. This means that if an employee is unable to work after suffering an on-the-job injury, and if they are otherwise eligible for FMLA, the time off from work for the on-the-job injury may count against the employee's twelve (12) week FMLA eligibility. Workers' Compensation by itself does not guarantee that an employee will return to their former position.

VI. Intermittent Leave

FMLA leave to be taken intermittently will be approved if the employee's healthcare provider certifies that it is medically necessary. If an employee wants to take FMLA leave intermittently due to the birth, adoption, or foster placement of a child, the employee must obtain their supervisor's approval.

When an employee is taking FMLA leave for a serious health condition, the employee is subject to the same reporting requirements as described in the Sick Leave policy (No. 111.01). In addition, if an employee requires FMLA leave for the scheduling of treatments, the supervisor may require the employee to schedule their appointments at a time that is least disruptive to the workplace. Failure of an employee to fulfill these responsibilities may result in corrective action.

VII. Fraudulent Use

If the City of Denton suspects fraudulent use of FMLA, the City may pay for a medical provider *of its choice* to examine the employee or the employee's spouse, child, or parent to determine whether a serious health condition exists. If the City's provider determines that there is no serious health condition or that the employee does not require the leave requested, the employee may request that the City and the employee agree on a third medical provider to conduct an examination. The City will pay for such examination, and the determination of the third provider will be final. Employees who fraudulently use or abuse FMLA leave may be subject to corrective action.

Occupational Injury Benefit Program (No. 409.01)

In compliance with the Texas Workers' Compensation laws, when an employee is injured within the course and scope of their employment with the City of Denton, the employee may be eligible for Workers' Compensation benefits. Workers' Compensation benefits are governed by Texas statute, but include payment for:

- reasonable and necessary medical treatment;
- a statutory amount of weekly benefits, instead of salary, for inability to work due to the injury;
- additional monetary benefits for permanent disabilities suffered as a result of the injury; and,
- death benefits for widows and dependents of employees involved in fatal industrial accidents.

The Risk Management division shall be responsible for the overall supervision, coordination, and implementation of the City's Workers' Compensation Program. All questions relative to the specific application of the Act should be directed to Risk Management.

I. Notification of Injury

An employee who is injured on the job must notify their supervisor immediately unless the injury is of a nature that prohibits notification, such as unconsciousness. State law requires an employee to notify their employer within thirty (30) days of the date of the injury and to report such injury to the Division of Workers' Compensation at the Texas Department of Insurance (DWC) within one (1) year. The DWC will send forms to the employee to be completed. An employee may forfeit their rights to all benefits by failing to notify their supervisor or the DWC.

II. Communication with Supervisor

An employee who is on occupational injury leave must contact their supervisor at least once each week. If the employee is unable to make contact personally, the employee shall have someone

contact the supervisor on their behalf. Failure to contact their supervisor may subject the employee to disciplinary action.

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Conclusion

The complete text of the policies summarized in this handbook and all other City policies may be found on the Human Resources home page on The HUB. Should you have any questions regarding these or any other City of Denton policies, the Human Resources department is available to assist.

Welcome to the City of Denton!