CITY OF MURPHY
PERSONNEL POLICIES AND PROCEDURES MANUAL
EFFECTIVE APRIL 1, 2013

1.00 GENERAL PROVISIONS

1.01 AUTHORITY

1.01.01 The City of Murphy (the "City") is a Home Rule Municipality. The City Charter, adopted in February 2004, provides that the City will operate under the form of government known as the "Council-Manager Government." Under Charter requirements, the City Manager shall prepare and present the personnel rules to the City Council who then may adopt them by ordinance.

1.01.02 The purpose of these Personnel Policies and Procedures is to create a high degree of understanding, cooperation, efficiency and unity, all of which come through the systematic application of established procedures in personnel management and administration; and to provide a uniform policy for all employees.

This manual is designed to provide information regarding working conditions, employee benefits and policies affecting employment. Employees should read, understand and comply with all provisions of the manual. It describes many responsibilities as an employee and outlines the programs developed by the City to benefit employees. Employees also may read any applicable departmental regulations for additional information about the administration of these policies, other City policies and employment matters. All such departmental rules/policies may be more restrictive, but not less restrictive than these Personnel Policies and Procedures.

No employee manual can anticipate every circumstance or question about policy. As the City continues to grow and as the need may arise, the City reserves the right to revise, supplement or rescind any policies or portion of the manual from time to time as it deems appropriate, in its sole and absolute discretion, subject to the requirements of the Charter. Any future changes to this manual shall be communicated to employees through official notices.

The fundamental objectives of the personnel policies and the administrative regulations are:

A. To promote and increase efficiency and responsiveness to the public and economy in the service of the City;

B. To develop a program of recruitment, advancement and tenure which shall make service to the City attractive as a career and shall encourage each employee to render his or her best services to the City;

C. To establish and maintain an equitable and uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions within the City and to reward meritorious service;

D. To establish and promote high morale among City employees by providing a good working environment, uniform personnel policies and opportunity for advancement;

E. To endeavor to comply with all applicable statutes and regulations, including all confidentiality and security safeguards set forth in the Texas Public Information Act, as amended, and the federal Privacy Act of 1974, as amended;

F. To provide an attractive, efficient and safe environment by maintaining good physical working conditions and a planned safety program;

G. To regard planned training, continuing education and staff development activities as an investment for the mutual benefit of employees and the City;

H. To communicate freely and to encourage communication from and among all employees;

I. To provide a work environment that is conducive to both personal and professional growth;

J. To safeguard each employee's right to be treated with respect, dignity, equity and fairness; where provided, the right to appeal any violation of these rights; and

K. To recruit, select, compensate and promote employees on the basis of qualifications and merit, including but not limited to criteria such as ability to work well with others, positive attitude, leadership and similar criteria

1.02 SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal law or regulations will supersede these policies and/or departmental policies from the effective date of the law or regulation forward.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

As the governmental unit established to serve all of the citizens of Murphy, the City of Murphy, Texas, recognizes that it is in the best interest of efficiency, effectiveness and equity within its municipal operations to ensure that all of its citizens and employees are allowed to make the greatest contribution of which they are capable to their municipal government. In striving toward this end, the City recognizes and readily accepts its legal and moral responsibility to uphold the Constitution and laws of the United States of America and the State of Texas. It is with the express intent of fulfilling this responsibility that the City of Murphy, Texas, hereby adopts the following Equal Employment Opportunity Policy Statement:

A. Equal opportunity in employment shall be provided to all persons.

B. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of political or religious opinions or affiliations, or because of race, color, age, gender, national origin, disability, genetic information or other unlawful basis is prohibited.

C. Unlawful discrimination on the basis of age, race, gender, color, national origin, religion or disability is prohibited in the enforcement of these policies.

D. Derogatory language against or about any person's age, race, gender, color, national origin, religion or disability is prohibited.

E. Retaliation, intimidation, coercion or harassment against any applicant for employment or employee who may file a grievance under this policy and/or who may file a grievance or complaint in accordance with existing statutory rights of appeal to appropriate governmental authorities is prohibited.

F. Any employee who violates the prohibitions, or the letter or spirit, of this policy shall be subject to disciplinary action, up to and including dismissal.

1.04 UNLAWFUL DISCRIMINATION AND HARASSMENT

1.04.01 Prohibition. It is the policy of the City of Murphy that all employees should be able to enjoy a work environment free from all forms of unlawful harassment. Unlawful harassment is aggressive, suggestive, or offensive behavior based on sexual orientation, race, age, religion, color, disability, national origin, gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by state

or local law. The City does not tolerate improper interference with the ability of the City's employees to perform their expected job duties.

1.04.02 Sexual Harassment Defined. Sexual Harassment is unlawful harassment that is a form of sex discrimination. Sexual harassment is any unwelcome or unsolicited sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature towards another individual when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions;
- The conduct has the purpose or effect of substantially interfering with an individual's work or creates a hostile, intimidating, or offensive work environment;

Sexual harassment includes, but is not limited to the following:

- Making suggestive comments, gestures, threats or insults;
- Flirting, touching, making advances or propositions;
- Using sexually degrading words to describe an individual;
- The display in the workplace of sexually suggestive objects or pictures.

A FINDING OF ANY TYPE OF HARASSMENT CAN RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

1.04.03 Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, which lowers morale and therefore, interferes with work effectiveness.

1.04.04 Supervisor's Responsibility. Each supervisor has a responsibility to maintain the workplace free from all types of harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure harassment. Furthermore, if notified of a possible harassment situation, the supervisor must report the situation to the City Manager or the Human Resources Department as soon as possible.

1.04.05 Implementation. It will be the responsibility of the City Manager to inform supervisors and employees of the policy concerning unlawful sexual harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation develops.

1.04.06 Procedure for Complaint. AN EMPLOYEE MUST REPORT ANY INCIDENT OF SEXUAL HARASSMENT WITHIN FORTY-EIGHT (48) HOURS OF ITS OCCURRENCE. Any employee who believes that he or she has been the subject of unlawful sexual harassment should report the alleged charge immediately in accordance with the following procedure. **All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter**.

1.04.07 The individual alleging unlawful sexual harassment must report the incident to his or her supervisor, the City Manager, and/or the City Attorney within forty-eight (48) hours of the alleged incident. The individual will be interviewed as to the nature of the allegations. If said accusations are reported to another person, the matter must be immediately directed to the City Attorney who shall immediately notify the City Manager.

1.04.08 Complaint Must Be In Writing. The individual alleging unlawful harassment must make his or her complaint in writing, providing sufficient detail to enable the City to properly investigate the complaint. Upon receipt of a complaint, the City Attorney shall immediately notify the Mayor and the City Manager and commence an investigation of the allegations.

1.04.09 Respondent's Written Answer. Within forty-eight (48) hours after receiving the complaint in writing, the employee accused of engaging in harassing conduct should be called to a meeting with the City Attorney and the City Manager and be informed of the nature and seriousness of the allegation. The employee will have the opportunity to respond to the allegation in writing immediately or within forty-eight (48) hours after his or her notice of the complaint.

1.04.10 Possible Suspension During Investigation. The City Attorney and City Manager will meet with the supervisor of the employee accused of engaging in harassing conduct and discuss the seriousness of the allegation. If the circumstances warrant, the employee may be suspended with or without pay, pending a complete investigation. If, at the conclusion of the investigation, the employee is reinstated to his or her position at the City, back pay for the period of the suspension will be paid to the employee if suspended without pay. Depending on the nature and severity of the complaint, the City reserves the right to take any immediate action necessary to address the complaint including, but not limited to, immediate suspension without pay of the employee against whom a complaint has been made.

1.04.11 Investigation. Immediately upon receipt of a complaint of unlawful harassment, the City Manager and the City Attorney will conduct a thorough investigation to determine if unlawful harassment has occurred or if any policy has been violated. If the City Manager and/or City Attorney are being accused of sexual harassment, the City Council will conduct the investigation. If such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken. All complaints and actions taken to resolve such complaints will be treated as

confidentially as possible without impairing the effectiveness of the investigation. The City Manager and City Attorney may consider any evidence deemed relevant in the investigation and review of the complaint including but not limited to:

1. The nature and seriousness of the complained action;
2. The effectiveness and advisability of counseling;
3. Whether transfer of the complainant and/or accused employee would be appropriate;
4. Any contributing factor by the complainant;
5. Previous substantiated unlawful harassment allegations against the employee alleged to have engaged in the harassing behavior or unsubstantiated false allegations by the complainant.

1.04.12 Records of an Unlawful Harassment Complaint Kept Separate. All records concerning a complaint of unlawful harassment shall be kept in a separate locked file in the Human Resources Department. Access shall be only with the City Manager's approval to parties who have a direct and relevant need to know, unless access is otherwise required by law of the State of Texas.

1.04.13 Anti-retaliation. The City of Murphy prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.

1.04.14 However, if, after investigating any complaint of harassment or unlawful discrimination, the City of Murphy determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

1.05 HIPAA PRIVACY REGULATIONS

The Health Insurance Portability and Accountability Act (HIPAA) was enacted in 1996 and was designed to improve access and transferability of health insurance and combat abuse in the health care industry. The U.S. Department of Health and Human Services has issued privacy and security regulations that cover health plans and health care providers, including the City of Murphy's health plan. In accordance with HIPAA, the following actions or requirements have been implemented:

a. The City's privacy policy is located in the Human Resources Department.
b. Before accessing Personal Health Information, a written and signed authorization is required.
c. A Privacy Officer has been selected.

Should you have any questions regarding HIPAA, please contact the Human Resources Manager (who has been designated as the Privacy Officer for the City's health plans).

The City of Murphy will review this policy annually to ensure compliance with state and federal laws. The City is taking these steps to ensure your privacy and to regulate distribution (verbal or otherwise) of confidential medical information.

NOTICE OF HIPAA PRIVACY RIGHTS

The City of Murphy strives to protect the privacy of its employees' medical information to the greatest possible extent. To accomplish this, the City and its management staff and employees are required to follow these guidelines regarding the confidentiality of medical information:

1. All medical information concerning employees will be maintained in separate, confidential medical files that are stored apart from regular personnel records. Only authorized employees will have access to such files, and access will be provided solely on a need-to-know basis. Furthermore, such access shall be granted only in accordance with applicable law, which includes (but is not limited to) the Americans with Disabilities Act, the Family and Medical Leave Act, the Federal Rehabilitation Act, state workers' compensation law and state privacy laws.

2. Employees are hereby notified that medical information concerning employees and employee family members is absolutely confidential under state and federal laws and may not be discussed at any time with any person under any circumstances. Exceptions are if an employee needs to do so in order to carry out his or her job duties, or if the person discussing the information is talking with the subject of the information at that person's invitation. If an employee is concerned about a co-worker's possible medical condition, the employee should direct these concerns only to the HIPAA Compliance Officer and to no one else.

3. Any employee who is found to have discussed medical information about another employee or an employee's family member in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. In addition, employees who violate medical information confidentiality may be subject to civil and criminal liability under state and federal laws.

4. All access to employee medical records must be approved by the HIPAA Compliance Officer. If an employee believes that this medical information confidentiality policy has been violated, he or she should contact the HIPAA

Compliance Officer. If it is believed that the HIPAA Compliance Officer has violated the policy, the employee should contact the City Manager.

5. Medical records will not be provided to third parties, except when the City is properly served with a valid subpoena, release or applicable Open Records Request. When possible, the City will notify the employee of the proper service of a subpoena upon an Open Records Request, in order to enable the employee to seek to quash the subpoena or take other action as deemed appropriate by the employee.

If you have any questions about this information, please contact the HIPAA Compliance Officer/Human Resources Manager immediately.

1.06 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies shall apply to all employees unless superseded by the state or federal constitutions, state or federal legislation and/or regulations, the City Charter or City code provisions. Failure to comply with these policies may result in appropriate disciplinary action. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures.

Elected officials, the City Attorney, the Judge(s) of the Municipal Court, members of appointed boards and commissions, persons employed under contract (other than the City Manager and City Secretary), and personnel appointed to serve without pay shall not be considered City employees for purposes of these policies.

1.07 DISSEMINATION OF PERSONNEL POLICIES

Each City employee and department will receive a copy of these policies and is required to read it carefully and to adhere to the rules and regulations stated herein. Upon commencement of employment, every employee is required to sign an acknowledgment of having received a copy of the City's personnel policies and of the employee's at-will employment status.

1.08 DEPARTMENTAL RULES/POLICIES

Because of the variety of services performed by the City, it may be necessary for individual departments to establish codes of conduct, rules and regulations, and policies and standard operating procedures to accomplish departmental responsibilities. All such departmental rules/policies may be more restrictive, but not less restrictive than these Personnel Policies and Procedures. An employee who violates a departmental code of conduct, rules, policy or procedure is subject to disciplinary action.

1.09 AUTHORITY AND RESPONSIBILITY

The City Manager may revise or amend these Personnel Policies and Procedures, within the law and with City Council approval, to the extent deemed necessary by the City Manager in order to more effectively and efficiently promote the interest of the City and its employees. The Human Resources Department, upon approval by the City Manager, is authorized and directed to develop and implement necessary procedures for the efficient administration of these Personnel Policies and Procedures.

With the exception of matters reserved to the City Council, the general and final authority for personnel administration rests with the City Manager. Each Department Head or supervisor is responsible for enforcing the provisions of this Personnel Policies and Procedures Manual. City employees are responsible for complying with and adhering to these Personnel Policies and Procedures and for conforming to the directions provided by departmental management in the fulfillment of these Personnel Policies and Procedures. The issuance of these Personnel Policies and Procedures does not constitute an express or implied contract between the City and its employees.

1.10 DATE OF ADOPTION

These Personnel Policies and Procedures are effective immediately upon adoption by the City Council, in accordance with the provisions of Section 4.06 of the City Charter.

2.00 EMPLOYMENT

2.01 PURPOSE/AT-WILL EMPLOYMENT

Employment with the City of Murphy is on an "at-will" basis. The employee may quit and the City may terminate the employee at any time, for any non-discriminatory reason or for no reason. **The provisions of this Policies and Procedures Manual are not intended to create a contract of employment, and no agreement or promise regarding an employee's terms or conditions of employment is binding on the City.** The City has the right to change its policies at any time without prior notice. No contrary verbal representation or statement of an employee's terms and conditions of employment is binding upon the City.

2.02 EMPLOYMENT CATEGORIES

2.02.01 There are five (5) categories of employment with the City:

1. **Regular Full-time** A regular full-time employee is appointed to an authorized position that involves, on the average, 32 hours or more per week for employees outside of fire personnel. Fire personnel assigned to shifts are considered full-time when scheduled to work 56 hours per week. Regular full-time employees may be either exempt or non-exempt employees. Exempt employees are those who occupy an executive, administrative or professional position or one who is a computer employee, as defined by the Fair Labor Standards Act. A non-exempt employee means any employee who does not occupy an executive, administrative or professional position or one who is a computer employee, as defined by the Fair Labor Standards Act.

2. **Regular Part-time** A regular part-time employee is appointed to an authorized regular position that involves, on the average, fewer than 32 but more than 20 work hours per week. Regular part-time employees may be either exempt or non-exempt employees.

3. **Non-benefited Part-time** A part-time employee who works fewer than 20 work hours per week. Non-benefited part-time employees receive no benefits or leave time.

4. **Temporary Full-time** A temporary full-time employee is an employee hired to work an average of 32 hours or more per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary full-time employees may be either exempt or non-exempt employees.

5. **Temporary Part-time** A temporary part-time employee is an employee hired to work fewer than 32 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months.

2.03 METHODS OF RECRUITMENT AND SELECTION

The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) competitive consideration of applicants for employment; and/or (4) selection from a valid current eligibility list. A valid current eligibility list is a list of applicants for the same or a similar position for which applications were sought within the last six months. The City Manager determines the method(s) of selection to be used in filling each vacancy.

Employment with the City of Murphy shall be based on merit, ability and fitness. No one shall be employed in any position with the City until a completed application of employment is provided to the Human Resources Department. All applications for employment that have not resulted in employment will be retained active for not more than 180 days. Any applicant wishing to be considered for future openings must contact the Human Resources Department, and the application and/or resume shall be considered for the new opening. After 180 days, a new application and/or resume must be submitted in order to be considered for any new openings. Applications that have resulted in employment shall be included in the employee's City employment records.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

The City does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist are informed of this policy and of the City's method of advertising City job announcements. These persons may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

2.04 REQUIREMENTS FOR EMPLOYMENT

To be eligible for employment with the City, or for a change in present personnel status, an individual must:

A. Be at least sixteen (16) years of age depending upon the requirements of each position;

B. Have a social security number;

C. Agree to be fingerprinted, if requested;

D. Agree to a polygraph examination related specifically to job performance for positions designated by the City Manager, if requested and such examination is not prohibited by law;

E. Where permitted by law, pass a physical and/or psychological examination administered by a licensed medical examiner selected by the City, to ensure ability to perform essential duties of the job;

F. Agree to alcohol and drug screening tests, including random testing;

G. Satisfactorily complete any interviews, examinations and performance tests, if required because of job duties;

H. Show proof of United States citizenship, legal residence, or other documentation that establishes employment eligibility in the United States, as required by the Department of Justice;

I. Possess a valid Texas driver's license and have an acceptable driving record in compliance with City policy, where applicable, unless waived by the City Manager;

J. Meet minimum requirements of the job description for which employment is sought and submit to all other employment procedures administered by the Human Resources Department.

2.05 PUBLIC POSITION ANNOUNCEMENTS

2.05.01 Public announcements of position openings at the City for which there will be competitive consideration are disseminated by the Human Resources Department in the manner most appropriate for the particular position being filled, as determined by the City Manager. Department Heads wanting a position filled within their departments must submit justification to the City Manager who must approve the position before allowing it to be posted publicly.

2.05.02 Current employees may apply for positions for which they believe themselves to be qualified assuming their qualifications are essentially equal to outside applicants and the employee has a consistent record of good performance. If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the range approved by the City Council for the transfer position and sufficient funds are available in the receiving department's budget.

2.05.03 The length of time during which applications will be accepted for a given vacant position will be determined by the City Manager or his or her designee in accordance with the circumstances that exist at the time.

2.06 EMPLOYMENT OF RELATIVES (NEPOTISM)

2.06.01 Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

2.06.02 In accordance with Article XIV, Section 14.01 of the Charter, no person may be hired who is related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, to any City Council Member or to the City Manager. No person may continue in City employment who is related in one of the prohibited degrees unless the employee is currently employed by the City and has been employed continuously by the City for a period of at least six months prior to the election or appointment of said official or the person serves in an unpaid capacity with the City;

2.06.03 In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

2.06.04 Employees who are married or cohabitating will not be allowed to work within the same department or division.

2.07 DISQUALIFICATIONS

An applicant is disqualified from employment by the City if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved or cannot be medically certified by the pre-employment medical examination and drug test that the individual is physically fit and/or able to perform the essential functions of the job.

2. Knowingly has made a false or deceptive statement on the application form;

3. Has committed fraud during the selection process;

4. Is not legally permitted to hold the position;

5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Is not able to perform the essential functions of the position;

7. Has failed to submit the application to the designated place or within the prescribed time limit; or

8. Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility.

9. Does not have an acceptable driving record for positions that require operating a vehicle.

2.08 AMERICANS WITH DISABILITIES POLICY

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. However, the employer is not required to lower quality or quantity standards to make an accommodation. In addition, the employer is not required to provide personal use items such as glasses, contact lens, wheel chairs or hearing aids as an accommodation. The City of Murphy will comply with all Federal, state, and local laws relating to the employment of applicants and employees with disabilities and reasonably accommodate qualified individuals with a disability so that he or she can perform the essential functions of the job in question.

An individual, who can be reasonably accommodated for the job in question without undue hardship, will be given the same consideration for that position as any other applicant or employee.

Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. All employees are required to comply with safety standards. Any employee who poses a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Definitions

In implementing this policy, the City of Murphy will be guided by the most recent applicable definitions stated in the ADA or in case law construing the ADA, and applicable state and local law. In the event of any conflict between the definitions in the ADA and the definitions in this policy, the legal definitions will be prevailing.

1. "**Disability"** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual". An individual may also be deemed "disabled" if that person is regarded *as* having such an impairment. Under amendments to the ADA in 2008, if the condition is transitory and minor,

defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability.

Generally, corrective measures such as medications and medical devices *will not* be considered in making a disability determination, although ordinary eyeglasses or contacts *may* be taken into consideration. So, for example, the mere fact that a person wears ordinary eyeglasses will not qualify that person as "disabled." On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being "disabled" if the person otherwise meets the definition of "disabled."

2. **"Major life activity"** may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A "major life activity" may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.
3. **"Direct threat to safety"** refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
4. A **"qualified individual with a disability"** refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
5. **"Reasonable accommodation"** refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part-time or modified work schedules, reassignment to an existing vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
6. **"Undue hardship**" refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.
7. **"Essential job functions"** refers to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation.

Administrative Procedures - How to request an accommodation

An applicant and/or employees are fully responsible for providing the request for accommodation when needed. The request form may be found in the Human Resources Department. Any request for accommodation must be reasonable, does not cause an undue hardship, a threat to safety and will enable the applicant or employee to perform the essential functions of the position. Each request will be evaluated on the aforementioned criteria. All requests are confidential. The review and coordination of any request for accommodation for a disability will be limited to those who have a right to know.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

The Human Resources Manager is designated as the ADA Coordinator responsible for the receipt, review and response of requests for accommodation from the applicant or employee. Additionally, the Human Resources Manager or designee is also responsible for informing the Department Head of the request and conducting the review with the appropriate staff, department and or agency.

The applicant or employee will be provided the status of the request within five (5) working days. Extensions may be required contingent upon the complexity of the request. A need for extension will be provided in writing by the ADA Coordinator to the applicant or employee.

Should the applicant or employee disagree with the findings of the ADA Coordinator, the applicant or employee may appeal the decision of the ADA Coordinator within five (5) working days to the City Manager or designee. The request for appeal must be provided in writing. The decision of the City Manager or designee will be final.

2.09 HEALTH AND FITNESS

2.09.01 It is the continuing responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential duties of his or her position. An employee who becomes aware of a medical or mental disability which may affect his or her ability to perform the essential duties of his or her assigned position must inform his or her immediate supervisor and/or Department Head. When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing his or her essential assigned duties, the employee may be required to submit to a health examination. Authorization for disclosure of all reports to the City, including contacting and discussing health-related issues with any physician or health care provider shall be a condition of continued employment with the City. The City also may require employees to return to a physician or health care provider for additional evaluation or information.

2.09.02 A Department Head or the Human Resources Department may require an employee to take periodic mental or physical examinations to maintain continued eligibility for employment in his or her classification and failure to comply may result in disciplinary action. Authorization for disclosure of all reports to the City shall be a condition of continued employment with the City. The Human Resources Department shall develop, promote and assist Department Heads in implementing those programs and procedures necessary to maintain the required level of physical and/or mental health fitness in those departments and/or positions where such fitness is conditional to employment and job performance.

2.09.03 If an employee is unable to perform the essential duties of his or her assigned position because of disability as defined by the Americans with Disabilities Act, reasonable accommodations may be made by the City to provide for the employee to perform such duties. If a reasonable accommodation cannot be made and the employee is unable to perform the essential duties of his assigned position, he or she may be terminated.

2.10 PRIOR SERVICE WITH THE CITY

Consideration for reemployment of any former employee may be granted to those applicants who can demonstrate acceptable prior service and were not involuntarily terminated. If reemployment occurs within 60 days from the original termination date, the employee will be reinstated with their original hire date, seniority, and longevity. Employees entering service with the City who have had prior service with the City may also be considered for appointment above the customary entry salary level. The employee will be immediately eligible for benefits, including medical, dental, vision and life insurance. Employees who are not considered eligible for rehire will not be considered for reemployment.

2.11 QUALIFICATIONS

The City maintains job descriptions that establish the required knowledge, skills, essential functions and abilities for each staff position and the minimum levels of experience and training for each. The job descriptions set forth the minimum acceptable knowledge, skills and abilities that are required to fill the positions. The City Manager and Human Resources Department establish and annually review the official job descriptions for positions in the City. The City reserves the right to alter or amend job descriptions at any time without prior notice. Employees are provided copies of their current job descriptions immediately upon being hired and/or as job descriptions are amended.

2.12 TESTING

Except for drug tests, medical examinations, psychological tests, and any other test that may be required by state law or these policies, the only performance tests that may be administered for employment or promotion purposes will be specifically job-related. Other job related tests that might be conducted include typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers or writing samples. The City may conduct pre-employment qualification testing for certain jobs. The tests vary based on the required qualifications for the particular position. Accommodations may be made for applicants with a disability if a request for such an accommodation is reasonable and made in advance of a test.

2.13 PHYSICAL STANDARDS

2.13.01 All prospective full-time, regular employees are required to undergo a medical examination and a drug test after a conditional offer of employment has been extended. In each instance, the examining doctor will be provided a copy of the appropriate job description and will be required to certify that the prospective employee is physically able to perform the essential duties of the job. Back x-rays may be required for certain categories of jobs.

2.13.02 In addition, prospective new employees for active police officer certification must undergo an examination by a licensed psychologist or psychiatrist of the City's choice to be paid for by the City.

2.13.03 All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the Human Resources Department has access to employee medical records.

2.14 SELECTION

2.14.01 Except for appointments reserved to the City Council by the Charter, statute or ordinance, the City Manager has exclusive authority to select and employ all City employees. The City Manager may authorize Department Heads to appoint and remove employees within their departments, subject to approval by the Manager and within the limits of these policies and the City's budget. Other supervisors may be asked for recommendations as appropriate.

2.14.02 Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the City Manager or any of his or her subordinates is authorized to appoint. However, the City Council or its

members may express freely to the City Manager their views and opinions on such matters, subject to Section 3.08 of the Charter.

2.14.03 Vacancies on the City staff are filled by promotion, by transfer, or by competitive interview/selection, on the basis of merit as demonstrated by job-related test performance, education, experience, and personal interview. Selections are made by the City Manager or a Department Head or supervisor authorized by the City Manager to make the selection.

2.15 ORIENTATION AND TRAINING

New employees must report to the Human Resources Department during their first week of employment in order to fill out employment forms and go through new employee orientation. Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the Human Resources Department and the supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand better his or her job and the relationship of the job to the overall operation of the City. During the orientation, employees are given a copy of these *Personnel Policies* and are given information about the City benefit programs. Employees are provided a copy of their job description and are given the opportunity to review and ask questions of their supervisor as part of the orientation process.

2.16 CONFIDENTIALITY OF ADDRESS OR TELEPHONE STATUS

Each employee shall choose whether the City may disclose to the public the employee's home address, home telephone number, social security number, or whether the employee has family members. Such election shall be made in writing, within the first fourteen (14) days of employment, or within fourteen (14) days of termination of employment. This requirement does not apply to police officers, whose addresses and telephone numbers are not public information. Employees may revoke their elections for non-disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Department.

2.17 INTRODUCTORY PERIOD

Every new employee goes through an initial period of adjustment in order to learn about the organization and about his or her job. During this introductory period the employee will have an opportunity to find out if he or she is suited to, and likes, his or her new position.

Additionally, the introductory period gives the employee's supervisor a reasonable period of time to evaluate his or her performance. New employees are

required to serve an introductory period of six (6) months, except for certified Police and Fire personnel, for whom the introductory period is twelve (12) months.

As with all periods of employment with the City, an employee may be terminated at any time, with or without cause and without prior notice, during this period. At the end of the introductory period, the employee and his or her supervisor will discuss the employee's performance. Provided his or her job performance is "satisfactory" at the end of the introductory period, he or she may, at the discretion of the supervisor, continue in the City's employment as an at-will employee. The introductory period may be extended up to an additional ninety (90) days if the Department Head and City Manager determine such an extension is warranted.

2.18 PERSONNEL FILES

2.18.01 Personnel records, except medical records, are maintained by the Human Resources Department. Medical records are kept in a separate confidential file also maintained by the Human Resources Department.

2.18.02 Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are exempt from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager or Human Resources Department.

2.18.03 An employee may examine the employee's own personnel file upon request during normal working hours in the Human Resource office. The employee may request copies of items or materials in his or her personnel file, but may not remove anything from the file. A City representative will assist with and be in attendance during the examination of the employee's personnel file.

2.18.04 Employees shall inform their Department Heads of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information. The Department Head will notify the Human Resources Department.

2.19 PERSONNEL ACTION FORM

2.19.01 The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title and Classification;

- Other Actions Affecting the Employee's Status;

- Salary.

2.19.02 The Personnel Action Form is completed on the employee's first day of work and again when there is any change in his or her status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

2.20 CONTENTS OF PERSONNEL FILES

An employee's official personnel file may contain the following:

- An employment record;

- A copy of the employee's application for employment/resume;

- A copy of the employment offer and letter of acceptance, if applicable;

- A signed copy of the employee's acknowledgment of having received a copy of the Personnel Policies;

- Employee's job description(s);

- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;

- Personnel Action Forms;

- Records of any citations for excellence, awards for good performance, or job-related training/education;

- Records of disciplinary action(s);

- Performance evaluations;

- Copies of any grievances and related materials;

- Any other pertinent information having a bearing on the employee's status; and

- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

2.21 TRAINING AND DEVELOPMENT/EDUCATIONAL ASSISTANCE

Training and employee development programs for City employees will be directed toward skill development, knowledge enhancement, and enrichment and/or performance improvement. Such training is recognized to be in the best interests of the employee and the City. Employees are required to contact their supervisor in reference to any training and development opportunities and needs they feel would be beneficial to their position.

2.22 PROMOTIONS

2.22.01 A promotion is a change in the duty assignment of an employee which results in advancement to a position in a higher pay grade or category requiring higher qualifications and involving greater responsibility. No promotions shall be made solely upon the basis of seniority or longevity.

2.22.02 Promotions are approved by the City Manager within the staffing pattern and budget limits approved by the City Council. Employees who are able to perform the essential functions of the position, with or without reasonable accommodation, and meet the minimum qualifications for a position may be eligible for consideration for a promotion if and when a vacancy occurs.

2.22.03 All promoted employees will serve another introductory period and may be reassigned to a lower position, if available, at any time if performance is unsatisfactory as determined by the City Manager. Introductory periods for promotions will be six months in length, after which time the employee will receive a performance evaluation.

2.23 TRANSFERS

A lateral transfer is the movement of an employee between positions in the same pay range within the City. Lateral transfers may be made within the same department or between departments if a vacant position is available, if the employee meets the minimum qualifications for the job, and if the employee can perform the essential functions of the position, with or without reasonable accommodation. A transfer may be requested by either an employee, by the supervisor for whom he or she will work if transferred, or by the City Manager. If a position is reclassified resulting in a lateral transfer, no pay adjustment will take place. A transfer is not allowed for employees still within their introductory periods.

2.24 OUTSIDE EMPLOYMENT ACTIVITIES

2.24.01 Employees may not engage in any outside employment activity or enterprise that is determined to be inconsistent or incompatible with employment with the City or to adversely affect the employee's job performance.

2.24.02 An employee who wishes to engage in such activity must prepare a full and complete written request describing the employment activity or enterprise for which permission is requested and must have the advance approval of his or her Department Head and the City Manager to engage in any outside employment, including self-employment. City approval of an outside employment activity or enterprise may be withdrawn at any time if, in the discretion of the City Manager, such outside employment or enterprise is negatively impacting the employee's performance of duties for the City or if a conflict of interest or appearance of impropriety arises in connection with the outside employment or enterprise. Department Heads are prohibited from engaging in any form of secondary employment except as may be specifically approved by the City Manager.

2.24.03 The City of Murphy is considered primary employment and the outside job is secondary employment. At no time should secondary employment interfere with primary employment or be done during the course of primary employment. An employee who performs duties relating to his or her secondary employment while on duty with the City will be subject to discipline up to and including termination of employment.

2.24.04 If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee must notify their supervisor and Department Head and cannot file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Manager may have approved the outside employment.

2.24.05 An employee shall not perform any outside work at any time when the employee is on leave from the City for paid work-related injury leave, sick leave or paid or unpaid family and medical leave. An employee shall not perform any outside work within eight (8) hours after the employee's missed work period with the City due to the employee's illness or injury. Continuation of secondary employment approved by the City Manager or the appropriate Department Head must be approved by the Human Resources Department when an employee has been injured in the course and scope of City employment.

2.24.06 No employee shall identify himself or herself with his or her position, department or the City of Murphy in:

a. The course of a sale or solicitation for sale of any goods or services; or

b. The advocacy of any policy, practice, standard or position not officially sanctioned by the City.

2.24.07 An employee of the City of Murphy who holds an office of emolument, or position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.

3.00 WAGE AND SALARY ADMINISTRATION

3.01 COMPENSATION PLAN-CIVILIAN AND SWORN POSITIONS

A pay plan covering all City positions is established each year by the City Council in the City's adopted operating budget. Within the general guidelines of the pay plan and the budget, the City Manager is authorized to determine the appropriate pay to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the City Council. The compensation plans for fire and police personnel are located within each department.

Objectives

The basic philosophy and objectives of the City of Murphy are to provide a compensation system utilizing accepted practices in the management and design of compensation systems.

The objectives of the City are:

1. To attract and retain qualified workers who will be paid equitable salaries;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance; and
4. To provide the City with a salary structure that enables the City to maintain a competitive position with other Cities and companies within the same geographic area.

The compensation and classification system, when properly maintained in accordance with the competitive labor market, will be dynamic rather than static. Therefore, it will remain valid over many years. Salary ranges established for any given year are best maintained if adjusted each year to reflect the movements of salaries and wages occurring in the competitive marketplace.

A. COMPENSATION FOR CLASSIFED POSITIONS

Each non-exempt and exempt position is assigned to a classified grade level within their respective pay plans. The Compensation Plan specifies a minimum and maximum hourly wage or salary within each pay grade. The City Council, as part of its annual budget process, considers the allocation of funds for pay plan adjustments and merit increases.

B. SETTING SALARY LEVEL FOR NEW EMPLOYEES

Employees may be hired for positions at a higher pay than the established minimum pay level, but not higher than the mid-point level based upon qualifications and job-related experience, unless approved by the City Manager.

C. SALARIES AND BENEFITS OF CITY MANAGER AND CITY SECRETARY

Salaries and benefits for the City Manager and City Secretary are established by the City Council and may not be subject to the Compensation Plan.

D. AMENDMENTS TO PLAN

As circumstances require, the Compensation Plan may be amended through submission of suggested changes by the City Manager.

E. JOB TITLES AND EMPLOYEE CLASSIFICATION

Job titles are descriptive of the duties performed, skill required and organization level. Each employee will be properly classified under an established job title which will be used on all payroll and personnel records. This classification shall not be changed unless a transfer, promotion or demotion occurs, or a re-study of the job results in a re-classification.

F. RE-CLASSIFICATION/NEW POSITIONS

As new jobs are approved or requests for reclassification of existing positions are made, the City Manager will evaluate or re-evaluate the job(s) and make recommendations. The department desiring the new or re-classified position must submit requests in writing, including the rationale for the proposed change and a new/revised job description. (*Note: this process is not meant to replace requests for new personnel as normally submitted during the budget process. It is assumed that the addition of the position has been approved prior to evaluating the job.)*

SALARY REVIEW

An annual salary review will be made by the City Manager or his/her designee to determine if City of Murphy salaries are in line with the market. If the City Manager determines that an increase is warranted and is not regularly scheduled, salary recommendations will be made in the next annual budget.[1]

3.02 WAGE AND SALARY ADJUSTMENTS

During budget deliberations for the coming fiscal year, the City Council may authorize a wage and salary adjustment to recognize an employee for performance and achievement of objectives. The employee's annual performance appraisal serves as the basis for a wage and salary adjustment. In addition to the increases that may be awarded following an annual performance appraisal, the City may award increases based on market adjustments should a position require such an increase.

[1] Revised April 1, 2013

In making a determination regarding a salary increase, supervisors and the Human Resources Department will consider the employee's performance, including but not limited to any increase in responsibilities of the employee and achievement of objectives since the last performance appraisal.

Once supervisors receive final information, they will meet with each employee informing him or her of the salary decision. An employee who disagrees with a salary decision may appeal by submitting a written request for review by the City Manager. Employees who are approved for a salary increase will start receiving the increase at the beginning of the next pay period.

Department Heads, with approval of the City Manager, may reduce the salary of an employee at any time for non-discriminatory reasons. No reduction in salary shall deprive an employee of consideration for salary increases at a later date.

3.03 EMPLOYEE PERFORMANCE EVALUATIONS

3.03.01 Supervisory personnel will conduct a written performance evaluation and an oral evaluation with each City employee at least once annually, pursuant to Section 4.06 of the Charter.

3.03.02 Performance evaluations have the primary purpose of improving the employee's understanding of his or her progress on the job and the Department Head's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation. Scheduled evaluations provide a required opportunity to assess progress and to plan for future performance improvements, but should never replace day-to-day communication between Department Head and employee regarding performance expectations and actual performance.

3.03.03 The performance evaluations are used for development purposes in identifying strengths and weaknesses and making plans for future performance improvements. Additionally, performance evaluations will be used when considering any merit increases for employees. The City Manager makes the final decision regarding awarding performance increases provided that the City Council has authorized funds available for performance increases in the annual budget.

3.03.04 Performance evaluation records are maintained in each employee's personnel file.

3.04 CERTIFICATION PAY

Eligible regular full-time employees may receive additional compensation per paycheck for each qualifying certificate or license obtained above the "basic level" within

their respective professions or occupations. The amount of such compensation shall be determined as part of the annual budget and will be included in the employee's regular rate of pay. Certificates or licenses must be obtained from appropriate State certification or licensing agencies and/or recognized professional associations performing a similar certification or licensing function for personnel in the applicable profession and must be maintained in an active status. Certificates or licenses also must be directly related to the employee's present job duties and functions. A current list of authorized certifications by position shall be maintained by the Human Resources Department. Certification pay is subject to annual funding and adoption of such funding within each fiscal budget.

3.05 INTERIM STATUS PAY

Any employee who is temporarily assigned to serve in a higher level position, typically for a vacated position, shall be compensated for the additional duties and responsibilities of the higher level position at an increase of 5% or minimum of the pay grade, whichever is greater, unless otherwise approved by the City Manager. The employee must be qualified to perform and must actually perform the full range of duties of the higher level position required during the interim assignment in order to be eligible for the additional compensation.

When an employee returns to his or her regular job assignments, upon the completion of a higher level interim assignment, the employee's compensation shall return to that employee's regular rate of pay prior to his interim assignment, including any increases that may have been given during the timeframe in which the employee was working an interim assignment.

3.06 ACTING STATUS

No pay increase shall be provided for acting status except as required by law. An employee may be assigned to an acting status position, typically for a position that has not been vacated, on a short-term basis when he or she is assigned duties of another position. An employee who has been assigned to an acting status position shall not receive additional compensation except as provided by law.

3.07 ADMINISTRATIVE WORKWEEK OR WORK PERIOD - MOST DEPARTMENTS

3.07.01 Normal working hours for regular full-time non-public safety employees are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Some departments may work schedules that are different than the City's standard operating days/hours. Morning and afternoon breaks of 15 minutes each may be available to each employee if the break does not interfere with City operations, but this time does not accumulate if not taken, and this time cannot be used

to alter an employee's work hours. Breaks are a privilege and not to be abused. Certified Police and Fire suppression personnel, as well as personnel working in Communications, work shifts as assigned by the Department Heads.

3.08 WORK PERIOD AND SCHEDULES – PUBLIC SAFETY

3.08.01 Employees of the City's police department work in shifts. The City has established a 14-day work period for its patrol officers. Patrol officers will earn overtime compensation for all hours worked above 80 hours in a 14-day work period. Employees in the City's fire department work in 24-hour shifts. In accordance with the exception allowable under Section 207 (k) of the Fair Labor Standards Act (FLSA), the City has established a 21-day work period for its certified fire suppression personnel.

3.08.02 Hours Worked. "Hours worked" for purposes of calculating overtime for non-exempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from the officer's residence and work, meal time when the officer is on a tour of duty of 24 hours or less and is completely relieved of duties during the meal time, on-call time unless the City places special restrictions on the officer's time so that he or she cannot effectively use the on-call time for his or her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement activities performed for a different jurisdiction. Holiday and vacation time count as "hours worked" for purposes of calculating overtime for non-exempt certified police and fire suppression personnel.

3.09 EMPLOYEE BREAKS

The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child's birth or adoption (as applicable) each time such an employee has a need to express the milk. The City will provide a private, secure location with a separate refrigerator in the employee's building for this purpose. The employee and her Supervisor will agree on the times for these breaks. In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purposes of this policy, a written request directed to Human Resources will suffice. Human Resources will work with Facilities Maintenance and the Department Head to ensure that an adequate space is prepared and maintained for the duration of the period of time expressing is requested. Breaks taken for the purpose of

expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day.

3.10 EXEMPTIONS FROM FLSA

3.10.01 Certain executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

3.10.02 Extra hours worked by employees classified as exempt may be used as a factor in granting or denying paid leave other than vacation or sick leave.

3.10.03 Each City job description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA.

3.10.04 Improper deductions from the pay of exempt employees are prohibited. If an exempt employee believes that an improper deduction from his or her salary has been made, a complaint should be made to the Finance Department. The Finance Department will investigate the complaint. Upon a finding that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the City will make a good faith effort not to make future improper deductions.

3.11 TIME REPORTING

3.11.01 Employees must keep records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects. Timesheets for this purpose are provided by the City.

3.11.02 Time records must be signed by both the employee and the employee's immediate supervisor. It is recommended that these forms be completed after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

3.11.03 Each Department Head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the finance department as well as being recorded on the individual department's records.

3.12 OVERTIME WORKED

Non-exempt personnel may be required to work hours in excess of their official established hours when necessary as determined by departmental management. Specific extra work assignments shall be rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to a reasonable request to work extra hours and may be subject to disciplinary action for failing to stay or report for such hours. Non-exempt employees are discouraged from working at any time, other than scheduled working hours, including taking work home and using electronic devices for purposes of work when off duty, unless authorized by the employee's supervisor.

Overtime is defined as hours worked in excess of forty (40) hours per work week for all non-exempt employees, excluding non-exempt certified police and fire suppression personnel. Holiday and vacation time count as "hours worked" for purposes of calculating overtime only for non-exempt sworn fire and police personnel. "Hours worked" for purposes of calculating overtime does not include all other leave types. For purposes of calculating the number of hours worked in a week, the City workweek is from Saturday 12:00.00 a.m. to Friday 11:59:59 p.m. Non-exempt employees are compensated for overtime worked by being paid payment at the rate of one and one-half times the employee's regular hourly rate.

3.13 ON-CALL AND CALL-BACKS

3.13.01 The vital nature of certain City services requires that some employees be available in an "on-call" or "standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. The time an employee is designated to be "on-call", he or she is free to pursue personal activities, but is prohibited from consuming alcohol, illegal drugs, or any other substance (legal or illegal) that may impair the employee's ability to perform his or her duties in a safe and capable manner. Employees who are on-call may be required to wear a beeper and to respond immediately when notified to report to work by the beeper. Response time should not exceed 30 minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the 30 minute response time.

3.13.02 When non-exempt City employees are assigned to be on-call for a particular week, the person(s) designated as on-call will automatically be paid for four (4) hours at the regular, straight-time hourly rate of pay for any on-call week and four (4) additional hours at the straight-time rate for any holiday during the on-call period. Should there be a second employee in the same department also scheduled for on-call, the second employee will also be paid two (2) hours at regular straight-time rate of pay for any on-call week and two (2) additional hours at the straight-time rate for any holiday during the on-call period.

3.13.03 The on-call period begins Saturday morning at the beginning of the workweek and ends the following Saturday at the same time. Refusal to report without sufficient justification or repeated non-availability for emergency service will result in disciplinary action, up to and including dismissal. All on-call assignments are subject to the approval of the City Manager or the employee's Department Head. The City Manager is hereby authorized to amend the standby policy from time to time to meet the financial, operational, and maintenance needs of the City.

3.13.04 Call-back pay is defined as being called back to work typically due to an unexpected situation that is not scheduled. A minimum of two hours of pay will be given to non-exempt employees for call-back situations in which an employee was called back to work. If called back, compensation shall be paid for actual hours worked. Time spent traveling shall not be counted as hours worked and will not be compensable time. In the Police Department, any employee may be called back to duty, regardless of the hours assigned that employee, and will be paid according to the number of actual hours worked, with the exception of scheduled court appearances on off-duty days in which the minimum of two hours will be paid. Fire Department employees are subject to call-back at any time in an emergency and are required to leave word with the department as to how they may be reached when not on duty. Since their use of this time is not effectively restricted, this time is not considered compensable work time.

3.14 PAYDAYS

The pay period for the City is bi-weekly, 26 times per year. If the payday falls on a Holiday, checks will be issued the last working day preceding the holiday. Paychecks will not be issued other than on the days set out above without the City Manager's approval.

3.15 CHECK DELIVERY/DIRECT DEPOSIT

3.15.01 Participation in the direct deposit program is mandatory for all City employees. Direct deposit is allowed for up to two different accounts at any financial institution that is part of the Federal Reserve System. Forms are available in the Human Resources Department for those who need to make changes to their direct deposit at any time. Only two direct deposit changes are allowed per year unless approved by the City Manager. Direct deposit paystubs are distributed to individual employees via electronic transmission. No salary advances or loans against future salary will be made to any employee for any reason.

3.15.02 Employees must bring any discrepancy in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to the Department Head's attention immediately upon discovery. If an employee does not understand how to figure his or her pay or how to read his or her paystub, help should be sought from the

Finance Department after contacting the Department Head. Failure to report any discrepancy may result in disciplinary action.

3.16 PAYROLL DEDUCTIONS

3.16.01 The following deductions made from employees' pay checks are either required by federal or state law or approved and authorized by the City Council.

Required federal/state deductions:

1. Medicare;
2. Federal income taxes;
3. Court ordered child support; and
4. Any other deductions required by law.

Deductions approved by City Council:

1. Texas Municipal Retirement System contributions (regular full-time employees and covered part-time employees contribute and the City also contributes to each covered employee's account);
2. The portion not paid by the City of group health/medical and life insurance premiums for employees and dependents; and

3.16.02 If there is a change in the employee's family status, address, or any other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources Department the appropriate forms for communicating these changes.

3.17 APPROVING AUTHORITY

The City Manager is the approving authority for all payrolls and payroll transfers granted under the terms of these policies and the annual budget. The City Manager approves performance pay increases provided that funds have been specifically set aside for that purpose by the City Council. Any performance increases granted by the City Manager must be consistent with these policies and the annual budget.

4.00 EMPLOYEE LEAVES OF ABSENCE

4.01 EMPLOYEE LEAVES-DEFINITION

4.01.01 **Leave Time**. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid as authorized by the City Manager. For purposes of all leaves, a day is defined as eight (8) hours for all employees except fire suppression personnel. A day is defined as twelve (12) hours for fire suppression personnel.

4.01.02 **Unauthorized Absence**. An unauthorized absence is one in which the employee is absent from regular duty without permission of the Department Head. Employees are not paid for unauthorized absences and such absences may lead to disciplinary action, up to and including termination. Only the City Manager can authorize usage of sick and/or vacation leave that has not accrued. In the event an employee leaves the City and has a negative balance of vacation and/or sick leave, that employee will be required to pay the City back in the final paycheck.

4.02 APPROVAL OF LEAVE

4.02.01 All leave taken by City employees must be approved in advance by the employee's supervisor and Department Head. Copies of signed leave forms are sent to the Finance Department for recording on the central leave records.

4.02.02 Department Heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, Department Heads are responsible for ensuring that all vacation and sick leave usage is recorded on the timesheet sent to the Finance Department for payroll purposes.

4.03 GENERAL POLICY-HOLIDAYS

4.03.01 The City provides paid holidays to introductory, regular full-time and regular part-time employees. All other employees are extended official holidays without pay. Holidays are days designated by the City when City offices are closed on what otherwise would be regular business days. The City Manager shall submit a holiday schedule, not to exceed ten (10) days, to the City Council for approval by November 1 of each calendar year.

4.03.02 **Holidays Observed**. The following official holidays may be observed:

1. New Year's Day;
2. Martin Luther King Day;
3. Good Friday;

4. Memorial Day;
5. Independence Day;
6. Labor Day (all city employees except fire personnel);
7. Patriot's Day (fire employees only);
8. Veteran's Day;
9. Thanksgiving Day;
10. Friday following Thanksgiving;
11. Christmas Eve;
12. Christmas Day;

4.03.03 **Scheduling of Holiday.** Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

4.03.04 **Definition of Holiday Time.** A holiday is a period of 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours. All regular full-time employees are paid for holidays based on their normal day's pay; regular part-time employees whose work schedule involves less than 32 hours per week are paid a proportionate amount, if the holiday would have been the part-time employee's regularly scheduled workday.

4.03.05 Non-benefited part-time and temporary employees (either full-time or part-time) are not paid for holidays except for holiday hours actually worked.

4.03.06 An employee who is absent without approved leave immediately preceding or following a holiday may be required to provide a doctor's note. If the leave was not approved, the employee may not be paid for the holiday.[2]

4.03.07 Employees wishing to observe religious or other holidays not listed herein shall at their option be given time off without pay or have the time charged to vacation, personal day or holiday leave time, if available.

4.03.08 Accrued holidays, including wellness time off, will be paid out upon termination.

4.04 WORK DURING HOLIDAYS

4.04.01 It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an "around the clock" operation. With the approval of the City Manager, a Department Head who finds it a business necessity to do so may direct some or all employees of the department to report for work on a holiday. Non-exempt employees required to work on holidays will be paid time and a

[2] April 1, 2013

half (1.5) times their regular rate of pay in addition to receiving holiday pay equivalent to a standard workday. This does not apply to non-exempt sworn officers, firefighters scheduled to work 24-hour shifts or employees in the Communications Department.

4.04.02 Fire Department employees who work 24-hour shifts will accrue 12 hours of holiday leave for each holiday worked. Use of this accrued time will be subject to the same rules as apply to the taking of vacation time. Holiday time must be used prior to the next occurrence of the holiday for which the time was accrued or the holiday time will be lost. Non-exempt, sworn officers in the Police Department and employees in the Communications Department who work on holidays will accrue holiday time. Use of this accrued time will be subject to the same rules as apply to taking of vacation time, and holiday time must be used prior to the next occurrence of the holiday for which the time was accrued or the holiday will be forfeited.

4.05 HOLIDAY DURING VACATION If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

4.06 GENERAL POLICY-VACATION LEAVE

4.06.01 Scheduling Vacation. Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when accrued sick leave is exhausted, inability to travel to work because of inclement weather or for other purposes.

Employees are expected to submit their preferred vacation schedule to the appropriate supervisor at least two weeks in advance in order to avoid any scheduling problems that may develop. Whenever possible, vacation time will be granted at the convenience of the employee; however, Department Heads must be certain that vacations do not interfere with the normal functions and activities of departmental operations. The Police and Fire Departments may have departmental policies concerning the scheduling of vacation. Vacation time requests, if not requested in advance, may be denied. Vacation leave may be taken in full days or in one hour increments of time.

4.06.02 Vacation Accrual Rate. In the year of hire, regular full-time employees shall accrue vacation leave during their six-month introductory period, but vacation leave may not be used until after completion of this period. Eligibility for, and accrual rate of, vacation benefits is determined by length of service provided to the City.

A. Regular full-time employees with up to five (5) years of continuous regular full-time service with the City shall accrue vacation leave at a rate of 3.08

hours per pay period (4.62 hours per pay period for full-time firefighters). Regular full-time employees who have completed five (5) years and one day up to ten (10) years of continuous regular full-time service with the City shall accrue vacation leave at a rate of 4.62 hours per pay period (6.92 hours per pay period for full-time firefighters). Regular full-time employees who have completed ten (10) years or more of continuous regular full-time service with the City shall accrue vacation leave at a rate of 6.15 hours per pay period (9.23 hours per pay period for full-time firefighters). Regular full-time employees who work less than 40 hours per week will receive vacation time on a pro-rated basis. The following chart applies to all regular full-time City employees:

Years of Service	Pay Period Accrual	Hours Per Year
0 to 5 years	3.08 Hours	80
5 years and one day up to 10 years	4.62 Hours	120
10 years and one day	6.15 Hours	160

B. **Maximum Vacation Accrual.** The maximum accrual of vacation leave is one year's accumulation. The actual number of accrued vacation hours permitted will depend on the number of vacation hours the employee earns each year. It is the employee's responsibility to monitor his or her vacation accrual to be aware of nearing maximum accrual. The City Manager may waive the limitation on maximum accrual for a period of time if the needs of the City preclude an employee's ability to take vacation.

4.06.03 Compensation for Vacation Leave. Vacation is paid at the employee's base rate at the time vacation leave is used and is paid only for hours the employee would ordinarily have worked. Upon an employee's resignation, termination or retirement, an employee who has successfully completed his or her initial introductory period of employment shall be paid for accrued unused vacation leave at the rate of pay the employee was receiving at the time of separation. Upon the death of an employee who had successfully completed his or her introductory period of employment, payment

for accrued unused vacation leave shall be made to the employee's beneficiary. Pay shall be at the employee's last regular rate of pay.

4.06.04 Regular Part-Time Employees Eligibility for Vacation Accrual. Regular part-time employees shall accrue vacation leave at a rate proportionate to the number of hours worked in a week as compared to a full-time 40 hour work week. For example, an employee who is regularly scheduled to work 20 hours per week will accrue vacation at one-half the rate of similarly employed full-time 40 hour per week employees with equal seniority.

4.06.05 Non-benefited Part-time and Temporary Employees. Non-benefited part-time and temporary employees are not eligible to accrue vacation leave.

4.06.06 Vacation During Introductory Period. Vacation leave will not be authorized during the initial six-month introductory period for any employee, unless authorized by the City Manager. If the employee leaves employment with the City for any reason during the introductory period, he or she will not be entitled to payment for vacation leave.

4.06.07 Required Vacation leave. When it appears that time away from work may be in the best interest of the employee or the City, the employee's Department Head may, with the approval of the City Manager, require the employee to take at least one week of accrued vacation. Similarly, the City Manager may require a Department Head to take accrued vacation leave.

4.06.08 Vacation Buyback. Vacation buyback is a benefit offered to employees which allows exchanging accrued unused vacation leave for payment. The employee is eligible for vacation buyback after five years of service. Participation in the vacation buyback program is the employee's option. Provided the employee has taken at least one full week of vacation leave during the most recent fiscal year (October 1 – September 30), he or she may exchange up to one week of accrued unused vacation leave for pay at his or her effective hourly rate. The vacation time sold back to the City will be removed from the employee's accrual. One week of vacation will be defined as 32 hours or more for all full-time employees, 56 hours for Fire Department shift employees and 20 hours for regular part-time employees scheduled to work a minimum of 20 hours per week. All vacation buybacks are subject to funding and City Manager approval.

4.07 GENERAL POLICY-SICK LEAVE

4.07.01 The intent of sick leave is to prevent a loss of income to an employee who is absent due to an injury or illness which is not job-related. Should such an injury or illness occur to an employee, continued income should be insured through the use of sick leave. Sick leave may also be used for maternity and paternity reasons.

A. Sick leave shall be accrued by all regular full-time employees, except full-time firefighters, at the rate of 3.08 hours per pay period for employees scheduled to work 40 hours per week (ten days per year). Regular full-time employees who work less than 40 hours per week will receive sick leave on a pro-rated basis. Full-time firefighters shall accrue sick leave at a rate of 4.62 hours per pay period. Sick leave begins accruing immediately for all new full-time employees. Regular part-time employees shall accrue sick leave at a rate proportionate to the number of hours worked in a week as compared to a full-time 40 hour work week. For example, an employee who is regularly scheduled to work 20 hours per week will accrue sick leave at one-half the rate of similarly employed full-time 40 hour per week employees with equal seniority. Temporary employees are not eligible to accrue sick leave.

B. Any accrued but unused sick leave shall be carried to the employee's credits for the following year. The maximum number of hours that can be accrued is 720 (1080 hours for full-time firefighters).

C. After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used as sick leave with approval of the employee's Departmental Head, provided there has been no abuse of sick leave and that all provisions of the sick leave policy are met. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued.

D. Sick leave can be requested and used in one hour increments.

E. Sick leave may be allowed in case of doctor appointments, personal illness or physical incapacity of an employee or the employee's immediate family. Immediate family is defined as the employee's spouse, children, parents or a member of the household.

F. Employees who are absent due to illness for three (3) or more consecutive days shall be required to provide their supervisor with sufficient documentation from a licensed physician. At his or her discretion, the supervisor may request documentation for any sick leave taken.

G. A supervisor shall be responsible to notify the Human Resources Department when an employee is absent due to illness for more than three (3) consecutive work days so the time may be evaluated for family and medical leave status (FMLA). If an employee is taking FMLA medical leave, the employee's accrued sick leave will be debited for the leave taken.

H. Sick leave will not accrue if an employee is on an unpaid leave of absence.

I. Employees who become ill or are injured during vacation may request that sick leave be used instead of vacation time.

J. Notice of employee absence due to a non job-related injury or illness must be given daily by the employee to that employee's immediate supervisor or Department Head no later than thirty (30) minutes prior to the beginning of the employee's work shift or as may be prescribed by departmental policy. Notification means that the employee must actually speak to his or her immediate supervisor unless emergency conditions arise in which time immediate family members must report the absence. Failure to do so may cause the employee's absence to be charged to leave without pay. Emergency situations which might prevent compliance with the provisions of this paragraph shall be taken into consideration by the supervisor or Department Head.

K. Human Resources, Department Heads and supervisors are authorized to undertake any investigations of sick leave claimed by an employee that they may deem necessary or to disapprove any claims not properly substantiated.

L. An employee who is released by an examining physician to return to regular duty and refuses to report for work or perform his assigned duties is subject to disciplinary action, up to and including termination.

M. An employee on disciplinary suspension forfeits all claims to use sick leave for the duration of the disciplinary suspension.

N. Employees on Sick Leave, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work during the leave, even with written authorization from their Department Head to work a second job.

O. Accrued sick leave shall not be paid to any City employee upon separation from employment with the City; however, if an employee retires from the City, that employee will be compensated for any accrued sick leave, not to exceed 400 hours or 600 hours for full-time fire suppression personnel. Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Retirement is defined as working for the City of Murphy at least 20 years as a full-time employee, with at least 10 consecutive years as a full-time employee. Employees hired after July 1, 2009 will not receive payout of any accrued sick leave upon retirement.

4.07.02 Use of Sick Leave. Regular, full-time employees are charged with a regular work day of sick leave for each full day they are absent on approved sick leave. Sick leave may be used in one-hour increments. For employees who are exempt from

FLSA under the executive, administrative, or professional categories, no deduction is made from salary or accrued sick leave for a partial day's absence on approved sick leave.

4.07.03 Exhaustion of Sick Leave. An employee who has exhausted accrued sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. All regular full-time employees who qualify for leave under the Family Medical Leave Act are eligible to use donated leave time provided they have exhausted all available leave balances. All regular full-time employees who are eligible to accrue sick leave are eligible to donate sick leave to be used by another employee. Employees may not donate more than 10% or 40 hours of their leave balance per year, whichever amount is greater.

4.08 BEREAVEMENT LEAVE

Regular full-time employees who suffer the loss of an immediate family member (spouse, parents, step-parents, children, step-children, foster children, brothers, sisters, parents-in-law, brothers/sisters in-law, grandchildren, grandparents, sons/daughters-in-law, aunts and uncles) will be granted up to 24 hours of Bereavement Leave with pay per occurrence. This benefit may also be granted in the case of the loss of any other relative living in the household. Department Heads may require satisfactory documentation of eligibility for this benefit. Non-exempt fire suppression personnel work 24-hour shifts will be eligible for a total of 36 hours of bereavement.

4.09 JURY DUTY LEAVE

4.09.01 A regular full-time employee shall be granted paid jury leave when he or she is summoned for jury duty. The employee must notify his or her supervisor upon receiving a summons for which jury leave is requested. A copy of the summons or any other paperwork must be submitted to the employee's supervisor and attached to their timesheet. All fees paid and expenses reimbursed by the court may be retained by the employee**.**

4.09.02 When an employee has completed jury duty, he or she must report to the City for duty for the remainder of the workday. If the employee will be absent from work for more than one workday for jury duty, he or she must notify the appropriate supervisor daily at least 30 minutes prior to the beginning of the workday.

4.10 VOTING

With regard to voting, the City encourages all employees to fulfill their civic responsibilities by participating in elections; however, all employees should make every effort to vote outside normal working hours. If employees are unable to vote in an

election during their non-working hours, the City shall allow employees to use accrued vacation leave for the number of hours necessary for the employee to vote.

4.11 FAMILY AND MEDICAL LEAVE

4.11.01 Regular employees who have completed one (1) year of employment with the City and have worked at least 1,250 hours during the previous 12 months are entitled to receive family and medical leave (also called "FMLA Leave") in a 12-month period for one or more of the reasons listed below:

1. Birth of a child of the employee in order to care for such child (leave must be taken within a twelve (12) month period after birth);
2. Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a twelve (12) month period after placement);
3. To care for the employee's spouse, child or parent who has a serious health condition; or
4. When the employee is unable to perform the essential functions of his or her position because of a serious health condition;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness who is the spouse, son, daughter, parent or next of kin to the employee (military caregiver leave).

The male employee/father may be entitled to use earned paid Sick Leave for this purpose, concurrent with his unpaid FMLA leave.

A husband and wife who are eligible for FMLA leave and are both employed by the City of Murphy may be limited, by law, to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for any of the following reasons:

1. For the birth of a son or daughter or to care for the child after birth.

2. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.

3. To care for a parent with a serious health condition.

When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount of time he or she has taken individually and 12 weeks of FMLA leave for a purpose other than those listed above.

4.11.02 DEFINITIONS

FMLA Year" is defined as a twelve (12) month rolling period, measured from the first date FMLA began.

"Leave of Absence" for eligible employees is defined as an approved absence for up to 12 weeks of unpaid leave per FMLA year, under particular circumstances.

"Child" or "Son or Daughter" is defined as a child 18 years or younger and includes a biological, adopted or foster child, stepchild or legal ward or a child of a person standing *In loco parentis* (i.e. in place of a parent). A child 18 years of age or older is included only if he or she is incapable of self-care because of mental or physical disabilities. To define a mental or physical disability, refer to the Social Security Act Regulations.

"Spouse" is defined as husband or wife as defined or recognized by State law for purposes of marriage, or a common law spouse as recognized by the State of Texas.

"Parent" is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined.

"Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job, or prevents the qualified member from participating in school or daily activities. Common colds, earaches, headaches, other than migraines, etc. are not usually considered serious health conditions.

"Continuing Treatments" are those that may be met with a period of incapacity of more than three (3) consecutive calendar days combined with at least 2 visits to a health care provider, or 1 visit to a health care provider and a regimen of continuous treatments such as prescription medication or therapy, incapacity due to pregnancy or to a chronic condition.

"Needed to Care for" provides physical and/or psychological care. The employee does not need to be the only individual or family member available to provide care, nor is the employee required to provide actual care (e.g., someone else is providing in-patient or home care) as long as the employee is providing at least psychological comfort and reassurance.

"Health Care Provider/Physician" includes doctors of medicine or osteopathy who are authorized by the State in which they practice, or any other person determined by the Family Medical Leave Act to be capable of providing health care services.

"Medical Certification" is defined as certification from a health care provider to support the claim for leave to care for a seriously ill child, spouse or parent, or for an employee's serious health condition.

"Key Employee" is defined as a salaried employee who is among the highest paid 10 percent of all City employees. If reinstatement of a key employee at the conclusion of the leave period would result in substantial and grievous economic injury to the City, reinstatement to the key employee can be denied.

4.11.03 STATUS OF SERVICE AND BENEFITS

No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. Employees on unpaid leave will be notified by Human Resources of contribution options with TMRS. It is the employee's responsibility to initiate arrangements with TMRS for contribution payments.

1. During a Leave of Absence, employee health benefits will continue. Therefore the employee must continue to pay any share of his/her employee-paid health benefits premium.

2. Employees are responsible for repayment of any benefit costs paid by the City if they do not return to work, unless failure to return to work was for a verifiable reason beyond the employee's control.

4.11.04 INTERMITTENT OR REDUCED LEAVE

1. Leave may be taken on an intermittent or reduced leave schedule if necessary for approved reasons under this policy. The employee must attempt to schedule the leave so as not to disrupt the City's operations.

2. Employees will be required to provide documentation from the health care provider certifying a medical necessity for intermittent leave, and the time and length of the leave requested. The City may require the employee to transfer temporarily to an alternative position (equivalent in pay and benefits) which accommodates recurring periods of absence or to a part-time schedule provided the position has the equivalent rate of pay and benefits.

4.11.05 FMLA-Military Family Leave

1. **Military Caregiver Leave** (also known as Covered Servicemember Leave)**:** Under the first of these new military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. The definition of "serious injury or illness" also includes an injury or illness that existed before the beginning of the service member's active duty that was aggravated by service in the

line of duty on active duty. Based on a recommendation of the President's Commission on Wounded Warriors (the Dole-Shalala Commission), this 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.

2. **Qualifying Exigency Leave:** Any qualifying exigency arising due to the spouse, son, daughter or parent of the employee being on active duty (or having been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during one single 12-month period. Qualifying exigency refers to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

4.11.06 An eligible employee is entitled to take up to 12 weeks of paid or unpaid FMLA Leave in any 12-month period. The 12-month period shall be a rolling 12-month period measured backward from the date leave is used. The provisions for using FMLA Leave for items 1 through 3, listed above, are as follows:

1. An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of twelve (12) weeks;
2. An employee who has less than twelve (12) weeks of accrued paid leave must first use all accrued paid leave toward the twelve (12) weeks; thereafter, the remaining balance of the twelve (12) weeks shall be unpaid FMLA leave; and
3. An employee who has more than twelve (12) weeks of accrued paid leave may use the accrued paid leave over and beyond the twelve (12) weeks, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager.

An employee who takes FMLA leave under these provisions is entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

4.11.07 Requests for FMLA Leave should be made at least 30 days prior to the leave start date. To be eligible for FMLA Leave, proof of a serious health condition must be certified by a health care provider, as defined by the FMLA. An employee may be required to submit periodic written status reports to the Human Resources Department. While on paid FMLA, vacation and sick leave will continue to accrue. If the FMLA Leave is unpaid, vacation and sick leave will not accrue. An employee shall continue to receive health insurance benefits during FMLA Leave. The City shall continue paying its portion and the employee shall continue to pay his portion of health insurance benefits. FMLA Leave may be delayed or denied due to the failure of an employee to adhere to these Regulations. An employee may be terminated if the FMLA Leave exceeds 12 weeks within a 12-month period of time. Further information regarding the federal regulations concerning the Family and Medical Leave Act is available in the Human Resources Department.

4.12 MILITARY LEAVE

4.12.01 Regular full- or part-time employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, seniority, or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority. Employees will be paid for Military absences up to a maximum of 15 work days per fiscal year. The paid leave days may be consecutive, or scattered throughout the year. Military leave in excess of 15 days may be charged to vacation leave or leave without pay at the discretion of the employee.

4.12.02 Any regular full- or part-time employee who leaves his or her position either voluntarily or involuntarily for the purpose of entering any branch of the United States armed forces for extended active duty shall be placed in military active duty status and administratively separated from City employment.

4.12.03 Regular full- and part-time employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty. An employee may serve a total of four (4) years of active duty in the armed forces, and an additional one (1) year as requested by the United States government, and still be eligible for reappointment to his City position. An employee's right to reappointment is not protected for periods of military active duty longer than five (5) years, except under certain cases allowed by law.

4.12.04 Regular full- and part-time employees who leaves City employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:

1. Is physically and mentally qualified to perform the essential duties of the position;

2. Was discharged, separated, or released from active military service under honorable conditions;
3. Has not been in active military service for more than five (5) years; and
4. Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service according to the following schedule:

Length of Period of Service	**Reapply No Later Than**
Service of 1 to 30 days	Next regular work day after completion of service and time to travel from place of service to residence
Service of 31 to 180 days	Fourteen (14) days after completion of service
Service of 181 or more days	Ninety (90) days after completion of service

4.12.05 An employee shall be allowed full credit for time spent in the military service for the purpose of computing the rate of accrual of vacation leave.

4.12.06 Requests for approval of military leave must have copies of the relevant military orders attached.

4.13 WORKERS COMPENSATION INSURANCE/INJURY LEAVE

4.13.01 **Insurance.** The City provides workers compensation benefits for all full- and part-time employees and volunteers. Workers' Compensation insurance is designed to cover certain costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors' treatment, prescription drugs and other related expenses, to include possibly partial salary continuation.

4.13.02 **Medical Attention.** An employee who sustains a bona fide, on-the-job, work related injury must seek medical attention from a medical facility or professional

within the network of the insurance carrier. The employee must immediately report the circumstances of the accident and/or injury to his supervisor.

4.13.03 Reporting and Documentation.

1. The employee's supervisor is responsible for notifying the Department Head Human Resources Department immediately upon being made aware of an employee's involvement in an accident or injury. Timely notification is critical in allowing Human Resources to authorize treatment of the employee's work-related injuries.
2. Post-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following an accident. Any employee involved in an accident involving motorized equipment may also be subject to alcohol and drug tests as soon as practical following an accident. An employee may not report back to work until a drug test has been completed. Driving is not allowed until results of the drug test are known.
3. The employee's supervisor (or other appropriate City personnel) will initiate a thorough investigation into the cause and circumstances of the accident or injury, interview all witnesses and prepare a detailed written report explaining how and why the accident occurred. The supervisor must submit the Accident Report, First Report of Injury or Illness and any other related information to the Human Resources Department no later than the next business day after the injury was reported or no later than 9 a.m. on the following Monday for injuries occurring over the weekend.
4. If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the City's insurance carrier and not by the City.
5. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Human Resources Department.

4.13.04 Maximum Time Limits. The City will hold an employee's position, following an injury that occurred while performing official job duties or conducting City business, for no more than 26 weeks. Twelve weeks of this period may qualify for Family and Medical Leave (FMLA) and will run concurrently with such leave if

applicable. At the end of the aggregate 26 week period, should the employee still be unable for any reason to perform the essential duties of his or her job, with or without accommodation, his or her position may be filled and he or she may be considered for a vacant position for which he or she is qualified. If no vacant position is available for which the employee is qualified, if he or she is not selected to fill the vacant position or if the employee declines to accept another position, his or her employment with the City will be terminated.

4.13.05 Eligibility for Salary Continuation.

1. An employee who is unable to work for any period of time, either at his or her regular job or at any alternative duty position, because of an injury that occurred while performing official job duties or conducting official City business, is eligible to receive workers' compensation benefits equal to approximately 70% of his salary. It is the City's policy to make up the remainder of the employee's regular pay for at least a portion of the time off, provided certain conditions are met. This benefit is paid starting from the date of injury and is available to both full- and part-time employees. Any employee receiving salary continuation is not allowed to engage in any other part-time or secondary jobs outside of the City.

2. The Human Resources Department will determine whether the employee meets the criteria for receiving supplemental salary continuation pay for any hours missed because of restrictions imposed by the employee's physician. To be eligible for supplemental salary continuation, the employee must furnish to the City sufficient documentation to verify the injury or accident:

    a. occurred during the course and scope of the employee's employment;

    b. did not occur while conducting personal business on paid or unpaid meal breaks or while participating in voluntary fitness activities while not on shift;

    c. was timely reported;

    d. was not caused by the employee's failure to use or wear prescribed safety apparel or devices;

    e. did not occur while the employee was under the influence of alcohol, illegal drugs or abuse of legally obtained drugs; and

    f. prevents the employee from performing his or her regular job duties or any other alternative duty assignment.

3. The maximum duration of salary continuation for employees is 90 days from the first day of lost time as a result of the work-related injury, unless such an extension is expressly authorized by the City Manager. A careful review will be conducted by the City Manager and Human Resources Department prior to authorizing each extension. Extensions by the City Manager may be authorized in no more than 30 day intervals.

4. Employees suffering injuries that have extended beyond the 90 days or are not eligible for supplemental salary continuation may elect to use their personal day, sick leave or vacation accruals to offset the loss of income during the recovery period.

4.13.06 Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work or is released to return to work by physician.

4.13.07 **Continuation of Group and/or Dependents' Medical Insurance**. The City will continue to pay the City's portion of the employee's group medical insurance for a period of time not to exceed 26 weeks for an employee on injury leave. To continue group and/or dependents' medical insurance after the 26th week on which the employee is on injury leave, the employee must pay both the employee's and the City's portions of these insurance premiums.

4.13.08 **Reporting Requirements.** While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the appropriate City supervisor as well as the Human Resources Department. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the appropriate supervisor. In addition, the injured employee must contact his or her supervisor at least once a week to report on his or her condition where practical.

4.13.09 **Return to Service**. A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position. Failure to return to work when directed will result in appropriate disciplinary action up to and including termination.

4.13.10 Temporary Light Duty Status. During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job. No overtime may be worked by any employees placed on temporary light duty status. An employee who is able to return to work in light duty status will receive the same rate of pay but may be required to work in a different department and perform duties not contained within his or her current job duties. A light duty assignment shall not exceed 90 days. In addition, the employee may receive workers' compensation payments which would be turned over to the City and the City may pay the employee his or her regular pay, if applicable.

4.14 LEAVE OF ABSENCE WITHOUT PAY

4.14.01 Leave of absence without pay is an approved absence from duty in a non-pay status for not more than three (3) months.

4.14.02 Granting a leave of absence without pay is at the discretion of the City Manager. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. Approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms of the benefit programs. Medical benefits coverage can be continued if the employee pays the premiums in full in a timely manner.

4.14.03 Revocation of Leave without Pay. A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented or has ceased to exist.

4.14.04 Conditions. An employee requesting an unpaid leave of absence must provide the City Manager with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must furnish the City with a written statement from the employee concerning his or her intentions about returning to work at the City. In determining whether or not to approve the request for leave without pay, the City Manager will consider the employee's length of service with the City and past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

4.14.05 At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits.

4.15 LEAVE WITHOUT PAY

Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right, but it may be granted to any regular full-time employee. The position of any City employee who is on leave without pay may be filled on an interim basis. All appropriate accrued leave must be exhausted prior to requesting leave without pay.

An employee's Department Head may authorize leave without pay for a period not to exceed five (5) consecutive workdays. Leave without pay in excess of five (5) consecutive workdays must be approved by the Department Head and the City Manager. While on leave without pay, the employee shall remain eligible for health insurance benefits; however, the employee's portion of any additional premiums, supplemental insurance and dependent coverage must be paid by the employee during such leave.

4.16 MAXIMUM LEAVE UNDER ANY CIRCUMSTANCE

Regardless of the reason for the leave, any absence which exceeds six (6) months may result in termination.

5.00 EMPLOYEE BENEFITS

5.01 MEDICAL BENEFITS AND LIFE INSURANCE

5.01.01 All regular full-time employees are covered by medical, dental and vision insurance beginning on the first day of employment. The City's group health insurance generally provides for partial payment of hospitalization, major medical expenses and prescription drugs. Insurance coverage for dependents is available for an additional cost. The City also provides group life and accidental death insurance coverage for all regular full-time employees from the first day of employment. The cost of providing this insurance coverage to employees is paid by the City. Optional supplemental coverage is available and may result in out-of-pocket costs for premiums, depending upon the plan chosen by the employee. Detailed information concerning employee insurance benefits may be obtained in the applicable insurance manuals or in the Human Resources Department.

5.02 PENSION/RETIREMENT PLAN

The City of Murphy does not participate in the Social Security program; however, contributions are made towards Medicare insurance. The City of Murphy is a member of the Texas Municipal Retirement System (TMRS). The purpose of this system is to provide a plan for the retirement of employees of Texas municipalities. Participation in this system is compulsory for all regular employees who are scheduled to work a minimum of one thousand (1,000) hours annually. Enrollment into this system shall be handled by the Human Resources Department at the date of employment.

A. The plan requires a contribution be made by means of payroll deductions. The City matches each employee's contribution at a 2:1 ratio.

B. In the event a member of the retirement system leaves employment of the City prior to retirement and is not vested, such member may elect to leave his contributions on deposit with the system for not more than five (5) years, may file application for a full refund of the employee's contributions and accrued interest thereon, or may roll the funds over into a qualified account. In the event that an employee receives a full refund of his or her contributions, the employee forfeits any seniority towards retirement under TMRS.

C. Where practical, employees shall give the Human Resources Department written notice of their intent to retire at least 45 days prior to the proposed date of retirement in order to file a written application for retirement with TMRS.

D. Complete details of the retirement plans, as well as additional information, is provided in the Texas Municipal Retirement System Handbook available through the Human Resources Department.

E. Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.

5.03 DEFERRED COMPENSATION

Regular full-time employees may elect to participate in a deferred compensation plan that is designed to supplement the employee's retirement income. The deferred compensation plan allows employees the opportunity to defer taxation on income until contributions to the plan are withdrawn.

For more information about the deferred compensation plan, contact the Human Resources Department.

5.04 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from EAP referral will be the responsibility of the employee. The EAP counselor will assist the employee in determining how the rehabilitation costs can be paid. In most instances, the employee's medical benefit plan can be used.

When documented job impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance. When an employee seeks assistance or is referred to a counselor, his or her status and problem-solving actions will remain confidential and will not be released to other persons except on a need-to-know- basis.

Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the City supervisor by the EAP. Refusal to participate in, or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success

rate. While self-referral in itself, does not preclude City's use of corrective actions, participation in an EAP-directed program may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of accrued sick or vacation leave.

5.05 LONGEVITY

All full-time employees of the City who have completed one full year of employment as of August 30 shall be eligible to receive longevity pay for each year of service to the City, not to exceed 25 years, beginning with the date of hire. Longevity begins accruing beginning at the employee's thirteenth (13th) month of employment. Longevity pay shall be at a rate of $4.00 per month for every year of service.

Longevity pay shall be included in the employee's regular rate of pay in computing the overtime pay rate. Longevity pay is subject to federal withholdings, including TMRS contributions, and will be paid annually in November. Employees who terminate prior to November will receive a prorated payment on their final check.[3]

5.06 UNIFORMS AND APPAREL

Employees assigned to certain departments within the City shall be provided uniforms for use during work hours. A uniform may include shirt(s), pant(s), shoes, boots, cap(s), hat(s), raincoat, jacket(s) and/or reflective vest and other specialty equipment as may be necessary.

Employees of the City are expected to exercise reasonable care in the maintenance of all uniform items. Uniforms shall be neat and clean when the employee reports to work. Employees in some departments will be unable to keep the uniform clean while working, but should strive to remain as neat in appearance as possible (shirt tucked in, etc.) When uniform items become unserviceable or unsightly, employees shall report such to their supervisor to authorize replacement.

Employees who are issued a uniform shall wear the uniform at all times while on duty. If a cap or hat is provided by the City, the employee shall wear the cap or hat provided by the City and shall refrain from wearing a personally owned cap or hat.

Uniforms issued to employees by the City are to be worn for work only, including work-related training activities, and shall not be worn for personal use, other than to and from work.

[3] Revised April 1, 2013

All serviceable uniform items shall be returned by employees upon separation from employment with the City.

5.07 EDUCATION AND TRAINING

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay for attendance during normal working hours and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging.

Time spent at a conference, meeting, or seminar will not be compensated and will not be considered "hours worked" for purposes of calculating overtime if all four conditions are met:

1) Attendance is voluntary;
2) Attendance is outside of normal working hours;
3) The event is not directly job-related; and
4) The employee performs no productive work during this period.

The City encourages its regular full-time and part-time (scheduled to work at least twenty (20) hours per week) employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of their work with the City.

5.08 TUITION REIMBURSEMENT

At such time as budgeted and financially feasible, the City of Murphy supports partial or full reimbursement for tuition and books for courses that are job related and for courses that are on an approved degree plan or an approved career path program. All regular full-time employees that have satisfactorily completed their introductory period are eligible for tuition reimbursement. Employees are encouraged to enroll in outside courses to improve job performance and promotability within the City. The course must be taken at a regionally accredited college or university. An "accredited college or university" is an institution of higher education that is accredited or authorized by one of the following agencies: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, or Western Association of Schools and Colleges.

Source: ***Department of Education – www.ed.gov***

Eligible expenses for reimbursement include class fees, enrollment fees, test fees, laboratory fees, computer center fees, and similar fees required for completion of the course, required textbooks and tuition up to a maximum of **$1,000 per calendar year.** To be eligible for the full annual maximum reimbursement, an employee must

have earned an average of an “A” on all coursework. A “B” average on all coursework is required in order to receive 75% of the allowed annual maximum.

The City will not reimburse for ordinary supplies such as paper, notebooks, pens, copy and printing fees, etc. Seminars, certification review courses, testing fees for certifications and licensure, initial and advanced certification fees and requests for C.E.U. credits are not eligible for reimbursement under this program. Reimbursement does not include program materials, transportation, mileage, or parking. Employees who attend classes will not be paid for time spent in attending classes and/or studying unless the employee is notified in writing by the supervisor and the Department Director that the employee is being required to take a particular course.

Based on budgetary constraints, the number of employees approved for tuition reimbursement may be limited, and additional employees may be accepted as current incumbents complete their programs.

An employee (A) who drops during a semester may forfeit to a waiting employee (B) that may be approved for that semester. If this occurs, Employee (A) must reapply for tuition reimbursement during a semester that has an opening in the future.

Employees who are terminated due to performance problems before completing a course will not be reimbursed their tuition, books, or other related fees. Employees must remain employed with the City for a minimum of one (1) year following any tuition reimbursement. Any employee enrolled in the program who leaves employment within one (1) year of their last class will be required to reimburse the City the full amount of educational assistance received.

RESPONSIBILITIES:

Employees

1. Meet with immediate supervisor and/or department director to discuss and agree upon an approved career development plan, or an approved degree program.
2. Complete a Tuition Reimbursement Application form, signed by immediate supervisor and department director, and submit to the City Manager for review and approval *no later than 2 weeks prior to beginning of semester*. *Requests will be considered based on earliest submission, and in accordance with the approved budget*.
3. Upon completion of the approved semester, the employee must submit the Tuition Reimbursement Request form provide the City Manager with written documentation of successful completion (“B” or better) of the approved class, and receipts for paid tuition, books, and related eligible course fees.

Supervisors

1. Meet with employee to discuss and agree upon an approved career development plan, or an approved degree program.
2. Assist employee with completion of Tuition Reimbursement Application and Tuition Reimbursement Request form and indicate levels of approval with appropriate signatures.[4]

5.09 EXECUTIVE BENEFIT PLAN

The City Manager shall notify the City Council of any executive benefit plan offered to a member of Leadership/Executive team that exceeds the normal City plan. The executive benefit plan may include but is not limited to the following: additional vacation and/or sick days; tuition reimbursement; professional dues and attendance at annual conferences; employment agreements; travel expenses; moving allowances; temporary housing allowance; mobile communication allowance; vehicle allowance; and business expenses.[5]

[4] Revised April 1, 2013
[5] Revised April 1, 2013

6.00 EMPLOYEE RESPONSIBILITIES

6.01 GENERAL

The City of Murphy is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, responsibility, accountability, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, and to do their part in maintaining good relations with the public, their supervisors, City officials, and their fellow employees.

6.02 PROFESSIONAL APPEARANCE

Employees of the City are hired to provide services to the citizens of Murphy and to perform specific tasks in a professional manner. As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the City does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner which is appropriate to the particular job being performed. Expensive clothes are not necessary in creating and maintaining a professional, favorable image of the City's work force.

6.03 DRUG-FREE WORKPLACE

It is the desire of the City of Murphy to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Violations of this policy may lead to disciplinary action, up to and including termination of employment.

The City has a "zero tolerance" policy, whereby employees who test positive as a result of drug or alcohol testing, or who refuse to submit to a lawful drug or alcohol test, shall be terminated. Employees who are terminated as a result of testing positive for drugs or alcohol or refusing to submit to a drug or alcohol test shall not be considered for re-employment with the City.

For the purposes of this section, the term "drug" includes alcohol, prescription drugs when not taken as directed by the employee's doctor, illegal inhalants and illegal drugs.

A. While on the City premises and while conducting business-related activities off City premises, no employee may use, possess, distribute, sell or be under the influence of alcohol or drugs.

1. The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

2. Any employee who is legally taking a prescription drug or over-the-counter medication that may impair his or her ability to perform the essential functions of the job effectively and in a safe manner shall inform his or her supervisor that he or she is taking such prescription drug or over-the-counter medication. If the employee's job abilities are compromised, the employee's supervisor may send the employee home. If available, appropriate leave may be used to cover the absence.

B. An employee's voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a "voluntary disclosure" upon being notified that he must submit to a drug or alcohol test.

1. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take time off to participate in a rehabilitation or treatment program through the City's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of any substance not prescribed or approved by his attending physician; abides by all City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave shall not cause the City any undue hardship.

C. Under the Drug-Free Workplace Act, any employee must notify the Human Resources Department of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.

D. Employee Drug Testing: All employees of the City of Murphy are subject to drug and/or alcohol testing. The following tests shall be conducted:

1. Employment alcohol and drug tests shall be conducted before applicants are hired.

2. Post-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following an accident. Any employee involved in an accident involving motorized equipment will also be subject to alcohol and drug tests as soon as practical following an accident.

2. Any employee involved in an accident of any kind may be subject to a drug and alcohol screen.

4. Alcohol and drug testing shall also be conducted when a supervisor or Department Head has reasonable suspicion, or observes behavior, speech, appearance or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing shall occur as soon as practical following the supervisor's or Department Head's observation. The Human Resources Department must be notified in order to authorize the testing with the medical facility. The supervisor shall document his or her observations and forward the document to the Human Resources Department.

E. U.S. Department of Transportation Drug and Alcohol Testing – Employees with a Commercial Drivers License (CDL):

1. The City of Murphy shall comply with the Department of Transportation rules requiring drivers who hold a position requiring a Commercial Drivers License (CDL) to submit to random alcohol and drug testing, effective October 1, 1996, and as may be amended.

2. Employees holding a position that requires a commercial driver's license shall be tested on a random, unannounced basis for drugs and alcohol. The testing shall be performed with unpredictable frequency throughout the year. Employees shall be randomly selected for testing from a pool of employees who hold a commercial driver's license. Random drug and alcohol testing shall be conducted just before driving, after driving, or while an employee is on call to drive.

F. Employees with questions on this policy, issues related to drug or alcohol use in the workplace, or the required U.S. Department of Transportation's

Drug and Alcohol Testing rules, should raise their concerns with the supervisor or the Human Resources Department without fear of reprisal.

6.04 FRATERNIZATION

It is the policy of the City to promote a productive work environment. While the City encourages employees to develop good working relationships and friendships with fellow employees certain types of fraternization are strongly discouraged. The City does not wish to intrude into the private lives of their employees, however, when personal or business relationships between employees adversely impact or have the reasonable potential to adversely impact the City of Murphy by eroding morale, good order, discipline, respect for authority or departmental cohesion they become a matter of official concern. In order to avoid situations involving unlawful sexual harassment, stalking, conflicts of interest, misunderstandings or the appearance of favoritism and impropriety any relationship that impedes the City's ability to conduct business, that would create a conflict of interest or that would prevent employees from performing their duties in an effective manner and would therefore be detrimental to a productive work environment is prohibited.

1. Relationships are considered unprofessional whether pursued on or off-duty when they detract from management authority or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between supervisors, managers and directors and individuals in higher positions, between supervisory personnel and employees, between employees and other employees within their own department, and between elected officials and employees.

2. Personal Relationships are defined as dating, cohabitation, and any type of intimate or sexual relationship.

3. Business relationships are defined as borrowing or lending money or commercial solicitation.

4. Individuals in a supervisory position are strongly discouraged from entering into any type of personal (emotional or physical) relationship with any employee, in a lower grade or job title than they are, in the City.

5. Employees who are married or cohabitating will not be allowed to work within the same department or division.

6. Employees who are in relationships which comply with this policy but move to noncompliance due to a change in status of one or both members through promotion or transfer would be expected to notify their Department Heads and each case would be reviewed on a case by case basis to determine resolution.

Such decisions will take into consideration the business needs of the City. Resolution may include reassignment, restriction of duties and responsibilities, transfer or resignation of the least senior employee.

7. Employees who are in a relationship which are in non-compliance due to the institution of this policy will be expected to notify their Department Head(s) and each case will be reviewed on a case-by-case basis to determine appropriate resolution.

8. Employees who do not bring to the City's attention the fact of a personal (emotional or physical) relationship will be subject to remedial action up to and including, reassignment of duties and responsibilities, transfer, demotion, limiting of job functions and/or access to certain information, possible disciplinary action, up to and including termination.

6.05 POLITICAL ACTIVITY

6.05.01 An employee, in his or her official capacity, may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office;

2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose;

3. Use funds provided by the State of Texas to influence the passage or defeat of any legislative measure in the Texas Legislature or the outcome of any election; or

4. Use his or her working time or City resources to participate in a political campaign of another person for an elective position or for any other political purpose. (This includes making political speeches, soliciting by telephone, distributing political literature, or writing or handling letters related to a political campaign or activity.)

6.05.02 In addition, any City employee may not be a candidate for elective office to the City Council.

6.05.03 All City employees are prohibited from participating in any way in any political activity while wearing a City uniform, regardless of whether the employee is on duty or on his or her own time. In addition, no City-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

6.05.04 An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

6.05.05 Violation of this policy is grounds for disciplinary action, up to and including dismissal and/or disapproval of funding for the position occupied by the employee involved.

6.06 GIFTS AND GRATUITIES/CONFLICT OF INTEREST

City employees, the City Manager and City officers will comply with the City's Charter and/or City ordinance regarding gift and gratuities.

6.07 COMMUNICATIONS

6.07.01 **Staff to City Council, Public and Media**. Communication with the public and the media about City issues or problems is primarily the responsibility of the City Manager. Employees are to refer members of the news media to the City Manager if a question is non-routine, potentially controversial, or outside the scope of the employee's normal duties, and are to notify the City Manager of scheduled interviews with the news media.

6.07.02 **Internal Communications.** From time to time, an employee may be given work instructions from or asked questions by a City employee or official outside the normal chain of command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor in a timely manner about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Supervisors are responsible for reporting these incidents promptly through the chain of command to the City Manager in those instances where there could be adverse consequences.

6.07.03 In any case, a determination of timeliness for reporting an incident through the chain of command will be based on the nature of the instruction, request, or question; any potential adverse consequences of the employee's response; and/or the time frame during which an amended response could alter potentially adverse consequences. Timeliness generally means not later than the beginning of the next working day following the date of the incident.

6.07.04 **City Council to Staff**. Except for the purpose of inquiries and investigations specifically authorized by law, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Consistent with Section 3.08(3) of the Charter, neither the City Council nor any of its members shall give work instructions or

orders to any City officer or employee, either publicly or privately, unless specifically authorized by law.

6.08 SECRET RECORDINGS

If an employee wishes to tape record any conversation between the employee and any other City employee or officer, or between two or more other City employees, the employee wishing to make the recording must first notify the other person(s) of his or her intent to record the conversation or comments and must obtain the other person(s)' written authorization to make the recording. Any unauthorized taping of any conversation is grounds for immediate disciplinary action, up to and including dismissal.

6.09 SOLICITATION OF FUNDS FOR NON- CITY ORGANIZATIONS

City employees may engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's nonworking hours, and the employee must not either represent himself or herself as a City employee or wear a City uniform or logo when engaged in fundraising solicitations, except with advance approval of the Department Head and City Manager.

6.10 CHAIN OF COMMAND

Individual City employees are responsible to the Department Head or City Manager or to a supervisor designated by the Department Head or City Manager. Department Heads are responsible to the City Manager. The City Manager is responsible to the City Council as a whole. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command as illustrated in the organizational chart contained in the appendix.

6.11 USE OF CITY PROPERTY/VEHICLE POLICY

6.11.01 General Policy. The City attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

6.11.02 Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Improper use and/or maintenance may result in disciplinary action. City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, or equipment is

permitted. Upon termination of employment, employees must return any and all City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee. If an employee is in doubt about whether a particular use of City equipment, property, or vehicles is permissible, he or she must check with the appropriate Department Head or the City Manager before proceeding.

6.11.03 The City Manager allows some City of Murphy employees to drive City vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the City vehicle's location and then to the work site. In these instances, the vehicle shall not be used by the employee to conduct any kind of personal business.

6.11.04 Use of a City vehicle by an employee is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to positive perceptions by our citizens. When an employee operates a City vehicle or a personal vehicle for which reimbursement is received, the following rules shall be observed. Violations of this policy may result in disciplinary action up to and including termination and possible prosecution.

A. Use of City vehicle by City employee only. City vehicles shall not be used to transport family members or other passengers not engaged in City business, without prior approval of the City Manager.
B. Personal use of a City vehicle for any reason is prohibited, except as specifically approved in writing by the City Manager.
C. An employee who operated an assigned vehicle or a private vehicle for City business must have a current safety inspection sticker, liability insurance and license plates for the vehicle.
D. The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to provide the Human Resources Department with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage.
E. Smoking and tobacco product usage is prohibited within City vehicles.
F. Identification and markings on City vehicles must remain intact and visible.
G. City and/or personal vehicles operated for City business shall be operated in a safe and courteous manner at all times. City and/or personal vehicles operated for City business shall be required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by an individual using or under the influence of drugs and/or alcohol. Seat belts for the driver and any passenger must be fastened at all times.

H. Except for the performance of official City business, no alcohol shall be carried in a City vehicle without the express permission of the City Manager.

I. An employee who is operating a City vehicle or private vehicle on City business is required to pay for moving violations and/or parking citations for which he or she is responsible.

J. Take-home vehicles should be safely parked or stored at an employee's residence when not in use, preferably not in an alley or on the side of the street.

K. Should a City employee assigned to a City vehicle on a twenty-four (24) hour basis be absent from work for more than three (3) calendar days, the vehicle must be returned to the City during the employee's absence.

6.11.05 All operators of City vehicles or personal vehicles who are on City business are required to have the valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their supervisors informed of any changes of status in their licenses. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier or the employee will be restricted from driving and/or disciplined up to and including dismissal.

6.11.06 The City conducts an annual examination of the driving records of all employees who operate City-owned motor vehicles to determine any violations of this policy. Probation, suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion, restriction, or other disciplinary action, up to and including dismissal.

6.12 ACCIDENTS IN CITY-OWNED VEHICLES

If an employee is involved in an accident while driving a City vehicle, the employee should:

1. Give whatever aid they are qualified to perform to any injured parties. If an injury requiring emergency medical treatment has been sustained, call 911 for immediate assistance.
2. Call the Police Department immediately. Do not move the vehicle in the event of an injury accident until directed by a police officer.
3. Give your name and department to the other driver but *do not* discuss the accident with anyone except the investigating officer or your supervisor.
4. Call the supervisor who will then be responsible to file the required accident form. Forms are available in the department or from Human Resources.
5. Report to one of our drug and alcohol testing sites immediately. A supervisor or other member of City administration must provide transport unless otherwise directed by the Human Resources Department or City

Manager. Exceptions can only be made by the Human Resources Manager or the City Manager.

Failure to report any accident or vehicle damage immediately may result in disciplinary action including termination.

6.13 SAFETY PRACTICES

Good safety practices and habits are the best protection against on-the-job hazards. It is each employee's responsibility to exercise precautionary measures and good judgment to avoid personal injury or injury to others while on duty. Employees can help to ensure safety on the job by following the basic safety rules described in the Safety Manual available in all departments and by following all department safety rules and regulations. Please report any accidents or unsafe conditions or practices to the appropriate supervisor or Department Head or Human Resources Manager or the City Manager immediately so the corrective action may be taken. Any suggestions made to lessen the possibility of on-the-job accidents and injuries will be appreciated and will be given serious consideration.

6.14 SMOKING/TOBACCO PRODUCTS

In general, the use of smoking and tobacco products are prohibited within City facilities and City vehicles. However, specific areas where smoking and the use of tobacco products is allowed are designated. Appropriate signs will state that smoking and the use of tobacco products is permitted only in designated areas in all City buildings; and smoking/tobacco products areas will be clearly identified.

6.15 ALCOHOL USE PROHIBITED

In general, the consumption of alcohol is prohibited within City facilities and City vehicles. However, specific areas where consumption is allowed are designated as in the case of special events occurring on City property. Appropriate signs will state that alcohol consumption is permitted only in designated areas on City property.

6.16 SEARCHES

The City reserves the right to make general or random searches of City property, including but not limited to lockers, closets, desks, and vehicles for alcohol, prohibited drugs, drug paraphernalia, or any other prohibited item that might be in the employee's possession. Any materials brought into the workplace, such as personal effects, briefcases, vehicles, and so on, are subject to search at any time. The City also reserves the right to examine the contents of an employee's City-provided cell phone, pager or other electronic device without notice. The City may monitor all Internet

activities and may review any electronic messages coming in or going out of City-provided computers or on City owned networks.

6.17 WEAPONS

Employees are prohibited from carrying personal handguns, firearms and other weapons onto City property or in City vehicles or City buildings unless carrying of weapons is considered part of the employee's job. Violation of this policy may result in disciplinary action up to and including termination.

6.18 HAZARDOUS WEATHER CONDITIONS

Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. If the weather conditions or roads are unsatisfactory in the employee's residential area, the supervisor must be notified by phone prior to the employee's scheduled work time. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, **must use vacation leave or unpaid time off for the time missed**.

Each Director will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes sworn fire and police personnel, communications personnel and certain public works and parks personnel. Unless your supervisor notifies you to stay at home or our recorded phone message says the offices are closed, you are expected to report for work.[6]

[6] Revised April 1, 2013

7.00 RULES OF CONDUCT/DISCIPLINE AND APPEALS PROCESS

7.01 GENERAL

The City of Murphy expects every employee to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent sections of this chapter, should first be addressed by the mutually cooperative efforts of the supervisor and employee. Those efforts include but are not limited to:

A. An analysis of the problem;
B. A determination of needed changes and assistance; and
C. Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons for failure, may be transferred, demoted or terminated. The specific action taken and the status of the employee determine what, if any, appeal rights are available to the employee. In addition, conduct that is unacceptable may be cause for discipline in the form of progressive discipline. However, because employment with the City of Murphy is on an “at-will” basis, the City reserves the right to terminate at any time without going through the steps of progressive discipline, as outlined below.

7.02 PERFORMANCE STANDARDS

The following types of conduct are unacceptable and may be cause for discipline in the form of a documented oral reprimand, written reprimand, suspension, demotion or termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:

1. Unexcused absence or tardiness;

2. Failure to give notice of an absence or tardiness to the supervisor within thirty (30) minutes prior to starting time or as may be prescribed by departmental policy;

3. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or

4. Abuse of leave, such that the employee's absence from the workplace renders him or her unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act.

B. **Frequent claiming of sick leave** may constitute grounds for the assumption of the Department Head that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job.

C. **Abandonment** occurs when an employee deliberately and without authorization is absent from the job or refuses a legitimate order to report to work, for three (3) consecutive work days. Absence for three (3) days without proper notification or without satisfactory reason shall be considered job abandonment and the employee shall be terminated. The employee shall be ineligible for payment of accumulated vacation or sick leave.

D. **Inability or unwillingness to perform assigned work satisfactorily** is exemplified by, but is not limited to, the following violations:

1. Failure to follow routine written or verbal instructions;

2. Arguing over assignments or instructions; or

3. An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient and competent manner.

E. **Indifference toward work** is exemplified by, but is not limited to, the following violations:

1. Inattention, inefficiency, loafing, sleeping, carelessness or negligence;

2. Reading unauthorized material, playing games, watching television, movies or videocassettes, accessing unauthorized Internet sites, unauthorized e-mail usage or otherwise engaging in entertainment while on the job and/or in view of the public;

3. Excessive failure to remain at one's work station without notifying his supervisor, leaving work without permission or taking excessive time or more time than allowed for eating or break periods;

4. Performance of personal business;

5. Interference with the work of others; or

6. Discourteous or irresponsible treatment of the public or other employees.

F. **Sabotage** is exemplified by, but is not limited to, the following violations:

1. Deliberate damage to or destruction of City equipment or property;

2. Defacing of City property;

3. Unauthorized alteration, removal, destruction or disclosure of City records;

4. Advocacy of or participation in unlawful trespass or seizure of City property;

5. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;

6. Encouraging City employees to disobey provisions of these rules and regulations, the City Charter, City ordinances or other laws;

7. Interference with the public use of or access to City services, properties or buildings; or

Threats to commit any act of sabotage as defined in this subparagraph.

G. **Safety violations** are exemplified by, but are not limited to, the following violations:

1. Failure to follow City or departmental safety rules and regulations;

2. Failure to use required safety apparel;

3. Removal or circumvention of a safety device;

4. Lifting in a manner that may cause injury;

5. Operations of a vehicle or other equipment in an unsafe, negligent or careless manner;

6. Smoking in a prohibited area;

7. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;

8. Failure to report an on-the-job injury, vehicle accident or unsafe working condition;

9. Failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or

10. Failure to maintain a driving record acceptable to the City, if driving is required by the job description.

H. **Dishonesty** is exemplified by, but is not limited to, the following violations:

1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;

2. Cheating, forging or willful falsification of official City reports or records;

3. False reporting of the reason for a paid leave of absence;

4. Any other falsifying action detrimental to the City, City employees or others; or

5. False swearing or false testimony.

I. **Theft**, regardless of item value, is exemplified by, but is not limited to, the following violations:

1. Unauthorized taking of City property, City supplies or the property of others;

2. Unauthorized use of City or employee funds;

3. Using or authorizing the use of City equipment, supplies or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or

4. Using or authorizing the use of City equipment or employee services without proper authority.

J. **Insubordination** is exemplified by, but is not limited to, the following violations:

1. Willful failure or refusal to follow the specific orders or instructions of a supervisor or higher authority; or

2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:

   a. If the employee believes an instruction or order is improper, he or she should request an interpretation of the next higher level of authority; or

   b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to City equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

K. **Abuse of drugs or alcohol.**

1. Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:

   a. An employee is judged unable to perform duties in an effective and safe manner due to:

      (1) ingestion, inhalation or injection of a drug; or

      (2) ingestion of an alcoholic beverage;

   b. An employee possesses or ingests, inhales or injects into his body a drug:

      (1) during working hours and lunch periods;

      (2) in a City vehicle;

      (3) on City property; or

   c. An employee possesses or ingests an alcoholic beverage:

      (1) during working hours and lunch periods;

      (2) in a City vehicle; or

      (3) on City property, except at an authorized City event.

2. In this section:

a. “Drug” means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code, as may hereafter be amended.

b. “Alcoholic beverage” means alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

L. **Disturbance** is exemplified by, but is not limited to, the following violations:

1. Fighting or boisterous conduct;

2. Deliberate causing of physical injury to another employee or citizen;

3. Harassment, as defined by the Texas Penal Code, or intimidation;

4. Unnecessary disruption of the work area;

5. Use of profane, abusive, threatening or loud and boisterous language;

6. Sexual harassment;

7. Spreading of false reports; or

8. Other disruption of the harmonious relations among employees or between employees and the public.

M. **Abuse of City property** is exemplified by, but is not limited to, the following violations:

1. Intentional, careless or negligent damage or destruction of City equipment or property;

2. Waste of materials or negligent loss of tools or materials;

3. Improper maintenance of equipment;

3. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

Any employee found to have been negligent with City property may be required to pay restitution to the City.

N. **Misconduct** is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest or confinement.

O. **Disregard of public trust** is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.

P. **Failure to report a violation** is exemplified by, but not limited to, failure to report to the proper authority any known violation described in Subsections F, G, H, I, J, K, L or M.

Q. An employee shall maintain sufficient competence to properly perform his or her duties and to assume the responsibilities of his or her position. He or she shall direct and coordinate his or her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies. Apart from, or in addition to, other methods of proof of incompetence, such as failure to achieve and maintain acceptable job proficiency and to accept and execute duties, responsibilities, instructions and orders with minimum supervision, a written record of repeated disciplinary actions for infractions of policies, rules, regulations, manuals or directives, or repeated adverse counseling reports and/or evaluations reflecting need for improvement or indicating performance inadequacies, will be considered prima facie evidence of incompetence.

R. No employee shall discriminate against any individual on the basis of race, color, creed, religion, gender, national origin, age, disability or physical handicap.

S. An employee shall maintain a neat, well-groomed appearance and style his hair and wear his uniform or other apparel in accordance with individually established departmental standards.

T. An employee shall maintain high standards of moral conduct in his personal affairs and shall not be a participant in any incident involving moral turpitude that tends to or does impair his or her ability to perform as a City employee or cause the City to be brought into disrepute.

U. An employee shall refrain from undertaking any financial obligation that he or she knows, or should know, he or she will be unable to meet. An employee shall pay all just debts when due. Conduct in violation of this policy that tends to impair the efficient operation of municipal

administration or causes the City to be brought into disrepute may be cause for disciplinary action. Further, an employee shall not solicit any employee to co-sign or endorse any promissory note or other loan.

V. No employee shall engage in any form of labor organization or association activities while on duty or on City property. An employee shall have the right to join labor organizations, but nothing shall compel the City to recognize or to engage in collective bargaining with any such labor organizations.

W. No employee shall be or become a member with intent to further its aims of any organization, association, movement or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.

X. Employees shall notify their immediate supervisor of traffic violations, except Class C traffic offenses, any arrest, indictment or conviction within five (5) calendar days of such traffic violation, arrest, indictment or conviction. Employees who operate City vehicles or equipment are required to notify their immediate supervisor of all traffic violations involving City vehicles within five (5) calendar days of any citation or conviction therefore.

Y. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with the Texas Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable Department Head. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

Z. An employee shall cooperate in an internal investigation in which he or she is the primary focus or for which he or she is a witness or affected party.

7.03 TYPES OF DISCIPLINARY ACTION

In general, and depending on the specific violation(s), the City follows a progressive discipline system whenever necessary to correct employees.

A. In making a decision as to what type of discipline should be imposed, a Department Head should consider such factors as the type and severity of the offense(s), the employee's work record, and any mitigating circumstances that may be relevant to the situation.

B. The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Regulations and/or City or departmental rules and regulations:

1. Employee Counseling
   Employee counseling is designed to provide constructive feedback to the employee for infractions that need improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department or division file.

2. Documented Oral Reprimand
   An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. A written record of this warning shall become a permanent part of the employee's personnel file and is not appealable.

3. Written Reprimand
   A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the violation recur. Included in the written reprimand shall be a statement(s) of the specific violation(s) of policy, the specific incident(s) causing the action, what changes in behavior are expected, what penalty shall be imposed if no changes are made by the employee and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining supervisor and the employee should sign the written reprimand. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file.

4. Suspension

A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his or her behavior during the suspension and to decide whether he or she wishes to correct the offending behavior or terminate his or her employment. Department Heads may suspend an employee without pay for a period of not less than one (1) hour or more than ten (10) working days. Prior to suspending an employee, the Department Head shall confer with the Human Resources Department. Suspension for more than ten (10) working days requires the written approval of the City Manager. The Department Head contemplating a suspension shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(ies) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within a specified time, and (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his or her final determination in writing. The suspension documentation shall become a permanent part of the employee's personnel file.

5. Demotion

Department Heads may demote an employee for a disregard or violation of these Regulations and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee, the Department Head shall confer with the Human Resources Department regarding the proposed demotion. Demotions may be either permanent or for a predetermined specified period of time, and may result in a reduction of salary. The Department Head contemplating a demotion shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his or her final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.

6. Termination

Prior to terminating an employee, the Department Head shall confer with the Human Resources Department. A Department Head contemplating a termination shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his or her final determination in writing. The termination documents shall become a permanent part of the employee's personnel file.

C. The City Manager may take any disciplinary action against a City employee. The City Manager may follow the procedures in Sections 7.03(A) and (B) but is not required to do so. There is no right to appeal disciplinary action taken by the City Manager.

7.04 PROCEDURES TO APPEAL A WRITTEN REPRIMAND

A. Any employee dissatisfied with any written reprimand received by that employee may file a written appeal to his or her Department Head within five (5) calendar days of the action taken. In the event the Department Head or the City Manager has rendered the written reprimand, the Department Head's or City Manager's action shall be non-appealable.

B. The written appeal must be submitted to the Department Head and shall contain the following information:

1. The type of disciplinary action being appealed and the effective date of the action;

2. The specific reason the discipline is judged to be unjust or otherwise in error;

3. The remedy or solution sought; and

4. The signature of the disciplined employee.

C. A Department Head shall discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the

Department Head. A Department Head shall respond in writing to the employee, stating the disposition of the written reprimand within five (5) calendar days of the discussion. The Department Head may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealed beyond the Department Head.

7.05 PROCEDURES TO APPEAL A TERMINATION, DEMOTION OR SUSPENSION

A. A Department Head or an employee who reports to the City Manager, who is terminated, demoted or suspended by the City Manager, shall have no right to appeal that decision.

B. Any employee, other than a Department Head or an employee who reports directly to the City Manager, who is terminated, demoted or suspended without pay shall have a right to appeal that decision to the City Manager. The right to appeal must be exercised within five (5) calendar days of the date of the decision, by filing a written request with the City Manager and a copy to the Human Resources Department for a hearing. If the employee fails to appeal the decision of the Department Head in accordance with these provisions, the decision of the Department Head shall become final and non-appealable.

C. If a timely written appeal is filed, the City Manager shall hear the appeal within a reasonable amount of time. A court reporter or stenographer may be present throughout the appeal and, if so, a written record of the proceedings shall be made. A copy of this written record shall be maintained in the employee's personnel records. The City Manager may sustain, reverse, modify or amend the action taken. Further, the appeal hearing may be audiotaped and, if so, the audiotape shall become part of the employee's permanent personnel file.

D. Any hearing conducted by the City Manager generally shall proceed as follows: City representative(s) shall be allowed to make a presentation of the City's case, explaining and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed. After the City's presentation, the employee or his attorney shall be permitted to ask questions and/or cross-examine witnesses. Thereafter, the affected employee or his attorney shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf. After the employee's presentation, the City representative or the City's attorney shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted

to make a closing statement, if desired. At any time during the hearing, the City Manager may ask questions of the City's representative(s), the employee and any witnesses. The hearing presentation or procedure referenced herein may be modified and there is no absolute right to any hearing procedure or presentation. Further, the failure to follow any hearing presentation or procedure referenced herein does not create any additional appeal rights.

7.06 CITY MANAGER'S REVIEW AND DETERMINATION

Upon conclusion of the appeal hearing, the City Manager shall have a reasonable amount of time in which to make a determination. After reviewing evidence presented, the City Manager may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. The decision of the City Manager is final and non-appealable.

7.07 FAILURE TO FOLLOW APPEAL PROCEDURE

If any employee fails to appeal any disciplinary action according to the provisions expressly set forth herein, or within the time limits specified in this chapter or if the employee fails to appear at any hearing, the disciplinary action shall be final and non-appealable.

7.08 APPEAL NOT ANSWERED

If an appeal is not answered within the specific time limits, the employee may proceed to the next step, if any, in the appeal process.

7.09 TIME LIMITS

Any time limit specified in the procedures under this chapter may be extended by mutual written agreement.

7.10 ADMINISTRATIVE LEAVE WITH PAY

An employee who is suspected of a violation of state, federal or local law, City ordinance, a rule, regulation, or these Regulations, may be subject to disciplinary action up to and including termination or may be placed on administrative leave with or without pay pending the outcome of any related investigation and/or the imposition of disciplinary action. The City Manager must approve any administrative leave with or without pay.

7.11 INAPPLICABILITY

A reduction in force is not an appealable or grievable personnel action and any employee separated from City employment as a result of a reduction in force has no right to appeal or grieve such separation.

7.12 GRIEVANCES-POLICY

A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or federal law, regulation, or City charter, policy or ordinance provision. This does not include questioning the substance of policy or complaints regarding an employee's individual working conditions. It is the policy of the City, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for exercising the grievance right. A grievance may be filed by an employee on one or more of the following grounds: illegal discrimination based on sexual orientation, race, age, religion, color, disability or national origin, gender or status as a Vietnam-era or special disabled veteran, or status in any group, protected by federal, state or local law; improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; improper application of fringe benefits; improper working conditions, or any violation of state or federal law. This grievance policy does not address or apply to employee disciplinary actions or to procedures to appeal a termination, demotion or suspension.

7.13 PROCEDURE

7.13.01 Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor or Department Head. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.

7.13.02 Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's Department Head within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the following:

1. The names of each individual involved in the grievance either as a party whose action is subject to the grievance or as a witness;

2. A description of the basis of the appeal sufficient to reasonably appraise the decision maker of the nature of the grievance;

3. A description of any documentation or physical evidence which should be considered in determining the grievance;

4. If a grievance involves a violation of law, a description of the City policy or procedure, ordinance, state or federal law, if any, which the employee in good faith believes has been violated or may be relevant to the appeal as well as a description of how the provision is relevant to the grievance is/are required;

5. A statement of the specific remedial action requested by the employee along with the employee's signature.

7.13.03 An employee may be represented throughout the grievance process by a representative of his or her choosing, who may be another City employee but cannot include members of the City Council.

7.13.04 After being presented with a written and signed grievance, the Department Head will (1) consult with the employee and such other persons as may be necessary to gather the facts; (2) notify the City Manager, in writing; (3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within ten (10) calendar days after date the grievance is filed, sending a copy of the decision to the City Manager.

7.13.05 If the employee either receives no written decision from the Department Head within ten (10) calendar days from the date the grievance was filed, or the employee is not satisfied with the proposed resolution, he or she must deliver to the City Manager a written statement notifying the City Manager of the employee's desire for an additional review of the grievance within the sooner of five (5) calendar days of receiving the proposed resolution or within fifteen (15) days of the date the grievance was filed. The City Manager will review the facts and the file, meet with the parties involved, and respond in writing to the employee within fourteen (14) calendar days of the date the appeal was received in the City Manager's office. The decision of the City Manager is final.

7.13.06 If the employee brings a formal grievance against the employee's Department Head, the formal grievance must be in writing, signed by the employee, and presented to the City Manager within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the same information as required in Section 7.13.02 (items 1-5). After being presented with the written, signed grievance, the City Manager shall (1) consult with the employee and such other persons as may be necessary to gather the facts; (2) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (3) communicate the decision to the employee in writing within ten (10) calendar days after date the grievance is filed. The decision of the City Manager shall be final.

7.13.07 If the employee brings a formal grievance against the City Manager, the formal grievance must be in writing, signed by the employee, and presented to the Mayor or City Attorney within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the same information as required in Section 7.13.02 (items 1-5). After being presented with the written, signed grievance, the Mayor, City Council and/or City Attorney shall (1) notify the employee as to when the Mayor and the City Council will meet with the employee and such other persons as the Mayor and the City Council deem necessary to gather the facts and discuss the grievance; (2) meet, discuss and attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (3) review the grievance and communicate the decision of the City Council to the employee in writing within thirty (30) calendar days after having reached a decision as to the grievance. The decision of the City Council shall be final.

7.13.08 Maximum Time Periods. At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within ten (10) working days in simple grievance matters. The total time for a final resolution should not exceed sixty (60) calendar days.

7.13.09 Documentation. A copy of all documentation relating to the grievance will be forwarded to the City Manager's office immediately upon conclusion of each step in the grievance process to be placed in the employee's personnel file.

7.13.10 Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any decision during the grievance process, he or she must appeal to the next step, if any, within the established time period. Failure to timely appeal is a determination that the employee is satisfied with the last decision.

7.14 WHISTLEBLOWER ACT

The Texas Whistleblower Act was enacted by the Texas Legislature to protect public employees who report violations of law by their governmental employers. For a City employee to be protected by the Whistleblower Act, the employee must (1) report a violation of law (2) in good faith (3) to an appropriate law enforcement authority, and as a result, the employee (4) is suspended, terminated or suffered some adverse employment action as a result of making the report. If you believe that you have suffered an adverse employment action as a result of making a good faith report of the violation of a law, please notify your supervisor or the Human Resources Department to discuss your concerns. It is the City's policy that no employee suffers an adverse employment action for a good faith reporting of the violation of a law.

8.00 EMPLOYEE SEPARATIONS

8.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

Resignation;

Retirement;

Reduction in Force;

Involuntary Termination;

Disability; or

Death.

8.02 RESIGNATION

8.02.01 An employee who intends to resign must notify his or her supervisor, in writing, of the date on which he or she wishes resignation to be effective. This notification should be given at least ten (10) working days prior to the employee's last day of employment. The Department Head is responsible for notifying the City Manager within twenty-four (24) hours.

8.02.02 An employee may leave City service in good standing by submitting his or her written resignation in the prescribed manner, giving ten (10) working days notice to the employee's departmental supervisor and the Human Resources Department. The Department Head may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement unless the notice provision provided herein is waived.

The written notice shall include, but is not limited to, the following:

a. Date of letter;

b. Last day of employment;

c. Forwarding address; and

d. Signature of the employee.

All records, property, uniforms or other instruments belonging to the City of Murphy in the possession of the separated employee shall be returned before final payment will be made. In the event such items are not returned to the City prior to the issuance of final payment, as a condition of employment with the City, the employee

agrees that such amounts may be deducted from any final payment due such employee. Within the final two weeks of employment, regardless of the length of notice given, the resigning employee will not be approved to use sick leave that was not previously approved prior to the date of the resignation letter.

8.03 RETIREMENT

Where practical, employees shall give the Human Resources Department written notice of their intent to retire at least 45 days prior to the proposed date of retirement in order to file a written application for retirement with TMRS.

8.04 REDUCTION IN FORCE

8.04.01 It is the policy of the City of Murphy to ensure departments are staffed with adequate personnel so that effective and efficient delivery of services to the citizens of Murphy can be accomplished. In some cases a reduction in force (RIF) may occur as a result of business necessity. Business necessity includes, but is not limited to, fiscal priorities, department restructuring of duties to improve efficiency, or changes in service. Whenever possible, employees impacted by a reduction in force shall be given at least two weeks' notice of the imminent loss of their job.

8.04.02 The City Manager shall notify Department Heads of any required workforce reductions. The Department Head shall determine which service and/or position should be eliminated. The Department Head will employ best efforts to structure the reduction to minimize the total number of affected employees while preserving the highest service delivery levels. All departmental reduction in force plans must be reviewed by the City Manager's Office and the Human Resources Department prior to providing layoff notices to employees. The plan should include a written explanation of whether the reduction in force plan will impact current service or production and any requests for technology or other services that are needed in order to maintain service and production.

The following employee criteria may be considered when conducting a reduction in force:

- Time in current position/function
- Time with the city
- Time with the specific department
- Performance within the City

Once reduction in force decisions are recommended and approved, the Human Resources Department will be responsible for the coordination, communication, and out-processing of separated employees. The Human Resources Department will work with laid off employees and departments to find employment within the City. Employees

who receive a notice of lay-off will be given preferential consideration for vacant position thru transfers and/or demotions which they are qualified to fill. When a promotional vacancy exists, the normal procedure will be followed; there will be no preferential consideration. Preferential consideration means the laid off employee will be interviewed before other candidates and, if the individual is not selected, the non-selection reason will be reviewed by the Human Resources Department.

Transfers due to the reduction in force will take place from current vacancies or from reclassifications. Impacted employees in senior level positions will not be allowed to displace a junior level position by transitioning to the lower position. When an employee transitions to a lesser position as a result of the reduction in force, the employee's current pay will be unaffected if it falls within the lesser position's pay range. If the employee's current pay exceeds the lesser position's pay range, the employee's pay will be established at the maximum of the lesser position's pay range.

Any position eliminated as a result of a reduction in force may not be refilled for at least six (6) months following the effective date the position was eliminated. Any contracted services obtained as a result of the reduction in force must be shown to be more cost effective than maintaining the position.

No decision to separate an employee from employment will be based on race, sex, age, national origin, disability status, Vietnam Era Veteran status of an employee or any other protection afforded by federal, state, or local law.

8.04.03 Employees impacted by the reduction in force may be given first preference consideration in re-employment should a vacancy of the same classification within the department in which they left occurs. The employee's performance, ability to perform the essential duties of the position and ability to successfully pass all medical/physical requirements will be taken into account when determining eligibility. This right to re-employment as described shall be limited to six months from the official date of layoff.

8.05 INVOLUNTARY TERMINATION

All employees are employed at will and may be terminated involuntarily with or without cause at any time during their employment. In the case of involuntary termination, the employee will receive a live paycheck within six (6) business days of termination.

8.06 DISABILITY

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the City to hold the position

open, and if no position is available which the employee could perform, the employee will be separated from employment with the City.

8.07 DEATH

If a City employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. If probate is not opened, the legal heirs may apply for payment and shall be requested to provide proper documentation and identification and execute all documents deemed necessary by the City to receive payment of any earned and payable benefits or wages.

8.08 CALCULATION OF SEPARATION PAY

8.08.01 Upon voluntary separation from City employment, a regular employee who has completed at least six months of continuous employment will be paid for accrued unused vacation leave up to the maximum allowable accumulation limit.

8.08.02 Unused sick leave will be canceled upon separation of employment with the City. Unused accrued holidays and personal days will be paid out upon separation from the city. However, if an employee retires from the City, that employee may be compensated for any accrued sick leave, not to exceed 400 hours (600 for full-time fire suppression personnel). Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Retirement is defined as working for the City of Murphy at least 20 years as a full-time employee, with at least 10 consecutive years as a full-time employee.

8.08.03 The employee will receive his or her final paycheck on the next regularly scheduled payday following his or her last day of employment. This final check will be by a paycheck rather than direct deposit which will be hand delivered rather than by direct deposit.

8.09 CONTINUATION OF GROUP INSURANCE

The federal ***Consolidated Omnibus Reconciliation Act of 1985 (COBRA***) provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. Upon separation from the City, information regarding continuation of group benefits will be sent to each covered employee and family members. Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

ADDENDUM A

HOME RULE CHARTER

THE CITY OF MURPHY, TEXAS

Originally Adopted February 7, 2004

Proposed Amendments Submitted to and Approved by the Voters of the City of Murphy November 2, 2010

Amendments Declared Adopted by Order of the City Council November 15, 2010

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HOME RULE CHARTER

FOR

THE CITY OF MURPHY, TEXAS

PREAMBLE

We, the citizens of Murphy, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our City, obtain the full benefits of local self government and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Murphy, in Collin County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Murphy" with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

ARTICLE I

Form of Government and Boundaries

SECTION 1.01 Form of Government

The municipal government provided by this Charter shall be the "Council-Manager form of Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this state, and by this Charter, all powers of the City of Murphy (hereinafter referred to as the "City,") shall be vested in an elected council, hereinafter referred to as the "City Council" or "Council," which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in this Charter, including the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

SECTION 1.02 The Boundaries

The citizens of the City of Murphy, Collin County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Murphy," with such powers, privileges, rights, duties, authorities and immunities as are herein provided. The City shall maintain an official map of its boundaries in accordance with state law.

SECTION 1.03 Extension and Reduction of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, or reduced by the disannexation of territory, irrespective of size and configuration, by the method hereinafter set forth:

(1) The City Council shall have the power by ordinance to fix the boundary limits of the City, to exchange area with other municipalities, and to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed, in any manner provided by state law.

(2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City; and the citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(3) Whenever, in the opinion of the City Council, there exists within the corporate limits of the City any territory, either inhabited or uninhabited, not suitable or necessary for City purposes, or upon a petition signed by a majority of the qualified voters residing in said inhabited territory, the Council may, upon a public hearing and by ordinance duly passed, disannex said territory as part of the City. The City shall comply with all applicable procedural rules and notice requirements set forth in state law.

ARTICLE II

Powers of the City

SECTION 2.01 General Powers of the City

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers, unless such power or right is expressly prohibited or restricted by this Charter. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein, implied herein or appropriate to the exercise thereof, the City shall have and may exercise all other powers which under the Constitution and laws of the State of Texas it would be competent for this Charter specifically to enumerate.

SECTION 2.02 Public Improvements

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, public improvements as authorized by state statutes and such other public improvements as the City Council shall determine to serve a public purpose of the City, including but not limited to, constructing and maintaining streets, flood control and sanitary facilities, and water and storm drainage facilities, in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of assessments as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

SECTION 2.03 Eminent Domain

The City shall have the full power, right, and authority to exercise the power of eminent domain, within or without its corporate limits, when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner not prohibited by the Constitution and state law. The power of eminent domain hereby conferred shall include the right of the City to take the fee and/or easement in lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

SECTION 2.04 Miscellaneous Powers

The City shall have the power to, among others, establish, enact and maintain ordinances and promulgate regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with state statutes, and to establish, enact and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to contract and be contracted with, to buy, sell, lease, lease purchase, mortgage and/or manage property, to acquire property by donation or condemnation, and to control such property as its interests require. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade, unless prohibited by state law. The City shall have all powers granted by any section of this Charter, together with all of the implied powers necessary to carry into execution such granted powers.

ARTICLE III

The City Council

SECTION 3.01 Composition, Selection and Term

(1) The City Council shall be composed of a Mayor and six (6) Council Members elected under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each of the six (6) Council Members shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified. All of the City Council holding office at the time of passage of this Charter or any amendments to this Charter shall continue to hold their respective offices until the respective term for which they were elected expires.

(2) There shall be held in the City on the third Saturday in May, 2004, and every three years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for City Council Places 1, 2, 4 and 6. There shall be held in the City on the first Saturday in May, 2005, and every three years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for the Mayor and City Council Places 3 and 5.

(3) A majority of the full membership of the City Council shall be four (4) City Council members.

SECTION 3.02 Limitations on Terms

This Charter does not restrict or place limitations on the number of terms any one person may serve.

SECTION 3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, the Mayor and each Council Member shall meet the following qualifications as also set forth in Section 5.02 of this Charter while in office:

(1) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;

(2) Shall be a qualified voter; and

(3) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.

(4) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.

(5) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.

(6) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.

SECTION 3.04 Compensation

Compensation of the City Council shall be $50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be $75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive $75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties in accordance with the policies adopted by the City Council.

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation

issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

(1) The office of a Council Member or the Mayor shall become vacant upon his or her death, resignation, incapacity, forfeiture of office, or removal from office, by any manner authorized by law.

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office shall be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

(3) Any person on the City Council who:

(A) ceases to possess the required qualifications for office as set forth in Section 5.02 of this Charter, or

(B) ceases to reside within the corporate limits or recently annexed territory of the City, or

(C) is convicted of a felony, or of a misdemeanor involving moral turpitude, or

(D) is convicted of violating any state laws regulating conflicts of interest of municipal officers, or

(E) is in violation of any part of Article 14 of this Charter,

shall forfeit his or her office. Every forfeiture shall be declared and enforced by the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council member to be heard regarding forfeiture of office.

(4) If there is a vacancy in the office of Mayor, a new Mayor shall be elected by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code.

(5) A vacancy in the office of a Council Member shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem or Deputy Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem or Deputy Mayor Pro-Tem at the next regular meeting.

(6) Vacancies filled by special election shall be for the remainder of the term that was vacated.

SECTION 3.07 Powers of the City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council (which is composed of the Mayor and six (6) Council Members). Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

(1) Appoint and remove the City Manager;

(2) Appoint and remove the Municipal Judge(s) of the Municipal Court;

(3) Appoint and remove the City Attorney;

(4) Appoint and remove the City Secretary;

(5) Adopt the budget of the City;

(6) Collectively investigate into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;

(7) Provide for a Planning and Zoning Commission, a Board of Adjustment and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;

(8) Adopt and modify the official map of the City;

(9) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, improvement and redevelopment of specific areas of the City;

(10) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;

(11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;

(12) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dilapidated buildings, dangerous structures, dangerous buildings or buildings determined to increase the risk of fire hazard, and provide for the manner of their removal or destruction;

(13) Fix and regulate rates and charges of all utilities and public services provided by the City;

(14) Approve plats, unless the City Council votes to vest this authority exclusively in the Planning and Zoning Commission; and

(15) Individually ask questions of the City Manager regarding City business. Individually ask questions of the department heads regarding items on the posted agenda. Any and all other inquiries to department heads or staff shall follow the City's Governance Policy.

SECTION 3.08 Prohibitions

(1) Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during his or her term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive office or City employment until one (1) year after the expiration of the term for which they were elected to the City Council.

(2) Members of the City Council shall not in any way dictate the appointment, removal, or discipline of the City administrative officers or employees appointed by the City Manager or any of the City Manager's subordinates.

(3) Except for the purpose of inquiries and investigations as provided by this Charter and in accordance with the City's Governance Policy, the City Council shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. The City Council shall not give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.09 Meetings of the City Council

(1) The City Council shall meet regularly at such dates and times as may be prescribed by ordinance or resolution, but not less frequently than once each calendar month to transact the business of the City.

(2) Special meetings of the City Council shall be called by the City Secretary upon request of the Mayor, City Manager or three (3) Council Members. Special meetings shall be held and notice given in accordance with state law.

(3) Except as provided by state law, all City Council meetings shall be open to the public and shall be held and notice given in accordance with state law.

SECTION 3.10 Quorum

Four (4) members of the City Council shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present and qualified to act.

SECTION 3.11 Conflict of Interest

Should any person on the City Council have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he or she shall disclose such interest to the other members of the City Council, and he or she is thereby prohibited from discussing or voting on the item, and shall not be considered as present and voting for the purposes of the tally. Council members who have a conflict of interest are considered present for purposes of constituting a quorum.

SECTION 3.12 Abstention

Should any person on the City Council choose to abstain from voting on any agenda item before the City Council, where no conflict of interest exists, the person's vote shall be deemed and recorded as a negative vote.

SECTION 3.13 Rules of Procedure

The City Council shall determine by ordinance, resolution, or otherwise, its own rules of order and business. The City Council shall provide that members of the public shall have a reasonable opportunity to clearly be heard at public hearings with regard to specific matters under consideration. In addition, the Council will provide reasonable opportunity for public comments concerning items not on the agenda. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

SECTION 3.14 Passage of Ordinances in General

(1) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall read "Be it ordained by the City Council of the City of Murphy, Texas . . . ." Each proposed ordinance shall be introduced in the written or printed form required for adoption. Each and every ordinance shall contain a title or caption that identifies the subject(s) addressed in the ordinance. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to the public upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(2) Unless otherwise required by law, every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every penal ordinance imposing any penalty, fine or forfeiture shall become effective only after having the descriptive title or caption of the same published at least one time after final passage in a newspaper designated as the official newspaper of the City.

(3) If a majority of the City Council present at a council meeting request that the ordinance title and caption or its entirety be read, it must be read.

SECTION 3.15 Emergency Ordinances

(1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.

(2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced.

(4) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable as required by law. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

SECTION 3.16 Authentication, Recording, Codification, Printing and Distribution

(1) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The City Council may maintain the codification of ordinances of the City. This codification shall be known and cited as "The Murphy City Code" and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in City offices and made available for purchase by the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

(3) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and Charter amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

SECTION 3.17 Investigations by the City Council

The City Council, by an affirmative vote of at least four (4) members of the City Council, shall have the power to collectively investigate into the official conduct of any department, agency, office, officer, Council Member or employee of the City and to make, direct or supervise investigation(s) as to municipal affairs, and for that purpose, the City Council collectively shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the investigation. The City Council shall provide by ordinance the penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance. The Council may produce its findings publicly.

SECTION 3.18 Bond

The City Council may require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of the bonds may be determined by the City Council and the cost shall be borne by the City.

ARTICLE IV

City Administration

SECTION 4.01 City Manager

(1) The City Council shall appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager who shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications, and shall have previous city manager or assistant city manager experience and/or a degree in a field related to city government. The City Manager need not be a resident of the City when appointed, but shall within a reasonable time after such appointment reside within the City during the balance of the tenure of his or her appointment.

(2) The City Council shall fix the compensation of the City Manager and the City Manager's compensation may be amended, by the City Council, from time to time, in accordance with the City Manager's experience, qualifications and performance.

(3) The City Manager shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Manager), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Manager, written notice of such decision shall be immediately furnished to him or her.

(4) In case of the absence, disability, incapacity or suspension of the City Manager, the City Council may designate a temporary qualified administrative officer of the City to perform the duties of the office.

(5) The City Manager shall:

(A) Appoint, suspend, discipline and/or remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant thereto;

(B) Establish administrative departments;

(C) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter;

(D) Ensure that all state laws and city ordinances are effectively enforced;

(E) Attend all City Council meetings with the right to take part in discussion, but the City Manager shall not vote;

(F) Prepare, accept and, designate, or delegate an appropriate department head or City employee to prepare, accept and designate, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;

(G) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council;

(H) Keep the City Council fully advised and informed at least quarterly, or at the request of individual City Council Members, as to the financial conditions and future needs of the City, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary;

(I) Make reports as the City Manager or the City Council may require concerning the operations of the City departments, offices or agencies subject to the City Manager's direction or supervision; and

(J) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter and state or federal law.

SECTION 4.02 City Secretary

(1) The City Secretary shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Secretary), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Secretary, written notice of such decision shall be immediately furnished to him or her.

(2) The City Council shall fix the compensation of the City Secretary, and the City Secretary's compensation may be amended by the City Council, from time to time, in accordance with the City Secretary's experience, qualifications and performance.

(3) The City Secretary shall:

(A) Give notice of all public meetings and public hearings of the City Council in a manner consistent with this Charter and state laws;

(B) Attend all public meetings and hearings of the City Council;

(C) Keep the minutes of the proceedings of all public meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law;

(D) Act as custodian of all official records of the City Council;

(E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;

(F) Authenticate by signature and seal and record all ordinances, resolutions and proclamations of the City; and

(G) Perform such other duties as may be required by the City Council consistent with this Charter and the laws of the State of Texas.

(4) In case of the absence, disability, incapacity or suspension of the City Secretary, the City Council may designate a temporary qualified employee of the City to perform the duties of the office.

SECTION 4.03 Municipal Court

(1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by state law.

(2) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council such Municipal Judge(s) and Alternate Municipal Judge(s) of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of

Texas. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and shall remain in office after the end of that term until the City Council considers appointment for the subsequent term. The Municipal Judge(s) may be appointed to additional consecutive terms upon completion of his/her/their term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

(3) The Clerk and Deputy Clerks of the Municipal Court(s) shall be appointed and supervised by the City Manager, and the Clerk and Deputy Clerks shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).

(4) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future laws.

(5) The City Prosecutor(s) of the Municipal Court(s) shall be the City Attorney or their designee subject to the approval of the City Manager.

SECTION 4.04 City Attorney

(1) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council a competent, duly qualified licensed and practicing attorney in the State of Texas who shall serve as the City Attorney. The City's Governance Policy shall be applicable to this section if adopted by the City Council.

(2) The City Attorney shall:

(A) Serve as the legal advisor to the City Council and City Manager;

(B) Represent the City in litigation and legal proceedings as directed by the City Council and the City Manager; and

(C) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.

(3) The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.

(4) The City Attorney and special counsel shall receive compensation as may be determined by the City Council.

(5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him and the City in its representation and/or litigation.

(6) The City Attorney may be removed, with or without cause, by the affirmative vote of a majority of the full membership of the City Council.

SECTION 4.05 Administrative Departments, Offices and Agencies

(1) The City Manager may establish, abolish, redesignate and/or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.

(2) Except as provided elsewhere in this Charter, all departments, offices and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by officers appointed by and subject to the direction and supervision of the City Manager. The City Manager may appoint one (1) person as head of two (2) or more departments, offices or agencies and with the consent of the City Council, may serve as the head of one (1) or more City departments, offices or agencies.

(3) The City Manager may appoint a City Tax Collector, whose duties and functions shall be those usual to the office and consistent with existing or future laws of the State of Texas as they may apply to City or County tax collectors. The City Manager may recommend that the City Council enter into a contract for such services.

SECTION 4.06 Personnel System

(1) Personnel rules shall be prepared by the City Manager and presented to the City Council, who may adopt them with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City. Thereafter, the City Manager shall have the power to recommend additions to, modifications of, or deletions from, such rules to the City Council in the same manner used for the adoption of the original rules.

(2) The adopted rules shall provide for the following requirements:

(A) A compensation plan for all City employment positions;

(B) A plan for working hours, attendance policy and regulation and provision for sick and vacation leave;

(C) Procedures for the hearing and adjudication of grievances;

(D) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system;

(E) A plan for annual oral and written evaluation based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager, City Secretary, Municipal Judge and City Attorney by the City Council; and

(F) A clear and concise statement that all City employees are at-will employees.

ARTICLE V

Nominations and Elections

SECTION 5.01 City Elections

(1) All City elections shall be conducted in accordance with the Texas Election Code.

(2) The City Council may, by resolution or ordinance, order a special election for purposes consistent with this Charter and laws of the State of Texas.

(3) Municipal elections shall be conducted by election officials appointed by the City Council, or as prescribed by law. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.

(4) All municipal elections shall be publicized in accordance with the Texas Election Code.

(5) A sample ballot shall be published, printed, and made available on the official City website and at City Hall as required by law.

SECTION 5.02 Filing for Office

(1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.

(2) Candidates for elective City offices shall meet the following qualifications:

(A) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;

(B) Shall be a qualified voter; and

(C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.

(3) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.

(4) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.

(5) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.

SECTION 5.03 Official Ballots

(1) The name of each candidate seeking elective office, except those who have withdrawn, died, or become ineligible, and who are authorized to have their names removed from the ballot consistent with state law, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code. If two (2) or more candidates have the same surname, their middle name or other identifier shall be printed with their names on the ballot.

(2) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the Texas Election Code.

(3) Procedures for voting by absentee ballot shall be consistent with the Texas Election Code.

(4) An ordinance, bond issue or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.

(5) Procedures for write-in votes shall be consistent with the Texas Election Code.

SECTION 5.04 Official Results

(1) The candidate for elective office receiving a majority of the votes cast shall be declared the winner. In the event that no candidate receives a majority of all votes cast for any one place at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code. At such runoff election, the two (2) candidates receiving the highest number of votes (or three (3) persons in case of tie for second place) for any one place in the first election shall be placed on the runoff ballot for such election.

(2) The returns of every municipal election shall be handled in accordance with the Texas Election Code.

SECTION 5.05 Taking of Office

(1) Each newly elected person to the City Council shall take the oath of office and be inducted into office at the first regular City Council meeting following the election.

(2) At such meeting the oath of office shall be administered in accordance with state law.

ARTICLE VI

Recall, Initiative and Referendum

SECTION 6.01 Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetence, misconduct or malfeasance in office.

SECTION 6.02 Petitions for Recall

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) registered qualified voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

SECTION 6.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the City Council, must be distinctly and specifically pointed to the grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, said petition shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged. The petition shall contain, in addition to the signature, the signer's name, the signer's date of birth or voter's registration number, the signer's residence address and the date of signing. The signature shall be verified by oath in the following form.

"State of Texas

County of Collin

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

_____

Signature

Sworn and subscribed before me this _____ day of _____, 20____.

Signed _____

Notary Public in and for the State of Texas"

SECTION 6.04 Various Papers Constituting Petition

The petition may consist of one (1) or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this Article may be made by one (1) or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons. No signatures to such petition shall remain effective or be counted if they were placed on the petition more than forty-five (45) days prior to the filing of such petition or petitions with the City Secretary. All papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer's City address.

SECTION 6.05 Presentation of Petition to the City Council

Within twenty-one (21) days after the date of the filing of the papers constituting the recall petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.

SECTION 6.06 Public Hearing to be Held

The officer whose removal is sought may, within seven (7) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.07 Calling of Recall Election

If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. If after the recall election date is established, the officer vacates his or her position, the election shall be cancelled.

SECTION 6.08 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

(1) With respect to each person whose removal is sought, the question shall be submitted:

"Shall _____ be removed from the office of _____ by recall?"

(2) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

SECTION 6.09 Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is, against the recall of the officer named on the ballot, the officer shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the votes cast at such election be "Yes," that is, for the recall of the officer named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled by the City Council as provided in this Charter.

SECTION 6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

SECTION 6.11 Failure of the City Council to Call a Recall Election

If all the requirements of this Charter shall have been met and the City Council fails to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.

SECTION 6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget, capital program or any emergency ordinance or ordinance not subject to referendum as provided by state law.

SECTION 6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) registered qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

SECTION 6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

SECTION 6.15 Voluntary Submission of Legislation by the City Council

The City Council, upon its own motion and by the affirmative vote of a majority of the full membership of the City Council, may submit to popular vote at any election, for adoption or rejection, any proposed ordinance, resolution or measure, or may submit for repeal any existing ordinance, resolution or measure in the same manner and with the same force and effect as provided in this Article for submission of a petition, and may at its discretion call a special election for this purpose.

SECTION 6.16 Form of Ballots

The ballots used when voting upon such proposed and referred ordinance, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words: "For the Ordinance" or "Against the Ordinance" or "For the Resolution" or "Against the Resolution."

SECTION 6.17 Publication of Proposed and Referred Ordinances

The City Secretary shall publish, print and make available on the official City's website and at City Hall, the caption or a summary of the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

SECTION 6.18 Adoption of Ordinances

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon or at any time fixed therein, become effective as a law or as a mandatory order of the City Council.

SECTION 6.19 Inconsistent Ordinances

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

SECTION 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

SECTION 6.21 Further Regulations by the City Council

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

SECTION 6.22 Franchise Ordinances

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of this Charter pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

SECTION 6.23 Failure of the City Council to Call an Initiative or Referendum Election

If all of the requirements of this Charter have been met and the City Council fails or refuses to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.

ARTICLE VII

Financial Procedures

SECTION 7.01 Fiscal Year

The fiscal year of the City shall begin on the first day of October and end on the last day of September on the next succeeding year. Such fiscal year shall also constitute the budget and accounting year.

SECTION 7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message.

SECTION 7.03 Budget Message

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the City's debt position, and include such other material as the City Manager deems desirable.

SECTION 7.04 Budget a Public Record

The budget and all supporting schedules shall be filed with the City Secretary when submitted to the City Council and shall be open to public inspection by anyone interested. When the notice of public hearing on the budget is posted, a copy of the budget summaries shall be posted on the official City Website.

SECTION 7.05 Public Hearing on Budget

At the City Council meeting when the budget is submitted, the City Council shall designate the date, time and place of a public hearing which shall be published, printed, and made available on the official City website and at City Hall as required by law. At this hearing, interested persons may express their opinions concerning the budget, including items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

SECTION 7.06 Proceeding on Adoption of Budget

After public hearing, the City Council shall analyze the budget, making any additions or deletions which they determine are appropriate, and shall, adopt the budget by the affirmative vote of a majority of the full membership of the City Council. Should the City Council take no final action on or prior to such day, the current budget shall be in force on a month-to-month basis until a new budget is adopted.

SECTION 7.07 Budget, Appropriation and Amount to be Raised by Taxation

On final adoption, the budget shall be in effect for that budget year. Final adoption of the budget by the City Council shall constitute the official appropriations as proposed by expenditures for that budget year and shall

constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

SECTION 7.08 Contingent Appropriation

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three percent (3%) of the total general fund expenditures, to be used in case of unforeseen items of expenditures. This contingent appropriation shall apply to current operating expenses and shall not include any reserve funds of the City. Such contingent appropriation shall be under the control of the City Manager and distributed by him only after prior approval by the City Council. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

SECTION 7.09 Amending the Budget

Under conditions which may arise, and for municipal purposes, the City Council may, by the affirmative vote of a majority of the full membership of the City Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget.

SECTION 7.10 Certification; Copies Made Available

A copy of the budget, as finally adopted, shall be filed with the City Secretary, such other places required by state law, and as the City Council shall designate. The final budget shall be printed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies, interested persons and civic organizations. Additionally, a copy of the budget summaries shall be posted on the official City Website.

SECTION 7.11 Capital Program

The City Manager shall submit a five (5) year capital program as an attachment to the annual budget. The program as submitted shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing, and recommended time schedules for each improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SECTION 7.12 Defect Shall Not Invalidate the Tax Levy

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

SECTION 7.13 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

SECTION 7.14 Borrowing

(1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.

(2) Emergency Funding:

In any budget year, the City Council shall have full powers authorized by law to borrow money in response to an emergency. Notes may be issued which are repayable not later than the end of the current fiscal year.

SECTION 7.15 Purchasing

(1) The City Council may by ordinance give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.

(2) All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council shall be awarded by the City Council, in accordance with state law.

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state law. Such emergency shall be declared by the City Manager and approved by the City Council, or may be declared by the City Council.

(4) Spending, purchasing, and sale of real or personal property guidelines shall be set by policy approved by the City Council and shall be consistent with state law.

SECTION 7.16 Administration of Budget

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager, or the City Manager's designee, first confirms that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and the officer shall also be liable to the City for any amount so paid.

(3) This prohibition shall not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

(4) The City Manager shall submit to the City Council as often as the City Council may request, but not less than once a quarter a report covering the revenues and expenditures of the City in such form as requested by the City Council.

SECTION 7.17 Depository

All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories. The City depositories shall be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and state law.

SECTION 7.18 Independent Audit

At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant in accordance with state law. No more than five (5) consecutive annual audits shall be completed by the same accountant or accounting firm. The certified public accountant selected shall have no direct or indirect personal interest in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary shall be published within thirty (30) days in the official newspaper of the City, shall be posted on the official City Website, and copies of the audit placed on file in the office of the City Secretary, as a public record.

SECTION 7.19 Power to Tax

(1) The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas. The City shall designate or contract for a Tax Collector for the City.

(2) The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

SECTION 7.20 Taxes; When Due and Payable

(1) All taxes due in the City shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January 1 in an amount not to exceed those established by the laws of the State of Texas.

(2) Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

SECTION 7.21 Tax Liens, Liabilities and Suits

(1) All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

(2) The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a sufficient description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

ARTICLE VIII

Boards and Commissions

SECTION 8.01 Authority, Composition and Procedures

(1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(2) Individuals who are qualified voters in the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council, except for the members of the Board of Adjustment, who may be removed only for cause. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation, but may be reimbursed for actual expenses as approved by the City Council.

(3) All boards, commissions or committees of the City shall, at the discretion of the City Council, keep and maintain minutes of any proceedings held.

(4) No officer or employee of the City nor any person who holds a compensated appointive position with the City shall be a member of any board, commission or committee created or established by state law or this Charter other than in an advisory and/or ex officio capacity except as allowed by state law.

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve (12)-month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.

ARTICLE IX

Planning and Zoning Commission

SECTION 9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. The Commission members shall be qualified City voters. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

(2) The Commission shall meet regularly at such dates and times as may be prescribed by ordinance, resolution or order. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

(3) Four (4) voting Commission members shall constitute a quorum for the purpose of transaction of business.

SECTION 9.02 Duties and Powers

(1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:

(A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;

(B) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;

(C) Keep public records of its resolutions, findings and determinations; and

(D) Review plats, site plans, landscape plans, and zoning requests and make recommendations to the City Council for their final approval of same.

(2) The Commission shall have full power to:

(A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;

(B) Make reports and recommendations relating to the Comprehensive Plan and development of the City; and

(C) Approve plats, site plans and landscape plans if it has been given that authority by the City Council.

SECTION 9.03 Procedure

(1) All rules and regulations adopted by the Commission shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council for consideration.

(2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he or she shall openly declare same before discussion proceeds, file any required affidavit, disclose such interest to the other members of the Commission, and he or she shall thereby be prohibited from discussing and voting on the item, and such person is not considered as present and voting for the purposes of the tally of votes. Commission Members who have a conflict of interest are considered present for purposes of constituting a quorum.

(3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote.

SECTION 9.04 The Comprehensive Plan: Procedure and Legal Effect

(1) The Comprehensive Plan shall include, but not be limited to, the Future Land Use Plan, the Thoroughfare Plan, and Parks and Open Space Plan. The Commission shall seek input from all appropriate boards and commissions in the development of the Comprehensive Plan. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution, but before any such revision, the Planning and Zoning Commission shall hold at least one (1) public hearing on the proposed action.

(2) A copy of the proposed revisions to the Comprehensive Plan shall be forwarded to the City Manager who shall submit the proposal to the City Council, together with the City Manager's recommendations, if any. The City Council shall hold a public hearing and shall adopt or reject such proposed revision or any part thereof as submitted within sixty (60) days following its submission by the City Manager. If the proposed revisions or any part thereof are rejected by the City Council, the City Council may request the Planning and Zoning Commission to make other modifications and again forward it to the City Manager for submission to the City Council.

(3) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide for all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial of the request to deviate from the Comprehensive Plan, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of a

majority of the full membership of the City Council, and upon such overruling, the City Council or the appropriate office or department shall have authority to proceed.

SECTION 9.05 Board of Adjustment

(1) The City Council shall appoint a Board of Adjustment. The City Council shall, by ordinance, provide standards and procedures for such Board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would create a hardship and prevent the reasonable use of land, and such other matters as may be required by the City Council or by law. Appointment and removal of members of the Board of Adjustment shall be in accordance with the provisions of Article VIII, Sec. 8.01 (2) of this Charter and state law.

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. The Board shall consist of qualified City voters.

(3) Each case before the Board of Adjustment shall be heard by not less than seventy-five percent (75%) of the members. The concurring vote of seventy-five percent (75%) of the members shall be required to reverse an order, requirement, decision or determination of an administrative official; decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or authorize a variation from the terms of the zoning ordinance.

ARTICLE X

Utility and Public Service Franchises

SECTION 10.01 Authority

The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The City shall not supply any utilities service outside the City limits, except by a written contract and/or by ordinance. The City shall have such regulatory and other power as it may now or hereafter be granted under the Constitution and laws of the State of Texas.

SECTION 10.02 Ordinance Granting Franchise

Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as required by the City Council. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of the Charter. If such franchises shall not be exercised in substantial accordance with the terms hereof and of the ordinance granting the same, the franchise may be cancelled or annulled after notice and reasonable hearing to the holders thereof. The City Council shall by ordinance adopt reasonable rules and regulations for the notice and hearing. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

SECTION 10.03 Transfer of Franchise

No public service or utility franchise is transferable, except with the approval of the City Council. No public service or utility franchise may be sold, transferred, assumed or otherwise assigned without the prior written consent of the City Council.

SECTION 10.04 Franchise Value Not to be Allowed

Franchises granted by the City shall be of no monetary value used to calculate rates and charges for public services or utilities within the City or in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

SECTION 10.05 Right of Regulation

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

(1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;

(2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered included in the terms of the original grant of franchise and shall be terminable at the same time and under the same conditions as the original grant;

(3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;

(4) To require reasonable standards of service and quality of product and prevent rate discrimination;

(5) To impose reasonable regulations and restrictions to ensure the safety and welfare of the public;

(6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility as may be allowed by law;

(7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal of facilities;

(8) To require the franchisee to furnish to the City, within a reasonable time following request of the City, at franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction, if allowed by law; and

(9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

SECTION 10.06 Regulation of Rates

(1) The City Council has the power to determine and regulate the rates and charges of all utilities and public services, consistent with state statutes.

(2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.

(3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:

(A) Cost of its investment for service to the City;

(B) Amount and character of expenses and revenues connected with rendering the service;

(C) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or

(D) Demonstration that the return on investment, if any, is within state and federal limitations.

(4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

SECTION 10.07 Placement of Wires, Etc., Underground

To the extent authorized by law, the City Council may require the placing of all wires or the overhead construction of public utilities under the surface of the ground within the business area, fire zones, industrial areas, or any other area of the City as it may deem necessary or desirable, under the surface of the ground under such regulations as may be prescribed by the City Council.

ARTICLE XI

General Provisions

SECTION 11.01 Public Records

All records of the City shall be open to inspection subject to state law.

SECTION 11.02 Official Newspaper and Website

The City Council shall declare by resolution or ordinance an official newspaper of general circulation in the City and the official City Website. All ordinances, notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas shall be published in the official newspaper and on the official City Website.

SECTION 11.03 Oaths

All elected and appointed officers of the City, before entering into the duties of such office, shall take and sign an oath of office as prescribed for state elective and appointive offices in the Constitution of the State of Texas.

SECTION 11.04 Severability

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

SECTION 11.05 Wording Interpretation

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superseded." The use of the word "City" in this Charter shall mean the City of Murphy, Texas, and the use of the word "Charter" shall mean this Home Rule Charter.

SECTION 11.06 Amendment of Charter

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas, or by the City Council on its own motion, but the Charter may not be amended more often than once every two (2) years.

SECTION 11.07 Charter Review Commission

(1) The City Council shall appoint a Charter Review Commission at least once every six (6) years. The Charter Review Commission shall consist of at least eleven (11) citizens of the City who shall:

(A) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records;

(B) Propose any recommendations it deems desirable to ensure compliance with the Charter; and

(C) Report its findings and present its recommendations to the City Council.

(2) The City Council shall receive and have published in the official newspaper and website of the City a comprehensive summary of the report presented by the Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.

(3) The term of office of the Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.

SECTION 11.08 City Depository

The provisions of the laws of the State of Texas governing the selection and designation of the City Depository are hereby adopted as the law governing the selection and designation of a depository of and for the City.

SECTION 11.09 Licenses

The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and for any other purpose not contrary to the Constitution and laws of the State of Texas.

ARTICLE XII

Legal Provisions

SECTION 12.01 Assignment, Execution and Garnishment

(1) Real and personal property belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the City in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatsoever.

(2) The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as provided by the laws of this State or the United States of America.

SECTION 12.02 Security and Bond

It shall not be necessary in any action, suit or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

SECTION 12.03 Notice of Claim

(1) The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages ("Claimant") shall, within one hundred eighty (180) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Secretary a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by the claimant to have seen the incident.

(2) The City shall not be held liable and shall not have waived its immunity from suit on account of any claim for breach of contract unless the person making such complaint ("Claimant") shall, within thirty (30) days after the time at which it is claimed such breach of contract by the City occurred, file with the City Secretary a written statement, under oath, stating each breach of contract, the place where same occurred, the date of each breach, with a detailed statement of each item of damages, and a list of witnesses having knowledge of any breach.

(3) No claim against the City may be brought by a Claimant prior to Claimant having engaged in non-binding mediation pursuant to Chapter 154, TEXAS CIVIL PRACTICE AND REMEDIES CODE, before bringing suit or an arbitration proceeding. Such mediation must occur within sixty (60) days after Claimant has filed with the City Secretary a written statement as set forth in this section 12.03 above regarding Notice of Claim. Claimant is responsible for scheduling mediation at a mutually agreeable date and time.

SECTION 12.04 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City, including suits by the City to recover delinquent taxes.

SECTION 12.05 Service of Process against the City

All legal process against the City shall be served upon either the City Secretary or the City Manager.

SECTION 12.06 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

SECTION 12.07 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

SECTION 12.08 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter or state law for local improvements for the public welfare.

SECTION 12.09 City Council May Require Bonds

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his or her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

SECTION 12.10 Disaster Clause

In case of disaster, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of the City Council, highest surviving City official, and the County Judge of Collin County or his/her designee, must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and call a City election within fifteen (15) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

SECTION 12.11 No Waiver of Immunity

Nothing in this Charter is intended to waive the City's governmental immunity from suit, liability and/or damages.

ARTICLE XIII

Transitional Provisions

SECTION 13.01 Effective Date

This Charter or any amendments hereto shall take effect immediately following adoption by the voters, as prescribed by state law.

SECTION 13.02 Continuation of Elective Offices

Upon adoption or amendment of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted or amended, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.

SECTION 13.03 Continuation of Operation

All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the City Council, and all rights of the City under existing franchises and contracts are preserved in full force and effect.

SECTION 13.04 Officers and Employees

Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption or amendment.

ARTICLE XIV

Nepotism, Prohibitions and Penalties

SECTION 14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

(1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager, or

(2) Any person who serves in an unpaid capacity with the City.

SECTION 14.02 Equality of Rights

Equality of rights under state and federal law shall not be denied, abridged or compromised with respect to appointment to or removal from any position.

SECTION 14.03 Wrongful Influence

No person who seeks appointment or promotion with respect to any City position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his or her test, appointment or promotion with respect to any City position.

SECTION 14.04 Wrongful Interference

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any City position, or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of this Charter.

SECTION 14.05 Employee's Political Activities

No person who holds any compensated non-elective City position shall use their official title or position with the City to solicit any contribution or endorse the candidacy of any candidate for public office in the City. Such person may exercise his/her legal rights to participate in the election process when he/she is not on duty, in a City building, City provided uniform or attire, or using a City vehicle or equipment.

SECTION 14.06 Penalties

Any person who willfully engages in and is found in violation of any of the activities prohibited in Sections 14.02, 14.03, 14.04 or 14.05 of this Article shall be ineligible for appointment or election to a position in the City for a period of five (5) years from that time. If the person is an officer or employee of the City at the time of the violation, he or she shall immediately forfeit his or her office or position, if found by a majority of the full membership of the City Council to be in violation of such prohibited activities.

SECTION 14.07 Conflict of Interest

(1) All members of the City Council and all members of any board or commission of the City shall be subject to the provisions of Chapters 171 and 176 of the TEXAS LOCAL GOVERNMENT CODE regarding conflict of interest.

(2) Any willful violation of this section shall constitute malfeasance in office and any person found guilty thereof shall thereby forfeit his or her office or position.

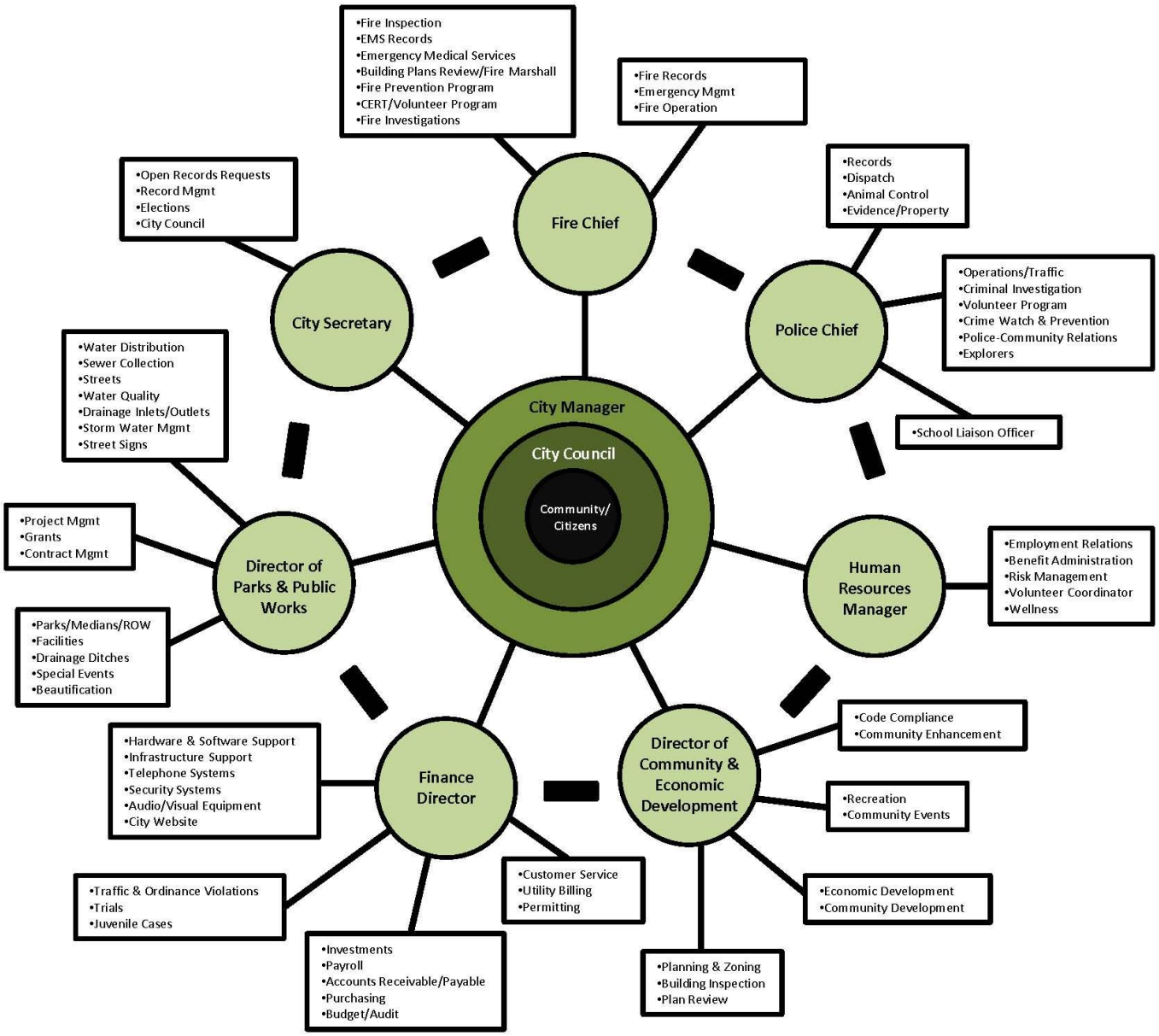
(3) Any violation of this section with the knowledge, actual or constructive, of the person or corporation contracting with the governing body of the City shall render the contract or transaction involved voidable by the City Manager or the City Council by the affirmative vote of a majority of the full membership of the City Council.

SECTION 14.08 No Officer or Employee to Accept Gifts, Etc.

No elected official or employee of the City shall ever accept, directly or indirectly, any gift, favor or privilege of more than a nominal sum during the term of office of such elected official, or during the employment of such employee, and it was not given in exchange for any exercise of official discretion. The City Council shall adopt an ethics ordinance.

ADDENDUM B

CITY ORGANIZATIONAL CHART



ADDENDUM C
CELL PHONE ALLOWANCE POLICY

1.0 Purpose:

This policy addresses the initiation of an allowance for employees using their personally-owned mobile communications devices (MCD) for business purposes.

2.0 Overview:

Approved employees who job duties require the frequent use of MCDs will be given a taxable monthly allowance to compensate for business use of an employee-owned MCD. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as FIT, FICA, TMRS, etc.

3.0 Definitions:

Mobile communications device (MCD) – any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with the capability to access the Internet (generally referred to as a Smart Phone).

Conversation – Communication exchange between two (2) or more individuals taking place in voice or data format.

4.0 Eligibility

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be provided on the Mobile Communication Device Allowance Authorization Form and sent to the Information Technology Manager for processing. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

1. Public/Personal Safety – the employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
2. Accessibility – the employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
3. Responsiveness – the employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement.

5.0 MCD Allowance

The MCD allowance is not intended to pay the full cost of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable cost that the employee incurs while using the device/service as part of their job duties and responsibilities. The MCD Allowance guidelines are as follows:

1. The employee is responsible for procuring and paying for all services and equipment.
2. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
3. An additional allowance, provided initially and every two (2) years thereafter, will be provided for the activation and for the purchase/upgrade/replacement of devices or accessories.
4. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or retirement contributions. Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.
5. The employee must retain an active MCD service contract as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employee's own expense.

6.0 Employee Responsibilities

1. Employee must receive supervisor's approval.
2. Review and sign the Mobile Communication Device Allowance Authorization Form.
3. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
4. Provide supervisor with current contact information or address of the communication device within three (3) days of activation or the allowance maybe cancelled.
5. Acknowledge that supervisors may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active mobile communications device. Supervisors may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.

6. Assure availability for communication, be in possession of the MCD, and have it charged and turned on.
7. Notify supervisor immediately of damaged, lost, or stolen MCDs and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by supervisor. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, the Information Technology Department will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device.
8. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
9. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Electronic Communication Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Murphy's e-mail or other information system are reminded that these systems are intended for official City business only (i.e.; personal e-mails sent through City email system) .
10. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
11. Acknowledge that MCD records may be subject to the Public Information / Open Records Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, e-mails, all types of messaging, photographs, Internet usage, and application usage. Information related to phone conversations typically obtained through the Open Records Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.
12. Ensure that MCD's audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
13. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.

14. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
15. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.
16. Do not drive or operate a vehicle while conducting City business with an MCD unless the mobile device is handsfree.

7.0 Departmental Responsibilities

1. Once eligibility is established, the department director must submit a completed Mobile Communication Device Allowance Authorization Form to the Information Technology Manager for additional processing.
2. The department director must periodically review the need for MCDs used by employees for business purposes.
3. The department director has the option of revoking the allowance approval.
4. If an employee is terminated, resigns, transfers, or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will resubmit the Mobile Communication Device Allowance Authorization Form showing the service end date to terminate the allowance and will notify Finance Dept. immediately.
5. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.

8.0 Information Technology Department Responsibilities

1. Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor-to-vendor.
2. When necessary, the Information Technology Department will load City-licensed or City-required applications onto employee-owned MCDs.
3. The Information Technology Department will not provide any troubleshooting services for employees who elect to purchase devices other than those recommended by the IT staff. Limited support may be provided for employees purchasing recommended devices.
4. Information Technology Department will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.
5. The Finance Department will budget the monthly allowance and annual device allowance for all approved devices.
6. During the budget process IT will assist Finance by providing any technical information that is needed to assist with calculating future allowances. Finance will calculate the annual amount of phone allowance

expenses for each respective fund to transfer to each qualifying department.

7. The Information Technology Department will review and approve all MCD email/network connectivity requests.
8. Any MCD device that is utilized to conduct City business will be reviewed by the Information Technology Department to insure security.

9.0 Wireless Internet Cards

1. The City equips each Public Safety Mobile Dispatch Computer with a wireless internet card in order to provide wireless network access to state and local emergency data such as Criminal Justice Information System, CAD, etc. The wireless internet cards are not for personal use and shall be administered by the Information Technology Department.
2. Each member of the Information Technology Department is provided a wireless internet card in order to provide remote support when needed. The IT Department has an additional wireless internet card which can be checked out by employees when attending conferences, training, etc.

ADDENDUM D
PURCHASING POLICY

1. PURPOSE AND POLICY

1.01 PURPOSE

The policies and procedures presented herein are intended to provide for uniformity, economy, and timeliness in the acquisition of goods and services for the City of Murphy in a manner consistent with generally accepted purchasing practices and legally mandated federal, state and local statutes, ordinances and codes.

The Finance Department shall be responsible for coordinating and controlling policies and procedures within its delegated authority.

1.02 POLICY

It is the policy of the City of Murphy to provide at the time and place needed in the proper quantity and of the proper quality, all goods and services required for the organization's operations. Goods and services shall be procured at the lowest possible cost consistent with the prevailing economic conditions while establishing and maintaining a reputation for fairness and integrity. The procurement of goods and services shall be achieved within the mandates of federal, state and local statutes, ordinances and codes.

1.03 ETHICAL CONDUCT

The City of Murphy believes that the following ethical principals should govern the conduct of every person who represents the municipality in any capacity, especially in regard to procurement of goods and services:

1. Believes in the dignity and worth of the services rendered by the organization and the social responsibilities assumed as a trusted public servant.
2. Is governed by the highest ideals of honor and integrity in order to merit the respect and inspire the confidence of the organization and the public being served.
3. Believes that personal profit obtained through misuse of public relationships is dishonest.
4. Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
5. Believes that no elected official or employee of the City should accept, directly or indirectly, any gift, favor, privilege or employment from any corporation or individual enjoying a grant of any franchise, privilege or

easement from the City, during such employment of such employee, except as may be authorized by law or ordinance, as defined by Section 14.08 of the City Charter.

6. Seeks or dispenses no personal favors.

2. PURCHASING AUTHORITY

2.01 CITY CHARTER

The City Council may by ordinance give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance. All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council and awarded by the City Council in accordance with state law. Emergency contracts as authorized by law and the City Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state law. Such emergency contracts must be approved by the City Council.

2.02 STATE STATUTUES ON PURCHASING FOR MUNICIPALITIES

Section 252.021 of the Local Government Code states, before a municipality may enter into a contract that represents an expenditure of more than $50,000 from one or more municipal funds, the municipality must comply with the procedure prescribed for competitive sealed bidding or competitive sealed proposals. Exceptions to the $50,000 bid threshold include:

1. Purchase of land or right-of-way;
2. Insurance;
3. Professional (uses a skill that is predominately mental or intellectual, rather than physical or manual), personal (labor performed by the person himself or herself) or planning services;
4. Sole source procurements where there is no competitive produce; product is available only from a natural or regulated monopoly; product is a component of an existing system only available from that supplier;
5. Other exemptions as outlined in the Texas Local Government Code Chapter 252.

Section 252.0215 requires expenditures of more than $3,000 but less than $50,000 to contact at least two (2) historically underutilized businesses (HUB) on a rotating basis. An attempt much be made to contact two (2) historically underutilized businesses in a written request for quote. The list of historically underutilized businesses can be found on the State Comptroller's website at: http://www.window.state.tx.us/procurement/prog/hub/. If the list fails to identify a HUB in Collin County, the City is exempt from Section 252.0215.

3. GUIDELINES FOR PURCHASES BELOW $50,000

3.01 PRICE QUOTATIONS

If competitive sealed bids are not used, price quotations should be solicited from a minimum of three (3) vendors to ensure competition for expenditures of more than $3,000. A vendor currently under a State contract or an inter-local agreement with the City may be utilized. A formal quote should include specifications and purchase terms and conditions to vendors with a specific date and time to return the bid. Any requisition in the amount of $3,000 or more is subject to requirements for contacting historically underutilized businesses. To protect the integrity of the process, all solicitations of quotes should comply with the following:

1. Vendors should be informed that only price quotes are being solicited at this time;
2. Vendors should not be privileged to quotes from other vendors or to City budget information;
3. Vendors should be rotated to ensure competition;
4. Justification for any sole source should be documented on the requisition;
5. Quotes should be submitted with a requisition to the Finance Department;
6. The lowest price should always be accepted, all other factors being equal;
7. All purchases over $1,000 must be made by purchase order;
8. All purchases of $2,500 or more must be approved by the Finance Director before an order is placed;
9. All purchases of $5,000 or more must be approved by the City Manager before an order is placed:
10. All contracts paid annually or monthly must have a purchase order.[7]

4. PURCHASING PROCEDURES

4.01 REQUISITIONS AND PURCHASE ORDERS

Departments will submit an electronic requisition for any purchase except those that must be submitted by check request or paid by credit card. These requisitions will be reviewed for available funds and approval by the proper authority.

Requisitions shall be specific and include purchase description, vendor and price. Price quotes submitted for a purchase should be included with the requisition. If the total annual expenditure throughout the City is above the statutory bid requirement, the formal sealed bid/proposal process must be followed. If the total annual expenditure throughout the City is below the statutory bid requirement, a source with fair and reasonable pricing must be sought. For expenditures of more than $3,000 but less than $50,000, at least two (2) historically underutilized businesses must be contacted if they can be located in Collin County. Results should be forwarded to the Finance

[7] Revised April 1, 2013

Department with the requisition. All purchases over $1,000 must be made by purchase order. All purchases of $2,500 or more must be approved by the Finance Director before an order is placed. All purchases of $5,000 or more must be approved by the City Manager before an order is placed. All contracts paid annually or monthly must have a purchase order and approved by the City Manager.[8]

4.02 RECEIPT OF ORDER AND INVOICES

Departments will receive item(s) ordered and inspect delivery prior to acceptance. Upon receipt of invoice, items should be checked against purchase order for discrepancy. Any discrepancy will be addressed immediately with the vendor and the corrected invoice sent to the Finance Department. All invoices will be forwarded within three (3) days of receipt to the Finance Department for prompt payment.

4.03 CHECK REQUESTS

Certain payments, in which the use of a purchase order would not be practical, are allowed to be submitted to the Finance Department by a check request. The Finance Director or his or her designee must approve all requests. Check requests may be utilized for the following items:

1. Travel, training or registration;
2. Reimbursement and refunds with prior Department Head approval;
3. Dues and memberships;
4. Utilities;
5. Food;
6. Miscellaneous one time payments (easements, right of way, land purchases).

4.04 CREDIT CARD USAGE

Payment for certain types of transactions are allowed by credit card. Credit cards should not be used when a purchase order would be accepted or payment could be made through a check request. The following are examples of transactions that may be paid by credit card:

1. Approved expenses associated with travel such as hotel an airlines;
2. Registration;
3. Items purchased for city use online;
4. Emergency expenses.

[8] Revised April 1, 2013

A credit card transaction log and receipt for purchase must be submitted to the Finance Department within three (3) days of purchase or within five (5) days of travel. The transaction log must be signed by the authorized approver. If transaction logs and receipts are not submitted within three (3) days of purchase, the user may lose his or her credit card privileges. Department Heads are responsible for credit card expenditures by employees within their department.

5. APPROVAL

5.01 CITY COUNCIL

The City Council shall consider and award bids and contracts that require expenditure of at least $50,000.

5.02 CITY MANAGER AND DEPARTMENT HEADS

The Department Head shall approve all expenditures. All purchases of $2,500 or more must be approved by the Finance Director before an order is placed. All purchases over $5,000 must be made by purchase order after approval by City Manager. The City Manager and Finance Director must approve all emergency purchases. Whenever possible, approval should be obtained in advance of the purchase. If prior approval is not possible, written approval must be obtained within 48 hours thereafter, and submitted to the Finance Department with the requisition.[9]

6. FORMAL SEALED BID/PROPOSAL PROCESS

6.01 BID PROCESS AND REQUESTS FOR PROPOSALS

The Department shall initiate the bid process with bid requirements and specifications. The Finance Director shall review the bid for available funding approval prior to publication.

Bids/proposals will be advertised at least twice in the local newspaper. The first notice shall be published at least fourteen days prior to the opening date. The bid opening date, place and time must be specified in the advertising and bid request. Bids/proposals will be date and time stamped when received by the City. Bids/proposals received after the due date and time will be rejected as non-responsive. Bid/proposal openings are open to the public. The Finance Department will prepare a tabulation of the bid responses and will communicate with the initiating department to determine the lowest bidder who met specifications. The initiating department shall prepare an agenda item request with staff recommendation for Council consideration and award. Upon approval of the City Council, the initiating department will submit a purchase requisition to the Finance Department for processing.

[9] Revised April 1, 2013

6.02 PURCHASE ORDER

The Finance Department shall process the purchase requisition and forward the purchase order to the successful bidder.

ADDENDUM E
SAFETY REGULATIONS

CHAPTER 1 MANAGEMENT STATEMENT OF SAFETY POLICY

1.01 SAFETY STATEMENT

The success of the City of Murphy depends upon our efficient use of resources to produce a high quality product for the citizens of our community. Our most important resource is our employees. To protect this resource, we are committed to providing a safe work place for all employees by establishing and maintaining an effective safety program. We consider safety and health to be a fundamental part of our organization's operations.

The responsibility for safety resides with each of us. We are each challenged to stay informed and to take responsibility for our own safety and the safety of our co-workers. To ensure the success of our safety process, we must all give our full participation and support to the safety policies and procedures that have been developed to protect us. Working safely and in accordance with established safety policies is an absolute requirement for all employees, supervisors and managers

1.02 MANAGEMENT SAFETY RESPONSIBILITIES:

Management is responsible for providing a place of employment that is free from recognized hazards that could result in injuries or accidents. Since it is impossible for managers to personally observe all employee activities, management must assure that all supervisors are trained and are aware of their safety responsibilities. Other safety responsibilities for managers include:

1. Provide leadership and direction concerning safety activities.
2. Participate actively in the continuous evaluation of the safety program.
3. Set goals concerning safety performance within your department.
4. Review losses for potential trends on a regular basis.
5. Enforce all safety rules.
6. Participate in facility and work site audits.
7. Participate and support all accident investigation activities.
8. Review accident reports and recommend corrective actions.

1.03 SUPERVISOR SAFETY RESPONSIBILITIES:

Safety is as much a part of the supervisor's responsibility as is getting the job done efficiently. Among the important safety responsibilities of each and every supervisor are:

1. Familiarize yourself with and enforce the safety rules and regulations that have been established by applicable local, state and federal organizations. These regulations are intended to set minimum standards for safety and the contents of the regulations should be enforced as minimum safety requirements for all activities on our work sites or in our facilities.

2. Correct or have corrected all reported hazards. Operating under known hazardous conditions will not be tolerated.

3. Do not permit new or inexperienced employees under your supervision to work with power tools, machinery or complex equipment without proper instruction and training.

4. Give adequate instructions. Do not assume that an employee knows how to do a job unless you personally have knowledge that the person can perform the task correctly.

5. Ensure tools, equipment and machinery being used in the workplace are in proper working condition.

6. Ensure that proper personal protective equipment is available and used by employees when necessary or required.

7. Always set a good example in safety, such as wearing the proper safety equipment (safety glasses, hard hats, etc.) following policies/procedures, using seat belts, etc.

8. Do not allow the use of unsafe tools or equipment.

9. Consistently enforce the requirements of the organization’s safety program and any associated rules or policies.

10. Ensure that all employees have access to a copy of the organization’s safety program.

11. Encourage safety suggestions from employees under your supervision.

12. Obtain prompt first aid for injured employees.

13. Participate in accident or incident investigations involving your employees.

14. Conduct audits of all work areas and facilities on a regular basis in an effort to improve housekeeping, eliminate unsafe conditions and encourage safe work practices.

1.04 EMPLOYEE SAFETY RESPONSIBILITIES:

All employees bear a certain amount of responsibility in any safety program. You must be aware that your actions, mental state, physical condition, and attitude directly affect the safety of yourself and your fellow employees. All employees will:

1. Know your job, follow instructions, and think before you act.

2. Use your protective equipment (eye protection, hard hats, gloves, etc.) as the job requires.

3. Work according to good safety practices as posted, instructed, and/or discussed.

4. Refrain from any unsafe act that will unduly endanger yourself or your fellow workers.

5. Use all safety devices provided for your protection.

6. Report any unsafe situation or act to your supervisor immediately.

7. Assume responsibility for thoughtless or deliberate acts that may cause injury to yourself or your fellow workers.

8. Abide by all policies, procedures, rules, etc. associated with the City of Murphy Safety Program. A copy of this Program is available at anytime upon request.

9. Never operate equipment that you are unfamiliar with or not trained to use. Also, equipment that is defective or in need of repair shall not be used and must be reported to your supervisor.

10. Report all accidents/incidents to your supervisor as soon as they occur.

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CHAPTER 2 GENERAL SAFETY

2.01 GENERAL SAFETY GUIDELINES

A. Each employee is required to comprehend and abide by the contents of this Safety Program.

B. All accidents, no matter how minor, shall be reported immediately to your supervisor.

C. All hazardous conditions, actions and/or practices shall be reported to your supervisor.

D. Work areas, including the inside and outside of vehicles and buildings, shall be kept clean and orderly at all times.

E. Employees shall only operate equipment/tools that they are trained and authorized to operate.

F. Employees shall use all safety devices and personal protective equipment provided for their protection.

G. Employees shall wear clothing and shoes suitable for the particular work they are doing.

H. Employees shall use assisted lifting devices or obtain assistance from a coworker when lifting heavy objects.

I. Guards shall never be removed except when authorized to make repairs or adjustments. Replace guard immediately upon completion of work.

J. Before starting work on any machine or equipment that is out of service, employees shall render the equipment or machine inoperative and attach a lockout device to the equipment control.

2.02 PERSONAL PROTECTIVE CLOTHING & EQUIPMENT

All employees shall wear clothing suitable for their particular type of work. Loose clothing shall not be worn while working around or near moving machinery or equipment. All approved special protective clothing or protective devices shall be used by employees when departmental supervisors require their use. Please refer to the guidelines below:

1. Clothing that is soiled by oil or chemicals should be avoided to prevent skin irritations.

2. When work is performed in the vicinity of exposed energized parts of equipment, employees shall remove all exposed conductive articles, such as key or watch chains, rings, wrist watches or bands, if such articles increase the hazards associated with inadvertent contact with the energized parts.

3. Rings or jewelry shall not be worn while climbing on or off structures or vehicles while performing any task where the ring might get caught under or snagged by a projecting item. In addition, rings and wristwatches with metal case and watchbands shall not be worn while working on or near energized equipment or lines.

4. Department approved gloves shall be provided to and worn by all employees when work site operations could cause injury to the hands.

5. Gloves and long sleeves shall be worn to protect hands and arms when handling cement, brush, sharp objects, hot materials, acids and other chemicals, or when there is a possible exposure to poison ivy.

6. Department approved head protection shall be provided to and worn by employees when working in areas where possible danger or head injury exists from impact, falling or flying objects, or from electrical shock and burns.

7. Employees shall wear department approved eye and face protection where the potential for injury exists. Eye protection shall be kept in a sanitary and usable condition and shall be replaced when it becomes warped, scratched, or pitted.

8. Department approved hearing conservation devices shall be provided to, and worn by all employees working in areas where a danger of noise exposure exceeds acceptable levels.

9. Employees shall wear footwear suitable to the type of work being performed. Safety boots or shoes shall be worn when required. Wearing of sandals, thongs, tennis shoes, loafers or similar footwear shall not be acceptable during working hours for employees serving in labor, maintenance, construction, or inspection positions.

10. Employees required to work in or near the roadway shall wear high visibility clothing, garments, or reflective vests.

11. Department approved fall protection devices, such as harnesses, lanyards, etc., shall be used by all employees when working in an overhead position which may require use of both hands and when there is a danger of falling.

12. Protective clothing and equipment shall be used and maintained in accordance with manufacturer's recommendations.

2.03 MATERIAL STORAGE SAFETY

Bins and Shelves

A. Material shall be stored in such a manner that it will be safe from damage. Special care must be taken to assure that stored material poses no hazard to anyone working around it. Only lightweight material should be stored on top shelves.

B. Bins or shelves shall never be used as ladders.

C. Materials shall not be stored on the floor, in front of shelving.

Stacking Material

When material is stacked all possible precautions must be taken to assure that it will remain stable. The lower level must be blocked or tied to prevent slipping. The height of a stack of material should remain within reasonable limits.

Flammable Material

A. Under no circumstances shall flammable materials be stored in an area where heat or potential ignition sources may affect the stability of the material.

B. All flammable materials shall be stored in a location that will not endanger life or property. Containers will be clearly and appropriately marked, in accordance with fire safety standards. In addition, storage facilities shall have a sign identifying the materials as "flammable".

C. Storage of open containers of flammable materials is prohibited. Container covers must be promptly replaced. Smoking will not be permitted inside any warehouse facility, or outside near flammable or combustible materials.

D. Flammable liquids shall be used only for their designed purposes. Gasoline shall not be used for cleaning purposes or for starting or kindling fires.

E. All solvents should be kept in approved, properly labeled containers. Gasoline and other solvents of this class shall be handled and dispensed only in

Underwriters Laboratories (UL) approved, properly labeled (yellow letters) red safety cans.

F. When pouring or pumping gasoline or other flammable liquids from one container to another, metallic contact shall be maintained between the pouring and receiving containers. Transferring of flammable liquids from one container to another shall be accomplished only in properly ventilated spaces free from ignition sources.

G. Strict adherence shall be paid to “No Smoking” and “Stop your Motor” signs at fuel dispensing locations.

Housekeeping

A. Work locations including vehicles, buildings, shops, yards, offices, cabs, etc. shall be kept clean and orderly at all times.

B. Permanent floors and platforms shall be kept free of dangerous projections or obstructions and shall be maintained reasonably free from oil, grease, or water. Where the type of operation produces slippery conditions, mats, grates, cleats or other methods shall be used to reduce the hazard from slipping.

C. Materials and supplies shall be stored in an orderly manner so as to prevent their falling or spreading and to eliminate tripping and stumbling hazards.

2.04 COLD AND HEAT RELATED ILLNESS AWARENESS

Cold Related Illnesses

Hypothermia is when the body’s temperature drops below normal causing uncontrollable shivering, weakness, drowsiness, disorientation, unconsciousness, and even death. Persons working outdoors during the winter months should dress in layers, keep dry, and work with co-workers whenever possible.

Heat Related Illnesses

Heat stroke, heat exhaustion, heat cramps and heat rash are health related problems associated with working in hot environments. Heat related illnesses can be

caused by prolonged exposure to hot temperatures, limited fluid intake, or failure of temperature regulation mechanisms in the brain.

By following a few basic precautions, health problems associated with working in hot environments can be prevented:

A. Those unaccustomed to working in the heat should be given time to adjust to work in a hot environment.

B. Wear loose fitting clothing and protect yourself by wearing a hat. Sunscreen should also be used when prolonged exposures to sunlight may be possible.

C. Drink plenty of fluids to help prevent dehydration. Eight to ten (8-10) ounces of fluid are recommended every ten to fifteen (10-15) minutes when working in extremely hot or humid conditions. Beverages containing alcohol or caffeine should be avoided.

D. Alternate work and rest periods. Heavy work should be scheduled for the cooler parts of the day if possible.

E. Educate employees on the symptoms, treatments and preventive measures for heat related problems.

2.05 GENERAL OFFICE SAFETY

General Office Safety shall be adhered to according to the following rules:

A. Employees shall walk cautiously up and down stairs and use handrails whenever possible.

B. Caution shall be exercised when walking around blind corners.

C. Desk drawers and file cabinets shall be kept closed when not in use.

D. Only one drawer of a file cabinet shall be pulled out at a time.

E. Boxes, chairs, buckets, etc. shall not be used in place of ladders.

F. The floor shall be kept clear of tripping hazards such as telephone cords, electrical extension cords, paper cartons, etc.

G. Hallways and aisles shall be kept clear of obstructions.

H. All emergency exits, electrical panels, fire extinguishers, and emergency

equipment shall be kept clear of all obstructions.

I. Solvents or other toxic substances shall be used only with adequate personal protection or in well-ventilated areas. Material Safety Data Sheets (MSDS) should be available and accessible to all employees who are using these substances.

J. Employees shall not attempt to clean, oil or adjust any machine or equipment that is running. If the machine is not equipped with a starting switch that can be locked in the “off” position, it shall be disconnected from the power source.

K. Unsafe electrical cords, faulty equipment, or any other hazardous condition shall be reported and taken out of service until the repairs are completed.

L. Broken glass and other sharp objects shall not be placed in wastepaper containers.

2.06 ERGONOMICS AWARENESS

Work Stations

A. Chairs should be easily adjustable and provide good lumbar support. Chairs with a five-point base are recommended due to the stability that is provided. Sufficient legroom must be allowed for seated operators.

B. Position the computer monitor directly in front of the operator. The operator’s eyes should be level with the top of the screen.

C. The equipment or sources of light should be positioned so that glare or bright reflections on the display screen are minimized.

D. Adjust the height of the chair and/or keyboard so that the shoulder-elbow-arm angle is approximately 70-90 degrees.

E. Keyboard heights and placement should be adjustable. Use a cushioned palm rest if needed to keep user’s hands and fingers in the same plane as the forearm and avoid resting wrists and forearms on sharp table edges.

F. Work surface heights should range from 23 to 28 inches for seated workstations. In addition, your work area should be well organized with routine operations within easy reach and easily accessible.

G. Document holders should be placed adjacent to and at the same height as the display screen.

H. Operators should adjust positions frequently and get up and move around to help avoid fatigue.

Lighting, Noise and Heat

A. Adequate but not excessive heat should be provided.

B. Windows should be equipped with adjustable blinds.

C. Use task lighting where extra illumination is required.

D. Noise above 85 to 90 decibels (dBA) may be harmful to workers. When exposed to high noise levels, employees shall utilize hearing conservation devices to ensure proper working conditions.

E. Whenever possible, isolate noisy machines and equipment in a remote location.

F. Tailor work practices to prevent heat/cold-related disorders. Employees exposed to hot environments must know the appropriate medical steps to counteract potentially life threatening situations such as heat stroke, heat exhaustion, and heat cramps. The same steps should be applied to disorders associated to cold environments, such as hypothermia.

2.07 PREVENTING WORKPLACE VIOLENCE

Recognize signs or threats that may precede violence in your co-workers or customers and report them to your supervisor and the Police Department. Be cautious when you deal with a person who:

A. Makes verbal threats on the job about getting “even” with co-workers or with your employer for disciplinary action or dismissal.

B. Regularly threatens or intimidates others.

C. Claims people are out to get him or her.

D. Talks a lot about weapons-and may own them.

E. Holds grudges.

F. Blames others for problems or setbacks.

G. Gets angry very easily and often.

H. Is defensive when criticized.

Report the following behavior to your supervisor:

A. A customer that becomes unusually angry with you because of perceived slow service, perceived poor product quality or lack of information.

B. A customer who talks abusively when making a telephone complaint.

C. A customer who threatens you or co-workers.

Respond effectively to a threatening or violent situation:

A. Take all threats seriously.

B. Stay calm and be polite-look the person in the eye and do not argue or threaten.

C. Address each customer with a friendly greeting when you are on the phone or meeting the customer in person.

D. Be courteous at all times.

E. Notify the police if you are frightened-or use a warning signal to alert co-workers.

Protect yourself and co-workers on the job:

A. Keep security and police department numbers near your phone.

B. Know how to use an alarm or alert staff to possible danger.

C. Develop a “danger signal” you can use to alert others to possible danger.

D. Meet visitors in the lobby and escort them to your work area.

E. Report any unusual packages to appropriate personnel, do not open them.

F. Lock purses and personal belongings in a desk or locker.

G. Report signs of a break-in and missing items immediately.

Follow security policies and procedures:

A. Keep locked doors locked, do not prop them open.

B. Wear name tags or badges when required.

C. Do not share access cards or entry codes.

D. Do not allow non-employees (including ex-employees) to avoid sign-in and other visitor entry procedures.

E. Report all threats and security violations to your supervisor and the Police Department. These should also include threats of domestic abuse that may result in violence in the workplace.

CHAPTER 3 SAFETY AUDIT/ INSPECTION POLICY

3.01 PURPOSE

In an effort to detect unsafe acts or unsafe conditions and initiate corrective action(s), a regular, documented self-inspection of facilities will be conducted by the Department Head every six months. Prior to each job, the job site will be evaluated before work begins. An employee(s) may be requested to assist the Department Head in conducting the inspections. A record of the self-inspection will be maintained in each department. Sample inspection forms are included in the back of the safety manual.

Individual employees are responsible for inspecting their work areas for possible hazards on a continual basis. Any potential hazards will be reported to supervisory personnel immediately and may also be reported to the Human Resources Department.

Employees assigned to drive a City of Murphy vehicle will complete vehicle inspections on a daily basis. The completed vehicle inspection reports will be maintained by the individual Department for a period of one year from the date of the report. Maintenance and repair records will be kept for the life of the vehicle. Corrective actions shall be documented for any identified deficiencies.

CHAPTER 4 MOTOR VEHICLE SAFETY

4.01 USE OF CITY PROPERTY/VEHICLE POLICY

4.01 General Policy. The City attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

4.01.02 Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Improper use and/or maintenance may result in disciplinary action. City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, or equipment is permitted. Upon termination of employment, employees must return any and all City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee. If an employee is in doubt about whether a particular use of City equipment, property, or vehicles is permissible, he or she must check with the appropriate Department Head or the City Manager before proceeding.

4.01.03 Some City of Murphy employees are permitted to drive City vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the City vehicle's location and then to the work site. In these instances, the vehicle may not be used by the employee to conduct any kind of personal business.

4.01.04 Use of a City vehicle by an employee is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to positive perceptions by our citizens. When an employee operates a City vehicle or a personal vehicle for which reimbursement is received, the following rules shall be observed. Violations of this policy may result in disciplinary action up to and including termination and possible prosecution.

A. Use of City vehicle by City employee only. City vehicles shall not be used to transport family members or other passengers not engaged in City business, without prior approval of the City Manager.
B. Personal use of a City vehicle for any reason is prohibited, except as specifically approved in writing by the City Manager.
C. An employee who operated an assigned vehicle or a private vehicle for City business must have a current safety inspection sticker, liability insurance and license plates for the vehicle.

D. The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to provide the Human Resources Department with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage.
E. Smoking and tobacco product usage is prohibited within City vehicles.
F. Identification and markings on City vehicles must remain intact and visible.
G. City and/or personal vehicles operated for City business shall be operated in a safe and courteous manner at all times. City and/or personal vehicles operated for City business shall be required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by an individual using or under the influence of drugs and/or alcohol. Seat belts for the driver and any passenger must be fastened at all times.
H. Except for the performance of official City business, no alcohol shall be carried in a City vehicle without the express permission of the City Manager.
I. An employee who is operating a City vehicle or private vehicle on City business is required to pay for moving violations and/or parking citations for which he/she is responsible.
J. Take-home vehicles should be safely parked or stored at an employee's residence when not in use, preferably no in an alley or on the side of the street.
K. Should a City employee assigned to a City vehicle on a twenty-four (24) hour basis be absent from work for more than three (3) calendar days, the vehicle must be returned to the City during the employee's absence.

4.01.05 All operators of City vehicles or personal vehicles who are on City business are required to have the valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their supervisors informed of any changes of status in their licenses. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier or the employee will be restricted from driving and/or disciplined up to and including dismissal.

4.01.06 The City conducts an annual examination of the driving records of all employees who operate City-owned motor vehicles to determine any violations of this policy. Probation, suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion, restriction, or other disciplinary action, up to and including dismissal.

4.02 OPERATOR STANDARDS-APPLICATIONS

Applicants for positions requiring the operation of a City of Murphy vehicles or motorized equipment *shall not* be eligible for driving/operating privileges if the total points assigned to their driving record is 10 or more within a 24-month timeframe.

Violations	Points
a. License suspension, revocation	10
b. Driving while intoxicated or under the influence of narcotics	10
c. Any serious violation - e.g. reckless driving, endangering lives of others or racing	10
d. Any speeding violation	3
e. Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right, following too close, etc.	2
f. Any chargeable bodily injury accident	3
g. Any chargeable property damage accident	3

4.03 OPERATOR STANDARDS-EMPLOYEES

Employees currently in a position requiring them to operate the City of Murphy vehicles or motorized equipment *shall not* be eligible to operate vehicles if the total points assigned to their driving record is 10 or more within a 24-month timeframe.

Violations	Points
a. License suspension, revocation	10
b. Driving while intoxicated or under the influence of narcotics	10
c. Any serious violation - e.g. reckless driving, endangering lives of others or racing	10
d. Any speeding violation	3
e. Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right, following too close, etc.	2
f. Any chargeable bodily injury accident	3
g. Any chargeable property damage accident	3

4.04 PROCEDURES

The following procedures shall be observed under this policy:

Employees operating vehicles or motorized equipment must report to their supervisors any accident involving said vehicles as soon as possible and no later than twenty-four (24) hours of the occurrence where practical.

Employees who are in jobs that require the driving/operating of vehicles or motorized equipment shall report any driver's license suspensions to their immediate supervisor within twenty-four hours of the suspension.

Failure to report license suspensions; or failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and will subject the employee to disciplinary action.

The Human Resources Department will make a list of all personnel who have driving or motorized equipment operation responsibilities. This list shall include the employee's name, date of birth, and current driver's license number. All such employees will then have their driving record status reviewed through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The appropriate Department Head will be notified of any employee whose driving record fails the criteria set forth in this policy.

Employees who have been ruled ineligible for driving privileges may have their privileges reinstated provided the employee successfully completes a Defensive Driver Training Program approved by the Department Head and submits evidence of satisfactory completion to the Department Head, and a copy to the Human Resources Department.

An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years in order to have his or her eligibility status reinstated, and employee is personally responsible for the cost of said training.

CHAPTER 5 WRITTEN HAZARD COMMUNICATION PROGRAM

5.01 GENERAL INFORMATION

It is the intention of the City of Murphy to comply with all laws and regulations of the Texas Hazard Communications Act (THCA) as amended. In order to comply, the following written Hazard Communication Program has been established.

The master copy of the written hazard communication program will be maintained in the Human Resources Department. Copies of the written program will be modified as needed for each separate workplace where hazardous chemicals are used or stored and a copy maintained at each workplace. The written program will be available to all interested employees and their representatives upon request.

To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:

A. Each Department Head will have overall responsibility for administering and maintaining this program and endeavoring to ensure that it meets all requirements of State and Federal Laws applicable to their departments.
B. Supervisors will be responsible for maintaining the safe use of hazardous materials in their area. They will also be responsible to monitor and insure the proper use of safety equipment by their employees. Supervisors will report any violations to the policy immediately to their supervisor.
C. Individual employees will be responsible for adhering to and observing any and all safety regulations. Employees must also use proper safety equipment and tools. Further, the employees are responsible for reporting any potential exposure or unsafe conditions.

5.02 WORKPLACE CHEMICAL LIST

The City of Murphy will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives.

The Fire Chief, or his or her designee, will be responsible for reviewing and updating the Workplace Chemical List(s) for the City of Murphy as necessary, but at least by December 31 of each year. The Workplace Chemical List will be maintained for at least 30 years.

Further information on each noted chemical can be obtained by reviewing Material Safety Data Sheets (MSDS) located in each workplace where these hazardous chemicals are used or stored.

5.03 MATERIAL SAFETY DATA SHEETS

The City of Murphy will maintain a current and appropriate Material Safety Data Sheet (MSDS) for each hazardous chemical purchased. The Fire Chief, or his or her designated representative, will be responsible for the MSDS system for the City of Murphy and will ensure that:

A. Incoming MSDSs are reviewed by appropriate Department Heads for new and significant health/safety information and that any new information is passed on to the affected employees. Copies of all incoming MSDSs must be forwarded to the Fire Department.

B. Hazardous chemicals received without an MSDS are withheld from use until a current MSDS is obtained.

C. Missing MSDS sheets are requested from an appropriate source (e.g., chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.

D. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of actual MSDS sheets.

E. Emergency responders are provided MSDS sheets as soon as practical upon request.

F. MSDS files for the City of Murphy will be kept at the offices of the department responsible for the storage of the product with copies being forwarded to the Fire Department for compliance with SARA Title III & Tier II reporting.

G. MSDS sheets will be readily available for review by employees or their designated representatives upon request.

5.04 CHEMICAL CONTAINER LABELS

All containers of hazardous chemicals used or stored by the City of Murphy will be appropriately labeled. The Public Works Department will be responsible for the hazardous chemical labeling system and will verify that:

A. All **primary containers** of hazardous chemicals are clearly labeled to include:

a. The identity of the chemical as it appears on the MSDS.
b. The appropriate hazard warnings.
c. The name and address of the manufacturer.

B. All **secondary containers** of hazardous chemicals are clearly labeled to include:

a. The identity of the chemical as it appears on the MSDS.
b. The appropriate hazard warnings.

C. A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS) Standard.

D. Every effort will be made to label pipes that carry materials that could be hazardous. Labeling can be specific markings identifying the contents of the pipes. If hazardous chemicals run through the pipes, the potential hazards and necessary safety precautions relative to the chemicals must be obtained and given to the employees working in the area.

E. Any empty container being considered for re-use must be fully cleaned and all labels removed prior to use.

The City of Murphy will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

5.05 EMPLOYEE TRAINING PROGRAM

The City of Murphy will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace to ensure that:

A. Appropriate training is provided to all covered employees and includes:

1. The use of information provided on MSDS sheets and chemical container labels.
2. The location of hazardous chemicals present in the employees' work areas.
3. The physical and health effects of exposure.
4. Proper use of personal protective equipment.
5. Safe handling of hazardous chemicals.
6. First aid treatment for exposure to hazardous chemicals.

7. Safety instruction on clean-up and disposal of hazardous chemicals.

B. All covered employees are identified and incorporated into the training program.

C. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.

D. New employees are trained prior to their being required to use or handle a hazardous chemical.

E. The need and frequency for periodic/refresher training is assessed. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that the information is received and understood.

The required training records will be maintained by the Human Resources Department. Such records will consist of training dates and subjects covered, as well as names of instructor(s) and attendees.

5.06 REPORTING EMPLOYEE DEATHS AND INJURIES

Human Resources will notify the Texas Department of Health (TDSHS), Hazard Communication Branch, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees within 48 hours of occurrence. Notifications will be made either orally or in writing.

Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.

Supervisors will be responsible for reporting all accidents involving a hazardous chemical to Human Resources or his or her designated representative.

5.07 POSTING EMPLOYEE NOTICE

The City of Murphy will post and maintain in **all workplaces** where hazardous chemicals are used or stored the most current version of the TDSHS *Notice to Employees*, informing employees of their rights under the THCA.

The *Notice to Employees* shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace. In addition, a copy printed in Spanish will be posted together with the English version wherever necessary.

Additional copies of the *Notice to Employees*, in both English and Spanish, are available from the Hazard Communication Branch of the TDSHS.

5.08 PERSONAL PROTECTIVE EQUIPMENT

The City of Murphy will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals. The affected departments assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:

A. Proper selection of PPE based on:

1. Routes of entry
2. Permeability of PPE material
3. Duties being performed by the employee
4. Hazardous chemicals present

B. Proper fit and functionality of PPE as described by the manufacturer's specifications.

C. Appropriate maintenance and storage of PPE.

5.09 MAINTAINING EMPLOYEE RIGHTS

The City of Murphy shall not discipline or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.

Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer violates the Act.

5.10 INFORMING CONTRACTORS

Before a contractor commences work in a City of Murphy workplace, the Department and/or Supervisor who controls the work area will be responsible for:

A. Informing the contractor of its rights under the Act.

B. Providing a copy of the Workplace Chemical List.

C. Providing copies of all MSDSs for the hazardous chemicals that they may be exposed to in the workplace.

D. Having the contractor provide MSDSs for any hazardous chemicals they will be bringing into the City of Murphy workplace to which the City of Murphy employees will have an exposure.

CHAPTER 6 FIRST AID/ WORKPLACE EMERGENCIES

6.01 WORKPLACE EMERGENCIES AND FIRST AID

A. All injuries, regardless of how minor, shall be reported to your supervisor.

B. Preplanning for a potential emergency situation is most valuable. All employees shall be aware of the medical services available and how to obtain them. Emergency phone numbers shall be posted in all work areas.

C. Where first aid kits are supplied, employees shall be familiar with the location, contents, and the instructions given with the first aid kit. Each employee shall learn how to use this equipment so they can render treatment when needed.

D. The contents of the first aid kits shall be inspected each month and expended items replaced. Personal medication shall not be kept in first aid kits.

E. A checklist will be kept with each first aid kit showing the name of the person and date it was checked.

F. Where the eyes or body may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided for emergency use.

6.02 POISON IVY, OAK AND SUMAC AWARENESS

A. Sensitivity to these plants can vary and some people who do not appear sensitive may develop a sensitivity on later exposures.

B. Exposures to poison ivy, poison oak or sumac are greatest in the spring and summer months when the oil (urushiol) is most abundant.

C. Onset of the rash is from a few hours to several days after exposure. The skin becomes red, blisters appear, usually accompanied, by itching. As symptoms progress, swelling and fever may develop.

D. Common poison ivy can be recognized by its three green, glossy leaflets that turn yellow in the fall.

E. Western poison oak can be recognized by its vine form and three leaflets that are green or brown in color with yellow veins and brownish/yellow stems. In addition, the leaves are covered with hair on the underside and there are groups of hairy, yellowish berries.

F. Poison sumac is recognizable as a woody shrub r small tree, five to twenty five feet tall and containing seven to thirteen leaflets per stem. The leaves turn red in the fall. Poison sumac has cream-colored berries that hang in loose groups from the branches.

G. If you are going to be in areas where you know poison oak or ivy is likely to grow, wear long pants and long sleeves, and if practical, gloves and boots. Your best protection is to identify the plant and avoid contact. For highly sensitive persons, a barrier cream can provide even greater protection.

H. Be aware that the plant's oily resin sticks to almost all surfaces and can even be carried in the wind (on particles of dust) when there is a fire burning.

If you think you have contacted poison ivy, follow these simple procedures:

A. Wash all exposed areas with cold running water as soon as you can. If this is done within five minutes, the water should neutralize or deactivate the urushiol in the plant's oil before it can bond with your skin and create a rash. Soap is not necessary and may even spread the oil.

B. If possible, change clothes. Wash all clothing outside with a water hose before taking it into the work area or home to prevent the oil from being transferred to furniture or rugs. Resinous oils can last on tools and clothing for months unless properly cleaned or laundered.

C. Mild rashes can be treated with lotions and by soaking in an oatmeal bath or covering the rash with wet compresses. Contact a physician for treatment of severe cases or if the irritation is not cleared up in three or four days.

6.03 INSECT BITES AND STINGS

Symptoms of an insect bite result from the injection of venom or other substances into your skin. The venom triggers an allergic (immune) reaction. The severity of your reaction depends on your sensitivity to the venom or substance.

Most reactions are mild, causing little more than an annoying itch or stinging sensation and mild swelling that disappear within a day or so. A delayed reaction may cause fever, painful joints, hives or swollen glands. You might experience both the immediate and the delayed reactions from the same bite or sting. Only a small percentage of people develop severe reactions (facial swelling, difficulty breathing, shock) to insect venom.

Bees, wasps, hornets, yellow jackets and fire ants are typically the most troublesome insects. Mosquitoes, ticks, biting flies and some spiders also can cause reactions, but these are generally milder.

For severe reactions:

Severe reactions may progress rapidly. Dial 911 or call for emergency medical assistance if you experience any of the following signs or symptoms:

- Difficulty breathing
- Swelling of your lips or throat
- Faintness
- Confusion
- Rapid heartbeat
- Hives
- Nausea, cramps and vomiting

While waiting for emergency transportation:

A. Have the person lie down. If the person is alert, consider giving the person an antihistamine.

B. If unconscious and breathing, lay the person on his or her side to allow drainage from the mouth.

C. If there is no breathing, movement or response to touch begin cardiopulmonary resuscitation.

D. Check to see if the person is carrying an allergy kit containing epinephrine. Follow the instructions on the kit.

6.04 TICK BITES

Some ticks transmit bacteria that cause illnesses such as Lyme disease or Rocky Mountain spotted fever. Your risk of contracting one of these diseases depends on what part of the United States you live in, how much time you spend in wooded areas and how well you protect yourself.

If you have been bitten by a tick:

A. Remove the tick promptly and carefully. Use tweezers to grasp the tick near its head or mouth and pull gently to remove the whole tick without crushing it.

B. If possible, seal the tick in a plastic bag and keep it in case you later need to see a doctor. Otherwise flush it down the toilet or bury it.

C. Wash your hands after handling the tick.

D. Apply antiseptic to the bite area.

See your doctor if you develop:

- Rash
- Fever
- Muscle aches
- Joint pain and swelling

If possible, bring the tick with you to your doctor’s appointment.

CHAPTER 7 BACKHOE / LOADER SAFETY

1. Operators shall be adequately trained and qualified to operate the equipment. The operators shall become thoroughly familiar with the equipment before using it and they must understand the contents of the operator's manual.

2. The operator is responsible for inspecting the equipment before it is used. The brakes and controls shall also be tested by the operator prior to use. (Needed repairs shall be reported immediately.) Observe proper maintenance and repair of all pivot pins, hydraulic cylinders, hoses, snap rings and main attachment bolts daily.

3. Seat belts shall be worn on all equipment with rollover protection.

4. Operators should maintain “three points of contact” with the equipment when entering or exiting. This will allow the operator to regain their balance if a slip occurs.

5. Back-up alarms are a useful warning device and should be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle. Back-up alarms should be operable at all times.

6. Only the operator shall be allowed on the equipment during operation, unless a seat is provided for another occupant.

7. Employees shall never be allowed to ride in the bucket or use the bucket for an elevated platform.

8. Walk around the equipment to observe for children and others before starting up. Consider the use a spotter when backing the equipment.

9. Keep bystanders in the clear while operating the equipment. No one is allowed in a ditch while a backhoe is excavating.

10. Locate underground utility lines and overhead power lines before starting to dig. (Always contact utility companies to physically locate any underground lines.) Do not operate a backhoe within 10 feet of an overhead electrical line. Hand-dig in the vicinity of all known underground utility lines and pipelines.

11. Never attempt to lift loads in excess of the equipment’s capacity.

12. Never allow anyone to get under the equipment or reach through the lift arms while the bucket is raised.

13. Relieve the pressure in any hydraulic lines before disconnecting them to make repairs. Any hydraulic implements that are not relieved, shall be physically blocked to protect against mashing injuries during maintenance or repair activities. Physical blocks may include safety stands, timbers, cinder blocks, etc. that can withstand the force.

14. Use care at all times to maintain proper stability. Drive at safe speeds over rough ground, on slopes, when crossing ditches and when turning corners.

15. To prevent upsets when operating on a slope, avoid using the full reach and swinging a loaded bucket to the downhill side.

16. Always center and raise the boom before moving to a new location.

17. Do not attempt to exit the equipment while it is still in motion. Apply the parking brake and shut down the engine before leaving equipment.

18. Lubrication activities or mechanical adjustments shall not be attempted while the equipment is running if there is a possibility of contacting a pulley, belt, shaft, etc. that is in motion.

19. Park the equipment on level ground when possible. As a minimum, the bucket should be lowered, the brakes set, the transmission engaged and engine killed when parking.

20. Use care in attaching towing lines to the equipment. Pulling from the tractor rear axle or any point above the axle may cause an accident.

21. Slow moving placards and other warning devices should be used to help other motorists in spotting the slow-moving vehicle from a safe distance. When possible, an escort/follow vehicle shall be used.

22. All safety devices installed shall be utilized and shall never be blocked or modified to render these devices ineffective.

CHAPTER 8 TRENCHING AND EXCAVATION SAFETY

1. Before opening an excavation, all interferences such as trees, sidewalks, and foundations shall be removed or supported as necessary to protect employees and the public.

2. The estimated location of utility and other underground installations that may be encountered during excavation work shall be determined before opening the excavation.

3. When excavation operations approach the estimated location of underground installations, the exact location of the installation shall be determined by safe and acceptable means.

4. While the excavation is open, underground installations shall be protected, supported, or removed to safeguard employees.

5. Employees exposed to vehicular traffic shall wear “high visibility” vests or clothing.

6. A stairway, ladder, ramp, or other safe means of egress shall be located in trench excavations that are 4 feet or more in depth so as to require no more than 25 feet of lateral travel for employees. Ladders must extend 3 feet above the surface and be tied off if necessary.

7. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials.

8. All mobile equipment (front-end loaders, bulldozers, and dump trucks) shall be equipped with a warning device such as a back-up alarm. When mobile equipment is operated adjacent to an excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be sloped away from the excavation.

9. In excavations deeper than four feet with the potential for a hazardous atmosphere or oxygen deficiency, air testing shall be conducted before employees can enter an excavation and as often as necessary to ensure the atmosphere remains safe. Ventilation or respiratory protection may be needed to protect employees from harmful atmospheres.

10. Daily inspections of the excavations and adjacent areas and protective systems shall be made by a competent person for evidence of situations that could result in a possible cave-in, failure of protective systems, hazardous atmospheres or other hazardous conditions. An inspection shall be conducted prior to the start of

work, when there are changes in weather conditions, if the excavation has been left unattended for a period of time (such as lunch), and as needed.

11. Employees shall not work in excavations in which there is accumulated water or in an excavation in which water is accumulating unless adequate precautions have been taken to protect employees. The precautions necessary to protect employees adequately can include special support or shield systems, water removal, or the use of a body harness and lifeline.

12. Surface water shall be prevented from entering an excavation by utilizing diversion ditches, dikes, or other suitable means.

13. Excavations subject to run-off from heavy rains shall require an inspection by a competent person.

14. Excavated earth (spoil), materials, tools, and equipment shall be placed no closer than two feet from the edge of the excavation.

15. Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.

16. When excavations are left open, warning devices, barricades, or guardrails shall be placed to adequately protect employees and the public.

17. At the end of the workday, as much of the excavation as practical shall be closed.

18. Mechanical excavating equipment that is parked or operating on streets or highways shall be protected by proper warning devices.

19. Each employee in an excavation shall be protected from cave-ins by an adequate protective system (sloping, benching, shoring, or shielding), unless excavations are made entirely in stable rock, or are less than five feet deep and examination of the ground by a competent person provides no indication of a potential cave-in.

20. When choosing a protective system, a competent person shall take into consideration soil type, vibration sources, previously disturbed soil, layered soil, presence of water, heavy equipment work adjacent to the excavation, limited work area, and other hazard-increasing conditions.

21. Sloping, benching, shoring or shielding for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

CHAPTER 9 DUMP TRUCK SAFETY

1. Employees or other individuals shall not be carried in the bed for transportation purposes.

2. Employees shall not remain in the cab when the bed is being loaded unless the cab is protected against impact.

3. Check overhead clearances before raising the bed. Be aware of overhead electrical lines.

4. Be sure hoist is not engaged before moving the truck.

5. Loose material shall be covered to prevent blowing debris and spillage.

6. Close windows during loading/unloading to control dust accumulation inside the cab.

7. Operators of dump trucks must possess a valid Commercial Drivers License.

8. Operators are responsible for cleaning debris, mud, rocks, etc. from the bed, fenders and other body parts that may become dislodged during travel.

9. Back-up alarms are a useful warning device and shall be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle. Back-up alarms should be operable at all times.

10. All mirrors should be maintained in clean, good working condition and adjusted to assist the operator in viewing obstructions or other vehicles.

11. Operators should maintain “three points of contact” with the equipment when entering or exiting the cab. This will allow the operators to regain their balance if a slip occurs.

CHAPTER 10 GENERAL LAW ENFORCEMENT PERSONNEL SAFETY

Police Officer Safety

1. Officers on patrol shall:
   - Wear all department-issued body armor.
   - Follow department policy and procedure on use of force.
   - Wait for backup to arrive when possible.
   - Always be alert and prepared during an incident.
   - Approach all incident scenes anticipating any possible dangers.
   - During “foot” pursuits, swing wide around corners of buildings or other blind areas.
   - Do not shine a flashlight directly in front of your body; hold it to your side.
   - Handcuff all subjects before proceeding with your search.

2. Officers performing traffic control shall:
   - Be aware of the terrain and associated exposures in the area.
   - Never turn your back on approaching traffic.
   - Wear reflective vests and gloves at all times.
   - When directing traffic, position yourself to limit your exposure and in a way that makes you as visible as possible.
   - Use clear easily understood signals with the drivers.
   - Maintain communication with other officers assisting in the traffic control.
   - Strike flares away from your body and be aware of possible burn hazards. Flares should be extinguished by smothering them in the dirt.
   - Establish a safety zone at accident scenes by posting cones, lighting flares, positioning flaggers, and/or parking your vehicle to divert traffic.

3. During vehicle stops, officers shall:
   - Position the patrol car behind the vehicle you are pulling over to provide a barrier between you and oncoming traffic.
   - Wait until oncoming traffic is clear before exiting your vehicle.
   - As you approach the vehicle, observe the driver and passengers by looking in the suspect’s side or rear view mirrors.
   - Minimize your exposure to the driver and passengers by standing just to the rear of the suspect’s vehicle.
   - Keep your attention on the subject(s) during the length of the vehicle stop; stay alert.

During searches and seizures, officers shall:

- Follow established stance methods and search patterns.
- When there is indication that the suspect may be concealing a sharp or pointed object, the officer shall direct the subject to remove the object or the article of clothing which contains it.

- During vehicle searches, officers must be cognizant of reaching into areas that have not first been viewed.

When transporting suspects, officers shall:

- Handcuff all suspects before transporting.
- Prisoners will be placed in the back seat with the seat belt fastened.
- Prisoners will not be left unattended in a patrol car when at all possible.
- All non-police personnel will be searched for weapons before being permitted into the patrol car.

Firearm Safety

1. Do not modify your weapon in any way without departmental approval.
2. Lock and unload the firearm before handing it to another person. Do not point the muzzle of the firearm toward anyone when handing it to another person.
3. Keep your finger out of the trigger guard until you are ready to fire.
4. Do not handle a firearm if you are taking medication from a container whose label indicates that the medication "may cause drowsiness or dizziness" or other adverse side effects.
5. Leave the firearm in its holster or rack until it is needed.
6. Do not conduct firearm practice alone.
7. When unloading the firearm, do not try to catch the casings or magazine.
8. Keep the muzzle pointed toward the target when loading and unloading the firearm.
9. Return your weapon to its holster or rack when finished firing and close the holster strap over the firearm.
10. Anytime a firearm is discharged in the line of duty, it must be reported to your supervisor immediately.

Vehicle Inspection

1. At the beginning of each shift, each officer will inspect their assigned patrol vehicle documenting the results of the inspection.
2. Any deficiencies that prevent the vehicle from being operated safely will be noted on the vehicle inspection report. At the end of each month, the report will then be turned in to your supervisor for review.
3. Vehicles that have been deemed inoperable will not be driven for patrol duties until the deficiency is corrected.
4. Officers should understand the basic operation requirements of their assigned vehicle. Items that should be checked include tires, oil, transmission fluid, windshield washer fluid, coolant, etc.

CHAPTER 11 GENERAL FIRE PERSONNEL SAFETY

Personnel Safety on Vehicles

1. All personnel riding on the apparatus must be seated with seat belts fastened, while the apparatus is moving.
2. Do not ride or allow passengers outside the cab or canopy of any department vehicle while in motion.
3. Do not open or attempt to exit through the doors of the apparatus while it is in motion. Use steps and hand rails/holds when entering or exiting apparatus and maintain “three points of contact” at all times.
4. Where backing-up is necessary, use a “spotter” to guide you. When a “spotter” is unavailable, dismount and walk around the vehicle to ensure that you have an unobstructed path, before backing. Back-up alarms should be in place and operational at all times. If the back-up alarm is not functioning, the operator must honk the horn while backing.

Fire Station Safety

1. Mop or clean up any oil, hydraulic fluid, water, grease or other fluids from floors, bays or walkways in the apparatus storage area immediately upon detection.

2. Do not run extension cords or other electrical power cords across doorways or aisles, between desks, or under vehicles.

3. Clean up all spills immediately, especially wet spots around drink and coffee machines, in bathrooms, kitchen and hallways.

4. Do not point a charged compressed air hose at anyone or use it to clean your clothing or the work area.

5. Do not use oxygen as a substitute for compressed air.

6. Do not stand on a ladder that "wobbles", or that leans to the left or right of center. A ladder or a step stool should be used when retrieving items above your head. Chairs, buckets, boxes, etc., should not be used in place of ladders.

7. All wet or slick floors should be marked with a yellow “Wet Surface” or “Freshly Mopped” sign. Employees shall avoid such areas until the signs are removed.

8. Do not block your own view by carrying large or bulky objects; use a dolly or a hand truck, or get assistance from a fellow firefighter.

9. Do not place a ladder at a blind corner or doorway without diverting foot traffic by blocking or roping off the area.

10. Do not jump from trucks, platforms, ladders, roofs or other elevated places.

11. Inspect all tools prior to use. In addition, always use the proper tool for the job.

12. Only activities authorized by the department will be allowed for the purpose of physical fitness.

13. Proper housekeeping must be maintained throughout all facilities all the time.

Search and Rescue

1. Firefighters must not enter a burning structure without prior approval from their supervisor or the incident commander.
2. Assume that all downwind or "confined" atmospheres encountered at a search and rescue scene are contaminated unless your supervisor or incident commander has told you otherwise.
3. Use SCBA or supplied air respirators during extraction unless your supervisor or incident commander has told you that the atmosphere is safe.

Fire Ground Safety Rules

1. When arriving at the fire scene, firefighters must not remove their seatbelts until the apparatus has come to a complete stop.
2. Do not get off the apparatus unless you have been specifically told to do so by the apparatus officer.
3. Use steps and hand rails/holds when entering or exiting apparatus and maintain “three points of contact” at all times.
4. Do not run when working at fire scenes.
5. Do not enter a structure fire by yourself for any reason.
6. Do not enter a burning structure if you are not wearing your self-contained breathing apparatus.
7. Do not enter a structure that is displaying the signs of back draft or imminent flashover.
8. Prior to entering a burning structure, you must let the incident commander know what your intentions are by contacting him over the radio, or by telling him face to face.
9. Do not enter a burning structure without the protection of a hose line.
10. Firefighters must use full protective clothing, including hood, gloves, SCBA, etc. for interior firefighting.
11. Firefighting teams within a burning structure must have constant radio communication with the incident commander.
12. Interior crews must stay together, and must maintain constant communication between each other and the incident commander outside the structure.
13. If, for any reason, one member of a team must leave the interior of a structure, both firefighters must leave the structure.
14. Do not "straddle" charged hose lines.
15. Open valves to charged hose lines slowly to prevent injuring the firefighters at the end of the hose.
16. Before "shutting down" any charged lines, or when a low water situation exists, the pump operator must notify the firefighters at the working end.

17. Firefighters operating in or near streets or roads must wear their helmets and reflective traffic vests, or full protective clothing, for visibility to oncoming traffic.
18. When utilizing pike poles to clean out hot spots or while conducting salvage and overhaul operations, do not pull the debris down toward your body; push it down and away from your body.
19. Self-contained breathing apparatus must be worn during all phases of firefighting, including salvage and overhaul, unless the incident commander tells you otherwise.

Vehicle Fires

1. Never approach vehicle fires without using full protective equipment clothing, including hoods, gloves, SCBA, etc.
2. Prior to attacking a vehicle fire, "open" and operationally check the hose line from a safe distance to be sure it is fully functional; pull back on the nozzle valve handle to the "open" position and allow air to escape to the point at which a solid stream of water is flowing from the nozzle.
3. Use the wheel blocks to chock the wheels of the burning vehicle, when possible, to prevent it from rolling.
4. When possible, approach vehicle fires upwind and in a low crouch, with the hose nozzle opened to the "full fog position".
5. Only "pop" hoods open when there is another firefighter present with a charged and tested hose line, standing by to attack the potential flare up of fire once the hood is opened.

JOB SITE SAFETY INSPECTION FORM
(Required Monthly)

Date: _____
Location of Inspection: _____

Area	**Satisfactory** Yes	No	**Corrective Action**
PERSONAL PROTECTIVE EQUIPMENT			
Eye Protection	___	___	_____
Head Protection	___	___	_____
Hand Protection	___	___	_____
Foot Protection	___	___	_____
Hearing Protection	___	___	_____
Respiratory Protection	___	___	_____
Fall Protection	___	___	_____
High Visibility Vest / Garment	___	___	_____
TRENCHING			
Protective System (sloping, shoring, etc)	___	___	_____
Proper Access	___	___	_____
Underground Lines Located	___	___	_____
Competent Person Assigned	___	___	_____
_____	___	___	_____
CONFINED SPACES			
Entry Permit Completed	___	___	_____
Monitoring Adequate	___	___	_____
Ventilation	___	___	_____
Stand-by Person			
_____	___	___	_____
_____	___	___	_____

Area	**Satisfactory** Yes	No	**Corrective Action**
TRAFFIC CONTROL			
Warning Signs	___	___	_____
Barricades/Barriers and Cones	___	___	_____
Flagger (Stop/Slow Paddle)	___	___	_____
High Visibility Vest / Garment	___	___	_____
MATERIAL HANDLING			
Proper Lifting Techniques	___	___	_____
Condition of Lifting Accessories	___	___	_____
Adequate Number of Personnel	___	___	_____
GENERAL ISSUES			
Fire Protection	___	___	_____
Compressed Gas Cylinders	___	___	_____
Material Safety Data Sheets	___	___	_____
First-Aid Kit	___	___	_____
Lockout/Tagout	___	___	_____
Housekeeping	___	___	_____
Machine Guarding	___	___	_____
Condition of Machinery	___	___	_____
Condition of Portable Power Tools	___	___	_____
Condition of Hand Tools	___	___	_____
Condition of Electrical Cords	___	___	_____
Use of Ground Fault Circuit Interrupter	___	___	_____

Completed report must be turned in to your supervisor with listed corrective actions for any deficiencies.

MONTHLY VEHICLE INSPECTION FORM

Date _____

Insp. Sticker Exp. Date _____

Odometer Reading _____

License Plate No. _____

CONDITION								
ITEM	**Sat.**	**Un. Sat**	**ITEM**	**Sat**	**Un. Sat**	**ITEM**	**Sat.**	**Un. Sat.**
Horn			Transmission Fluid/Oil level			Front Bumper		
Mirrors			Brakes			Grill		
Glass			Play in Steering Wheel			Left Front Fender		
Battery			Exhaust System			Right Front Fender		
Engine			Head Lights			Hood		
Windshield Wipers			Parking Lights			Left Doors		
Power Steering			Tail Lights			Right Doors		
Turn Indicator			Brake Lights			Rear Bumper		
4-Way Flashers			Back-up Lights			Top		
			Tires			Seats		
			Seat Belts					

Explain all items shown as unsatisfactory in the "remarks" section.
Remarks: _____

_____

_____

_____

_____
Employee's (Driver's) Signature

MACHINERY/EQUIPMENT INSPECTION FORM

Date _____

Insp. Sticker Exp. Date (If Applicable) _____

Odometer Reading _____Hour Meter (If Applicable)_____

Equipment No. or License Plate No. _____

CONDITION											
ITEM	**Sat.**	*Un* **Sat.**	N/A	*ITEM*	**Sat.**	*Un Sat.*	**N/A**	*ITEM*	**Sat.**	*Un* **Sat.**	*N/A*
Battery				Horn				Turn Indicator			
Motor Oil				Mirrors				4-Way Flashers			
Engine				Glass				Overhead Lights			
Engine Coolant				Windshield Wipers				Brakes			
Transmission Fluid				Steering				Head Lights			
Exhaust System				Seat Belts				**Tail Lights**			
Hydraulic Fluid				Seat							
Hydraulic Oil Lines				Fuel				**Brake**			
Rollover Protection				Back-up Alarm				**Lights**			
First Aid Kit				Gauges				Tires			
				Doors				Outriggers			
				Safety Equipment: Flares, Flags, Cones, Chock Blocks, Etc.				Mud Flaps			
								Steps/ Handrails			
								Operation of Implements			
								Fire Extinguisher			

Explain all items shown as unsatisfactory in the "remarks" section.
Remarks: _____

_____

_____

_____

Employee's (Driver's) Signature_____

ADDENDUM F
CITY OF MURPHY
TRAVEL POLICY

1.0 INTRODUCTION

1.01 Purpose

To provide a standard and uniform method of reimbursing employees for reasonable expenses incurred while traveling on authorized official trips.

1.02 Scope

These policies are applicable to all travel by City employees and other official representatives of the City while conducting City business or attending approved training programs outside of the City limits of Murphy involving reimbursable expenses.

2.0 PROCEDURE

2.01 Travel Authorization

Only travel and/or training which has been approved is authorized. The City Manager must approve travel or training for City employees that requires an overnight stay. Advanced approval must be obtained for all overnight travel at least ten (10) days prior to the trip. The department head may approve travel out of the city for daily business purposes in accordance with this policy.

2.02 Travel Request

A travel request form must be used to request and authorize all overnight travel. An approved and completed form must be submitted to the Department Head, Finance Director and City Manager at least ten (10) days prior to the trip for verification of availability of funds and processing of payments. Advanced checks may be issued according to the executed "Travel Request and Authorization" form.

No employee or official will be reimbursed for any travel expenses or be advanced any funds for travel if a prior advance is outstanding.

2.03 Travel Expense Report

This form must be completed and submitted to the Finance Department for audit within five (5) working days after completion of the travel. All expenses must be coded to the appropriate account number. This form is also used to request any reimbursable expenses with itemized receipts attached. Travel expense reimbursements will be made only to the extent that such expenses are incurred in accordance with the policy set forth in these travel regulations. If any portion of the travel advance is unused, the amount to be returned to the City must accompany the Travel Expense Report. Expenses that are reimbursed by another agency must be shown as such on the Travel Expense Report.

If an individual fails to comply with the reporting requirement, he or she may lose the privilege to travel on behalf of the City. The City may actively seek all legal means to require the liquidation of any travel advance.

3.0 REIMBURSEABLE EXPENSES

3.01 Transportation

The employee will be expected to select the mode of transportation which will be most economical to the City considering cost and time consumed.

1. **Air Travel** – The cost of public transportation is allowed at the lowest refundable rate plus applicable taxes. Airline ticket copies must be submitted as itemized receipts for this expense.

2. **Private Automobile** – An authorized person traveling by private vehicle shall be reimbursed at the rate per mile equal to the current mileage rate as authorized by the IRS based on the shortest route between the points which shall be determined as follows:

    a. Mileage within and outside of the State of Texas will be computed from the latest official IRS Guide. Please see the Finance office for this information.

    b. When two or more persons travel in a single private vehicle, only one shall receive a transportation reimbursement. This provision shall not preclude each traveler from receiving compensation for other allowable expenses. When two or more persons are required to make the same trip every effort

shall be made to utilize one vehicle unless the lowest cost of transportation is air travel.

c. Reimbursement for mileage will not be made for an amount in excess of the cost of the lowest refundable round trip airfare, without prior approval by the City Manager.

d. Travel within the City must be documented in order to be considered for reimbursement.

e. City employees receiving a car allowance are eligible for mileage reimbursement subject to the following conditions:
    i. Reimbursable travel is outside a 20-mile radius of the City of Murphy.
    ii. The employee shall be given the option of using a City-owned vehicle or the employee may use their own private vehicle and receive reimbursement based on the latest IRS Guideline for Standard Mileage Rates.

3. **Alternate Routes and Modes of Transportation** - The traveler may desire to select an alternate route or mode of transportation for convenience in conducting personal affairs. The City will reimburse only for the travel expenses that are necessary in order to conduct City business. All additional costs resulting from the use of an alternate route must be borne by the traveler. Employees may be charged vacation time for any additional time resulting from using an alternate route or mode of transportation. Excess time will be computed as that time which exceeded the time required to fly or drive to and from the destination.

3.02 Lodging

The City will reimburse for actual lodging expenses incurred only at a single room rate. Itemized receipts must be submitted for lodging expenses that furnish a detail breakdown of day-to-day charges.

3.03 Meals and Incidental Expenses

For travel that includes overnight stays, the City of Murphy will follow IRS guidelines for per diem amounts for meals and incidental expenses based on the destination city. For expenses above the IRS guidelines, receipts must be submitted and will be approved by the City Manager and Finance Director. Itemized receipts are not required for meals reimbursed at the per diem rate. Any reimbursement for expenses

for meals and other incidental expenses exceeding the allowable per diem amount must have a receipt and be approved by the City Manager.

3.04 Partial Day Reimbursement

An employee who is traveling on official City business for a continuous period of a minimum of four hours but less than twenty-four hours, which does not involve an overnight stay, will be reimbursed based on the per diem breakdown. No partial meal allowance will be paid for an official business trip of less than four hours unless the business meeting includes a meal.

3.05 Other Expenses

Registration Fees charged for registration are reimbursable or eligible for pre-payment. A receipt or proof of the fee shall be provided for payment or reimbursement. If an employee is signing a guest up for entertainment such as tours, luncheons, etc., a check for the reimbursement of these fees must accompany the registration form.

Telephone and other communication will be allowed only for necessary business purposes.

Parking, car rentals, taxis, tips for services and other miscellaneous expenses will be allowed for reimbursement if reasonable, ordinary and necessary for business travel. All such charges must be supported by a receipt.

Any unusual expenditure must be justified in writing and approved by the City Manager.

3.06 Major Credit Cards

The Finance Department can make available a corporate City credit card to be used for plane tickets and hotel bills. This will not eliminate the need for a cash advance but will reduce the amount of cash advance needed for travel. The user must submit itemized receipts coded to the appropriate account number within three business days of travel to reconcile the monthly statement. These cards are strictly for official City business and must not be used to purchase personal items.

4.0 EXPENSES NOT APPROVED FOR REIMBURSEMENT

1. Alcoholic beverages will not be reimbursed under any circumstance.

2. The expense of any City employee not specifically traveling on City business will not be reimbursed.

3. When business trips or conferences are not attended due to the decision of the employee, related fees fares paid by the City for individuals shall be reimbursed to the City.

4. Charges related to changes of airline tickets and hotel reservations will be paid by the individual unless the change is required due to unforeseeable and urgent business purposes. The City Manager must approve all changes.

ADDENDUM G
CREDIT CARD PROGRAM

The City of Murphy entered into an agreement with Wells Fargo Bank to provide designated City employees with corporate credit cards for purchases involving approved City expenditures. Credit cards are not intended to replace any existing process or procedures or circumvent chain of command for approval thresholds. The credit card program is intended to reduce paperwork, streamline payment processing, consolidate vendor payments and facilitate emergency field operations. Existing procedures for purchase requisitions, petty cash reimbursement and payment authorizations are still in effect.

City-issued credit cards could typically be used for the following types of expenditures:

Office & Meeting Supplies
Subscriptions & Publications
Computer Software
Emergency Repair Materials
Travel Reservations & Accommodations

Your City-issued credit card **must not** be used for personal expenditures. An oversight error is certainly understandable; however, improper use of the card may result in a Corporate Security investigation which may lead to disciplinary action, up to and including prosecution and termination of employment.

Whenever the corporate credit card is used, **original receipts** must be retained and returned to department representatives as soon as possible for reconciliation purposes. If original receipts are not returned promptly, purchasing cards could be cancelled.

A report of all transaction activity is sent to the designated department representative monthly. The department representative matches the receipts to the transaction activity report and assigns line item expenditure for each transaction. A hard copy of the report with receipts attached must be approved by the department director (or assigned representative) and forwarded to the Finance Department for final processing and statement reconciliation.

Any changes to the single transaction and/or monthly limit of an existing cardholder or other special handling changes must be approved by the Department Director. Once approved, those requests may be submitted via e-mail to the Finance Director.

City of Murphy
Credit Card Agreement

AGREEMENT TO ACCEPT CITY OF MURPHY, TEXAS
CORPORATE CREDIT CARD

The CITY OF MURPHY, TEXAS is pleased to offer you a corporate credit card. It represents the CITY OF MURPHY, TEXAS's trust in you and your empowerment as a responsible agent to safeguard CITY OF MURPHY, TEXAS assets.

I, _____ hereby acknowledge receipt of The CITY OF MURPHY, TEXAS Corporate Credit Card Program Policies and Procedures document and confirm that I have read and understand its terms. As a Cardholder, I agree to comply with said document and understand that The CITY OF MURPHY, TEXAS is liable to MasterCard for all The CITY OF MURPHY, TEXAS approved purchases.

I agree to use the Corporate Credit Card for CITY OF MURPHY, TEXAS approved purchases only and agree not to use the card for personal purchases. I understand that The CITY OF MURPHY, TEXAS will audit the use of the card and report any discrepancies. I further understand that improper use of the card may result in a Corporate Security investigation which may lead to disciplinary action, up to and including prosecution and termination of employment.

In the event that the Corporate Credit Card is not used as herein stated, I hereby authorize The CITY OF MURPHY, TEXAS to release my last known address and any information relating to my use of the card to Cardmember Services, Wells Fargo Bank.

I understand that The CITY OF MURPHY, TEXAS may terminate my right to use the card at any time for any reason. I also agree to return the card to The CITY OF MURPHY, TEXAS immediately upon request or upon termination of employment.

CARDHOLDER:

Signature _____

Date _____
Monthly Credit Limit _____

City Manager/Finance Director:

I acknowledge that the above Cardholder has been issued a CITY OF MURPHY, TEXAS corporate credit card

Card Number _____

Signature _____

Date _____

ADDENDUM H
ELECTRONIC COMMUNCATIONS POLICY

Section 1.00 – Purpose

The purpose of this policy is to provide users with an understanding of the acceptable conduct that shall be followed when using technology provided by the City of Murphy.

Section 2.00 – References

- Health Insurance Portability and Accountability Act (HIPAA)
- Texas Public Information Act
- City of Murphy Record Retention Policy
- City of Murphy Employee Handbook

Section 3.00 – Definitions

3.01 Information Technology Staff

Any employee of the City of Murphy's Information Technology Department.

3.02 Information Technology

Refers to all city owned desktop and laptop computers, mobile computers, servers, and other electronic devices (including, but not limited to, printers, scanners, digital storage devices, smart phones, cellular telephones, digital cameras, and personal digital assistants) that are attached to and using City of Murphy resources, including its networks, and the applications they support; such as software, electronic mail, and access to the Internet.

3.03 User

Any individual who has been issued a domain user name and password which may include, but not limited to, a City of Murphy employee, vendor or volunteer.

3.04 Non-user

Any individual who is not classified in **Section 3.03** – **User**; for example: friends and/or family members of a user.

3.05 Electronic Mail Communication (includes E-mail, Instant Messaging, and other general electronic communication)

Refers to all electronic communication that is sent, received, downloaded, or stored when using the City of Murphy Information Technology System, regardless of method of entry or retrieval. Access to personal Internet e-mail systems, such as accounts with Yahoo, Hotmail, etc., are subject to provisions stated in

3.06 Virtual Private Network (VPN)

A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide authorized users access to Information Technology from remote locations.

Section 4.00 – Policies

4.01 Electronic Mail Communication

Use of electronic mail communication is permitted for city business-related purposes only. Users must remember that e-mail messages are not a form of private communication. All messages that are created, received, and/or stored using Information Technology are considered the property of the City of Murphy and are subject to the Texas Public Information Act (formerly the Texas Open Records Act), the City of Murphy Record Retention Policy, and must be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). All e-mails should be maintained according to the city's record retention policy and follow all set record retention series as managed by the City Secretary's office.

Prohibited conduct or inappropriate use of electronic mail communication may include, but is not limited to:

a) Engaging in illegal, fraudulent, or malicious activity.

b) Creating, storing, maintaining, or sending jokes, racism, political views, personal opinions, chain letters, or sexually-oriented material. Messages must not include any offensive, abusive, harassing, threatening, or obscene material.

c) Using electronic mail communication for any commercial promotional purpose, including personal messages offering to buy or sell goods or services.

d) Subscribing to non-city business-related mass communication subscriptions, personal mailing list servers, discussion threads, and newsgroups.

e) Utilizing communication resources for charitable endeavors not specifically sanctioned by the city.

f) Conducting political campaigns or other related activity.

E-mail signatures shall not suggest or contain any personal views, statements, quotes, or images. E-mail signatures are designed to identify the staff member and provide city contact information. E-mail signatures may contain information related to city business or events including images, mission statements, or advertisement for special city sponsored events.

The city maintains an “All Employee” e-mail distribution list that allows for staff to send an e-mail to every user’s mailbox. The “All Employee” e-mail distribution list should only be utilized for official city business and with the approval of a department head. Information The Information Technology Department will manage this list, through email security settings, to only allow certain users to send email to the “All Employee” email list as directed by the City Manager.

Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, users should exercise caution when forwarding messages. City of Murphy sensitive information must not be forwarded to any party outside the city e-mail distribution list without prior approval of a supervisor.

Each user’s mailbox has a storage capacity of two gigabytes. When a mailbox reaches this storage capacity, a message will be sent to the user

instructing them to contact the Information Technology Department for assistance with message archiving procedures. All deleted e-mail messages are stored online for a period of thirty (30) days and all deleted messages older than thirty (30) days are automatically purged from online storage.

When an employee ceases employment with the City of Murphy, regardless of reason, the Human Resources Department will notify IT. Upon the last day of employment, each user's network account and mailbox will be disabled for a period of one hundred and twenty (120) days. After one hundred and twenty (120) days, the user's mailbox will be archived to the city's standard, portable storage media and deleted from online storage.

4.02 – Internet Usage

The City of Murphy internet use is intended primarily for city business-related purposes; however, limited incidental personal Internet use, during non-work periods, may be allowed if approved by the user's department head and if it does not adversely affect the daily duties and responsibilities of the organization.

Streaming audio or video from the Internet for non-city business-related activities should be used in limited capacity. This activity includes, but is not limited to, listening to online radio stations and watching music videos and movie clips. Unwarranted Internet usage can cause the city's network system to become congested resulting in interruption of Internet access for users who may be conducting online city business.

If a user posts information to a city business-related newsgroup or to a blog type information sharing application, such as a federal, state, county, or city association or affiliation, a disclaimer must be included that specifies the information posted is not the responsibility or of the opinion of the City of Murphy.

The terms and conditions of this policy shall also apply to users accessing the Internet when using any device classified as Information Technology.

4.03 – Employee Owned Equipment

The City of Murphy prohibits the use of employee-owned equipment being directly attached to Information Technology equipment. Examples of employee-owned equipment include, but are not limited to, the following:

> Personal digital assistants (PDA), portable hard drives, laptops, desktops, digital cameras, wireless access points, video game systems, and/or MP3 players. Exceptions to this section are employee owned equipment which employee receives a reimbursement; such are mobile phone and mobile data devices utilized for business purposes. Personal USB drives used for file storage are prohibited; however, users may check out portable storage devices from the Information Technology Department when needed. This section does not pertain to employees accessing Information Technology equipment, through the Internet, via secure access. Examples include, but are not limited to, secure Outlook Web Access e-mail and secure access to the city's website content management system.

4.04 – Non-user

Non-users, as defined in ***Section 3.04 – Non-user***, are strictly prohibited from using any device classified as Information Technology.

4.05 – File Storage

Users should refrain from storing personal files, such as documents, photographs, graphics, music, etc., on any device classified as Information Technology.

The Information Technology Department performs nightly tape backups of all network system files and documents; therefore, all city business-related documents must be stored on network drives. Files and documents stored on a user's desktop or local drive will not be backed up.

4.06 – Remote Access (VPN)

The policies and procedures contained herein apply to authorized users of the City of Murphy's Virtual Private Network (VPN) Service. All other policies covering the use of Information Technology by authorized users (e.g.; the City of

Murphy's Computer Use Policy) are still in effect when resources are accessed from remote locations as well as all regulations governing the protection of confidentiality and integrity of city information, such as the Texas Public Information Act, the City of Murphy Record Retention Policy, and the Health Insurance Portability and Accountability Act (HIPAA). Any remote linkage through the VPN Service is considered an extension of the city's network systems, and is subject to all security and appropriate use policies.

4.07 - Remote Access for Users (VPN)

Users that require access to the city's network system from a remote location will be provided a unique VPN user name and password. All requests for remote access must be submitted to the Information Technology Manager for approval and only users with city issued laptops may apply. While accessing the city's network systems from a remote location all terms and conditions contained within this policy shall apply.

4.07.A – Remote Access for Vendors (VPN)

The Information Technology Department recognizes the need to provide secure remote access to its network systems to authorized vendors, and their associated business partners, with which specific contractual relationships have been established. Normally, such vendors need access only to a specific city network system(s) as required by the contractual relationship. Vendors must submit a completed VPN Authorization Form to the Information Technology Manager explaining the intended purpose for remote access, approximate usage and duration, as well as the full names of all vendor employees that will be accessing the city's network systems. At no time should any vendor employee provide their VPN user name and/or password to anyone, not even family members. Vendors must notify the Information Technology Manager immediately upon termination of an employee who has been provided VPN privileges.

4.07.B – Desktop Remote Access

The Information Technology Department utilizes a variety of desktop sharing applications that provide remote access to a user's computer when assisting with reported issues. The Information Technology Department will attempt to contact the user before establishing a remote connection. If the user is unavailable, IT reserves the right to establish a remote connection to the user's computer in an attempt to resolve reported issues.

Section 5.00 – Passwords

All user passwords must be constructed, implemented, and maintained according to the following standards and procedures governing password management.

- Passwords shall be a minimum length of eight (8) characters
- Passwords must include numeric character or Non-alphabetic character (i.e., !, $, #)
- Passwords and the usernames shall not be the same
- Passwords shall be changed within a maximum of every ninety (90) days
- All systems shall prevent password reuse of the last ten (10) passwords

Section 6.00 – Monitoring, Reporting and Filtering Rights

Internet usage and e-mail communications are monitored daily to ensure compliance with this policy and any applicable local, state, and federal laws or regulations related to the use and security of city information.

6.01 – Monitoring Rights

The Information Technology Department has the right to monitor all activity conducted while using Information Technology. IT may monitor Internet and desktop application usage to diagnose and repair network performance issues and ensure user compliance to this policy.

6.02 – Reporting Rights

The Information Technology Department has the ability to provide reports on a user's computer activity while using Information Technology. IT collects detailed information on all desktop application and Internet usage and has the ability to provide reports on such usage by user name, computer, or department.

All requests for desktop application, email, or Internet usage reports will be submitted to the City Manager's office upon request of the Department Head.

6.03 – Filtering Rights

The Information Technology Department has the right to filter and/or block access to specific websites or categories of websites to enforce Internet usage rules, as defined in ***Section 4.02 – Internet Usage,*** in an effort to reduce bandwidth usage and improve the city's overall network system performance.

Section 7.00 – Disciplinary Actions

Any user who fails to comply or adhere to the City of Murphy Electronic Communications Policy may be subject to disciplinary action, as defined within the City of Murphy Employee Handbook, up to and including termination.

Section 8.00 – Requests for Public Disclosure of Electronic Records

All requests for release of any data in electronic form, including hard-copy printout, shall be handled in conformance with federal, state, and local open records laws, policies, and procedures.

All requests for information, and the corresponding release of information, must be processed through the Office of the City Secretary.

ADDENDUM I

SOCIAL MEDIA POLICY

PURPOSE

To address the changing way residents communicate and obtain information relating to the missions, programs, and goals of the City online, the City of Murphy may consider participating in social media formats to reach a broader audience where appropriate and when approved by the City Manager..

The City Manager has an overriding interest and expectation in establishing the official message of the City. Accordingly, this policy establishes guidelines for the use of social media.

BACKGROUND

Recently, many governmental entities at the federal, state, and local levels have begun to explore the use of social media sites as they increase in their popularity among the general public. Such sites include Facebook, YouTube, Twitter, and Flickr.

Recognizing that government use of social media is becoming more mainstream and even desired by the public, the City established a strategic management project in FY10 to evaluate the policy needs before establishing social media as an official additional communication tool. Accordingly, this policy outlines the appropriate uses of social media by the City and the approval processes for such use.

DEFINITIONS

Blog: A contraction of the term "weblog;" a type of website with regular entries displayed in reverse-chronological order and featuring commentary on recent events and other materials, such as photographs or video.

Facebook: A social networking site where users can develop a personal profile, add friends, communicate with peers by private message or public postings, and notify their followers of what they are currently doing via a "status update." Additionally, users may follow entities and organizations in order to receive notifications when new information is available.

Flickr: An image and video sharing website where users upload personal photographs and videos to albums which may be shared with the public or restricted to specific individuals as determined by the user.

Microblogging: A form of blogging that allows users to make brief updates or publish multimedia such as photos or videos to the public or to specific individuals as

determined by the user; entries typically consist of a single sentence, fragment, photograph, or video.

Social Media: A new set of Internet tools enabling users to participate in community experiences online and to connect with people of common interests to learn, play, work, organize, and socialize; networks may be open to the public or restricted to members as determined by the user.

Twitter: A social media and microblogging service enabling users to send and read short messages of 140 characters or less known as "tweets;" such messages are then displayed on the author's profile page and delivered to the author's subscribers who are known as "followers."

YouTube: A video sharing website where users upload and share videos.

POLICY

A. All official City of Murphy presences on social media sites or services are considered an extension of the City's information and communications networks.

B. All City use of social media must be approved by the City Manager and be in compliance with this policy.

C. It is the responsibility of the City Manager or his/her designee to act as the City's official spokesperson, including acting as the City's official web presence via social media.

D. The City will maintain one official page per each approved social media outlet, which is to be created, maintained and monitored by the City Manager or his/her designee, all of which are to be regularly updated.

E. Potential uses for social media include, but are not limited to:

    a. Sharing published news releases from the City Manager's Office, Police, and Fire Departments,
    b. Publicizing Parks & Recreation programs sponsored by the City of Murphy,
    c. Publicizing new services, holiday closings or other information normally only found on the City's primary website, and
    d. Issuing emergency alerts, road closures, or weather alerts affecting large numbers of citizens.

F. The City Manager, Department Head, and Manager of Information Technology will review and approve requests to use social media sites as deemed appropriate.

G. Use of social media must comply with applicable federal, state, and city ordinances, regulations, and policies, as well as proper business etiquette. This includes adherence to established laws and policies regarding copyright, records retention, release of public information, the First Amendment, privacy laws and information security policies established by the City of Murphy.

H. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City of Murphy.

I. Employees using social media for business purposes or representing the City via the City's social media outlets must conduct themselves at all times as representatives of the City of Murphy.

J. The City Manager or his/her designee will distribute all social media content and ensure each of the approved uses and sites adheres to the social media policy for appropriate use, message and branding consistent with the goals of the City of Murphy.

K. Violation of these standards may result in the removal of pages from social media outlets. The City Manager or his/her designee retains the authority to remove information.

L. The City of Murphy reserves the right to remove any messages or postings, including those that are obscene and / or in violation of the copyright, trademark right, or other intellectual property right of any third party.

PROCEDURES

A. Departments requesting to distribute information on the City's official social media pages via the City Manager's Office must fill out the attached "Social Media Business Case & Request" form detailing why it is necessary, the proposed social media solution, the time and resource requirements for such use, and what will deem its use successful.

B. The Information Technology Department will review the request and make a recommendation to the City Manager if it is deemed appropriate and has sufficient capacity to create, maintain, and monitor.

C. The City Manager will have final approval of all social media requests.

D. If approved, the City Manager's designee will be responsible for creating, maintaining and monitoring all social media platforms (one per each social media

outlet as approved) and will act as the official spokesperson to ensure a unified City message.

E. Communications will obtain department content with approval from the appropriate Department Director.

F. The Information Technology Department will maintain a list of all approved uses and will provide a link to all social media pages on the official www.murphytx.org website.

G. Only City e-mail addresses or e-mails authorized in advance by the City Manager's Office and Information Technology Department will be posted on the site or used to create the web site accounts. Use of generic email addresses, for example, webmaster@murphytx.org, is appropriate to create social networking accounts.

H. To the extent that design parameters of the host site allows, City of Murphy pages will conform to the following:

   a. Be identified as a City of Murphy official site,
   b. Contain appropriate staff contact information,
   c. Contain the City logo,
   d. Have a link to the appropriate page of the City's website, and
   e. Specify that all content, comments, and replies posted will be subject to Texas public information laws.

I. City-generated content shall:

   a. Respect copyright and fair use laws,
   b. Contain the following legal disclaimer,

      i. "The City of Murphy is not responsible for the content nor endorses any site which has a link from this page. All content, comments and replies posted are subject to Texas public information laws; the City of Murphy reserves the right to remove any messages or postings."

   c. Not use vulgar, offensive, threatening, or harassing language,
   d. Not engage in political or religious advocacy or commentary,
   e. Not support or oppose any ballot issue or candidate for office, and
   f. Not promote or advertise any businesses or commercial enterprises, unless they are providing support to City services.