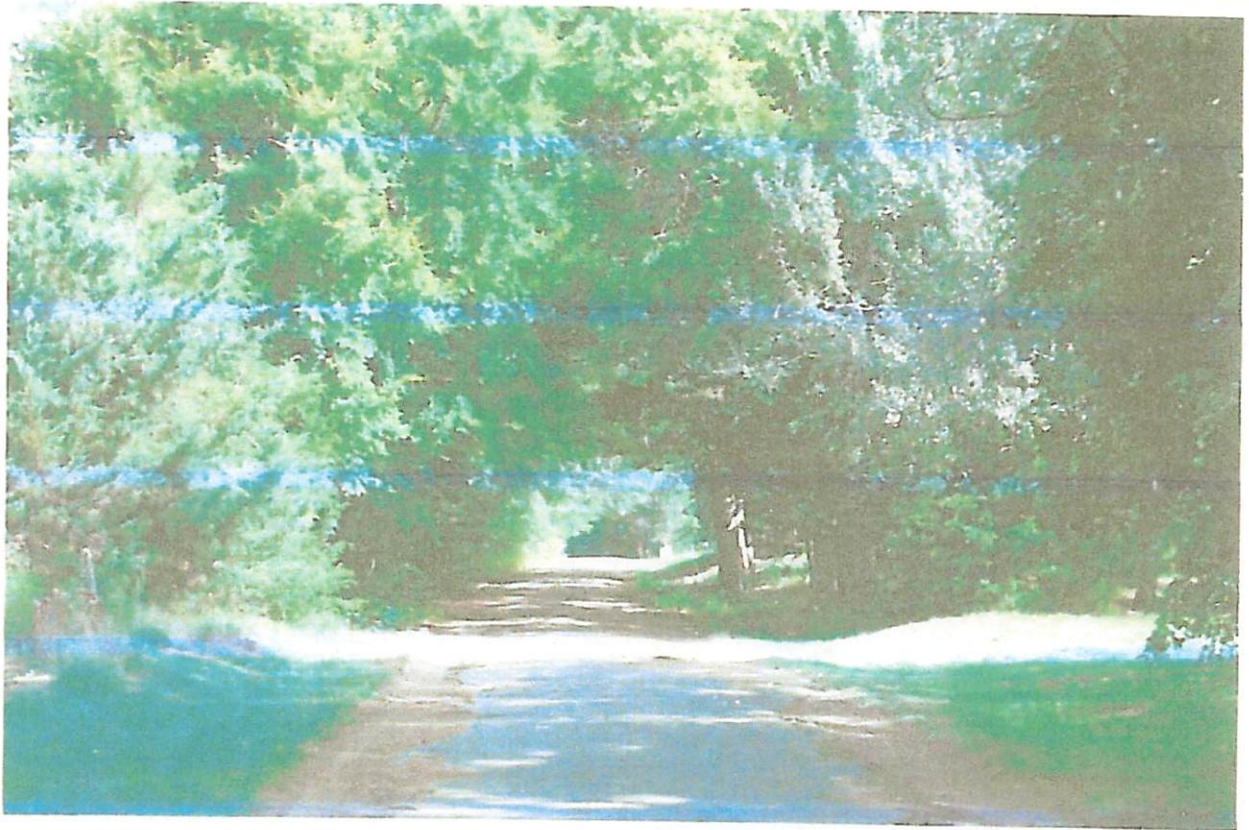


EMPLOYEE HANDBOOK AND GENERAL POLICIES



Welcome To Bogata

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CHAPTER 1 GENERAL PROVISIONS

Section 1. Types of Employees

Individuals are hired as either permanent full-time, part-time, or temporary employees. A permanent full-time employee (n also be referred to as a regular employee) is one who holds a position which is authorized as permanent full-time in th annual budget and whose work week equals or exceeds the established full-time work week for the City. A temporary employee is one who holds a position authorized as such in the annual budget. Part-time employees work less than the established full-time work week. Neither temporary nor part-time employees are entitled to full benefits provided by tl City. Part-time employees earn 2 hours of PTO time per month and anyone working over 1,040 hours annually can get retirement benefits.)

Salaried employees report to Mayor/City Council. Hourly employees report to Mayor.

Section 2. Nepotism

The hiring of employees shall not violate the laws against nepotism as set forth in the laws of the State of Texas. Applica having members of their immediate family or anyone living in the same household presently working for the City sh not be allowed to work in the same department.

Immediate family is defined as the applicant's husband, wife, father, mother, son, daughter, brother, sister, mother/fath in-law, or grandparents. No employee shall work under the supervision (direct or indirect) of a relative.

Section 3. Applications

All persons seeking initial employment or re-employment will be required to:

Complete an approved application form and submit additional information regarding his/her education, experience and training if so requested.

Undergo a physical examination **if required** (at employee's expense, as per City Council 10-10-88). Hiring will depe on passing the physical exam.

Provide proof of age certificate, if requested (by a copy of either their birth certificate military service record (E Form 214), a valid driver's license or social security.

Complete an oral interview which shall appraise each applicant's personal fitness for the position, such as the abilit to get along well with people and other personnel and temperament qualifications.

If requested, complete a written examination and/or performance test which would demonstrate each applicant's knowledge, information and skill in the field for which employment is being sought.

Undergo a drug test and pass with zero tolerance.

Section 4. Probationary Period

Every person initially hired in the City service shall be required to successfully complete a probationary period of 90 days.

The probationary period shall be used to closely observe and evaluate the work and fitness of newly hired employees and to assist in adjustment to their jobs. Only those employees who meet acceptable standards during the period shall be retained.

An employee shall fail probation when, in the judgment of his superiors, the employee's fitness and/or quality of work are not such as to merit continuation in the job. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process. If desirable and feasible, the employee may be administratively transferred to a more suitable position. A newly promoted employee who fails probation may be returned to his or her former type of job and shall be eligible for consideration for later advancement.

An employee may be dismissed at any time during probation period and will be considered never employed by the City, including vacation and personal/sick time.

Section 5. Re-Employment

Request for re-employment of former employees will be accepted by the City in the same manner as new applicants if they were in good standing upon termination and gave the Department Head a two (2) week notice of intention to resign.

A discharged employee seeking re-employment may be eligible for rehire based upon a review of person's total employment record and reasons for the discharge.

CHAPTER 2: EMPLOYEE RESPONSIBILITIES

Section 1. Hours of Work / Full Time / Part Time

Each office of the City is under the direction of its elected/appointed official. Generally practiced business hours are from 7:30 a.m. until 12:00 p.m. and from 1:00 p.m. until 5:30 p.m., Monday through Friday.

Full Time status is defined as 32hrs – 40hrs / week (64hrs – 80hrs / pay period) for City staff.

Part Time status is defined as 20hrs - 31hrs / week (40hrs - 62hrs / pay period) for City staff.

Police Department: Full Time = 80hrs / pay period and Part Time = 20hrs – 40hrs / pay period.

(Work schedule determined by the Chief of Police)

Section 2. Attendance

Employees are expected to report to work each workday at the designated time and place, unless there is a valid reason for absence. An employee will notify his supervisor on a daily basis, if he is unable to report as scheduled. Exception may be for prolonged periods of illness or hospital confinement. Following any absence, an employee may be required to provide a validated excuse for absence. Negligence may be cause of disciplinary action or termination. An employee will give their supervisor 24 hours' notice for Doctor/Dentist appointments unless an emergency occurs.

Section 3. Work Standards

Employees have the responsibility and duty to maintain high standards of cooperation, efficiency, and economy in their work for the City. If work habits, attitude, production and/or personal conduct of an employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere in these rules whenever the interest of the City requires.

Section 4. Standards of Conduct

City employees should recognize the "public" nature of their employment. The attitude and deportment of the City employee, both on and off the job, should at all times be such as to promote the goodwill and favorable attitude of public toward the City Administration and its programs and policies.

Section 5. Outside Employment

An employee shall not engage in outside employment, including self-employment, when such employment would constitute a conflict of interest or adversely affect the employee's performance in the City service. Outside employment must be reported to and approved by the City Mayor.

Section 6. Solicitation

Solicitation of funds or anything of value for any purpose whatsoever during working hours is prohibited without the written approval of the City Mayor. No employee may be required to contribute or may be penalized in connection with his or her employment for failure to contribute to any solicitations.

Section 7. Financial Responsibility of Employees

Employees are expected to maintain a good credit standing in the community and to pay their obligations promptly. The City shall in no way serve as a collecting agency or arbitrator. Failure of an employee to pay or make reasonable provision for future payment of his/her debts to such an extent that such failure shall be detrimental to City service may be just cause for dismissal. Including bills due the City.

Section 8. Operation of City-owned Vehicles

Employees who drive City-owned vehicles in the performance of their duties are responsible for their proper operation. No City vehicle or piece of equipment used in the normal operation, nor emergency vehicles housed at employee's home are to be used for personal business. No City employee may drive a City vehicle if he/she does not have a valid driver's license.

City of Bogota vehicles, equipment and facilities shall be used for official purposes only. Personal and social uses of a private nature are prohibited. Any exceptions to this rule must be approved by the City Council. Each employee shall be held responsible for the proper use, care and operation of a vehicle or piece of equipment assigned to him.

An employee may drive a City vehicle home only under the following conditions:
Employee is on twenty-four (24) hour call.

Employee conducts City business on a frequent basis before and after normal working hours (supervisors).

Permission is granted by City Council in writing, stipulating the conditions and privileges.

Use of City vehicles for non-City business is prohibited. Those employees who drive personal vehicle to and from work but use City vehicles during work hours will not be allowed to use City vehicles during lunch hour, unless they are on City business when the lunch hour approaches.

Any exceptions to these rules must be in writing from the City Council to the appropriate department head.

Section 9. Political Activity

Employees shall not be permitted to actively participate in a City election campaign while on duty or attempt to unduly influence the vote of another person in any manner. The term active participation means making political speeches, passing out political literature or cards, contributing money, writing letters, signing or circulating petitions, actively or openly soliciting votes or making public derogatory remarks about candidates for elective positions. This in no manner shall affect the right of an employee to hold membership in and support a political party, to vote as he/she chooses, to express privately his/her opinions or to maintain political neutrality.

Section 10. Resignation

Employees must give their department heads or Mayor at least two (2) weeks written notice of their intention to resign in order to resign "in good standing".

Section 11. General Department SOP (Standard Operating Procedure)

City Hall

Hours of Operation:

Monday – Thursday = 7:30am – 12:00 Noon and 1:00pm to 5:30pm

Friday = 8:00am – 12:00 Noon {**closed after noon**}

General Duties: (see job descriptions)

City Secretary / Court Clerk

Office / Financial Manager

Municipal Court Clerk

Public Works Secretary / Code Compliance (see job descriptions)

Office Assistant

Public Works Assistant

Code Compliance (City Ordinances)

Public Works

Hours of Operation:

Monday – Thursday = 7:30am – 12:00 Noon and 1:00pm to 5:30pm

Friday = Closed -On Call services as needed.

General Duties: (see job descriptions)

Department Director

Department Head

Management of Operations, Reporting, Compliance and Mitigation of Issues

Foreman – Maintenance

Field Operations for Streets, Water and Sewer services

Maintenance Staff

Completions of Work Orders and assigned field projects

Purchase Orders

We are initiating the use of Purchase Orders effective immediately. All purchases for the City of Bogata will need to pass through the City Secretary.

Purchases of less than \$250.00 will require approval by the City Secretary. She will check the budget allowances for each item requested prior to approval.

Purchases of \$250.00, but less than \$1000.00 will require the generation of a Purchase Order, with all the necessary information included on the form (**such as: Vendor name, address, item(s) requested, costs per item, date of request, and Vendor phone number**). The Purchase Order will be approved by the Department Head and City Secretary. The budget line item will be reviewed prior to approval. For purchases greater than \$1000.00, the budget line item will be reviewed prior to approval. Purchase Orders will be approved by the Department Head, City Secretary, and the Mayor. If purchases need to be made that are greater than the budget line item, the request need to go before the City Council for consideration.

Purchases from Grant awards: Grant funds are normally restricted for specific use. These purchases can only be used when the funds are approved by the City Council for the designated projects and purposes. Once approval for the project funding is obtained, the allocation of the funds will be approved by the City Secretary and the Mayor.

All order requisitions, receipts, and billing statements connected with the project(s) will be kept in a Grant File. The necessary forms for purchases, products and supplies will be the following:

1. Order Requisition (completed by Department Staff and Dept. Head)
2. Purchase Order (completed by City Secretary)
3. Receiving Requisition (completed by Department Staff).

The original Receiving Requisition form along with Packing slips, invoices and receipts will be turned in to the City Secretary (each department can make a copy of the forms for their files), no later than one (1) business day on the completion of the purchase process.

In the case of emergency needs, the City Secretary should be contacted to discuss the procedure for documenting these purchases.

City Vehicles

City Vehicle Fuel: All fuel purchases for city vehicle should be handled in the following manner:

Purchases by WEX card: obtain a receipt for the purchase; initial the receipt and include a simple description of the vehicle (i.e., “white dodge”). **IF** there is a need to fuel the vehicle for coverage through a weekend, please make sure you fuel up on Friday. To minimize fuel consumption, city vehicles should not be left running when the vehicle is unattended.

Use of City Vehicles: Use of city vehicles is only authorized during normal working hours, after hour emergency calls and necessary daily operational checks for water / sewer systems. City vehicles are not authorized for any personal use and only designated city personnel can operate or ride in city vehicles. When not in use for daily, normal city operations, all vehicles will be kept at the City Barn area. (See pg. 6 of Handbook) Vehicles and contents will be locked in a secured area and/or locked securely to prevent theft or damage. If the need for vehicle use presents itself after normal hours, the vehicle(s) can be accessed at the City Barn. Vehicle and equipment keys must be kept in a secure, operator accessible area at the City Barn. Keys are not to be left in vehicles or equipment when not in use.

Safety and Liability: Policies for safe operation and vehicle use include: No unauthorized persons are allowed to operate or ride in those vehicles. State and Local laws apply to any and all city vehicles including city equipment, such as; seat belt use, traffic laws, operation requirements [brakes, turn signals, lights, etc.] and a non-expired Driver's License. The City of Bogata will not be responsible for **personal tools** or equipment damaged, lost or stolen while being used for city business or stored in city vehicles.

City tools and equipment should be used on all jobs for the city.

After hours and Emergency Calls

After hour calls that are not emergency in nature should be noted and reported to PW the next morning so a Work Order can be generated.

Emergency calls should be directed to the emergency number so the proper maintenance staff can be notified to work on the issue. The person that is working on the problem will decide if other staff needs to be notified to assist with the solution. Be sure to log your time in and out when responding to emergency calls. If a citizen calls you personally, please insist that they call the emergency number so the proper staff can be dispatched to the problem. We will publish the emergency number on the website and our Facebook page to help get that information out.

Remember, Work Orders need to be generated for all work done. If emergency work is being dealt with, create a Work Order as soon as it is reasonably possible. The work is not complete until the Work Order is submitted.

CITY OF BOGATA
ACKNOWLEDGEMENT FORM

I _____, do affirm that I have read and understand the policy edits and changes associated with the Department SOP meeting on 12/2/2022, at the City Hall in Bogata, Texas. I understand that these policies will become part of Standard Operating Procedures within the works and standards for employees of the City of Bogata. This acknowledgement will be added to the employment file of each employee. Compliance with these policies will be expected from all employees of the City of Bogata.

Employee Signature _____ Date: _____

Mayor Signature _____ Date: _____

CHAPTER 3: HOLIDAYS / PTO / LEAVES

Section 1. Holidays

The following days shall be designated as official holidays with pay for all full-time City employees occupying permanent positions in accordance with the hereinafter stated conditions:

New Year's Day	Labor Day
MLK Day	Columbus Day
Good Friday before Easter	Veteran's Day
Memorial Day	Thanksgiving Day and Friday after
Juneteenth	Christmas Eve and Christmas Day
Independence Day	+

Department Heads or Mayor may restrict the observance of any holiday in order to provide necessary functions and services by their departments.

If one of the above designated holidays occurs on a Saturday, it shall be observed the preceding Friday and should one of the holidays occur on a Sunday, it shall be observed the following Monday. Employees observing a work week other than Monday thru Friday and should the designated holiday and their "day off" occur on the same day, shall be granted a subsequent day off which must be taken or forfeited within thirty (30) calendar days after the holiday and at a time approved by their Department Head.

Employees who are required to work on a designated holiday shall be granted a subsequent day off which must be taken or forfeited within thirty (30) calendar days after the holiday worked and at a time approved by the Department Head.

Temporary and part-time employees shall be paid their regular rates of pay on a holiday only if required to work.

Employees absent from regular duty on sick leave or vacation when a holiday occurs shall be accorded the holiday. Employees absent from regular duty on authorized leave without pay forfeit all rights to holidays which occur in such absence.

Employees absent without authorized leave on the day immediately preceding or following the holiday shall lose pay for the holiday as well as the working day absent.

An employee whose services are terminated loses the holiday if it follows the last day of the actual duty status.

Section 2. P T O Paid Time Off

PTO is a benefit used to provide staff with rest, relaxation, leisure, and vacation time for all benefit eligible employees. PTO is divided into two separate categories: VACATION TIME and PERSONAL TIME.

Vacation Time

Full-time regular employees with (1) full year of City service shall earn five (5) work days (40hrs) of vacation leave per year (.415 days for each month of service). Full-time regular employees with (2) full years of consecutive service shall earn ten (10) work days (80hrs) of vacation leave per year (.825 days for each month of service). Full-time regular employees with 10+ consecutive years of service shall earn (15) work days (120hrs) of vacation leave per year (1.25 days per month). Full-time regular employees must complete the initial year, twelve (12) consecutive months of employment and be in good standing before any vacation leave may be used. Vacation Time shall be administered according to the following rules:

Vacation Time shall not accrue for any month during which an employee is in pay status for less than half the standard number of paid days for his or her type of job.

Vacation Time may be taken in one (1) work day increments with proper supervisory approvals.

Employees shall be encouraged to use a substantial portion of their Vacation Time each year. No employee shall accrue Vacation Time in excess of the annual accrual rate. An employee may be paid for unused vacation time ONLY in extenuating circumstances approved by the City Council in an executive session of the Council Meeting. Acquire the proper form at City Hall. (See "Benefits" on page 14).

The Department Head and/or Mayor shall schedule or approve vacations giving due consideration to the needs of the service and the interests of the employees.

Employees being laterally transferred, promoted, or demoted shall retain accrued vacation leave.

Vacation leave shall not be advanced to employees.

Employees under suspension forfeits any claim to vacation leave for the period of the suspension.

Official holidays occurring during a vacation period shall be accorded the employee. (amended 7-8-91)

An employee can work through his vacation and get paid for it and no time off as per City Council 2-8-88.

Section 3. Personal Time

Regular employees shall be allowed personal time off with full pay in accordance with the following rules: Full-time employee shall accumulate one-half (1/2) day (4 hrs.) of personal time off per month of service. No employee shall accrue more PTO than earned (48 hours for Full Time employees and 24 hours for part-time employees) in any one year, but may carry-over unused hours into the following year, not to exceed 80 hours.

Personal time off shall not accrue for any month during which an employee is in pay status for less than half the standard number of paid days (20 hrs./ week). Part time employees who routinely work more than 20 hours, but less than 32 hours / week will accrue PTO at 2hrs month.

Personal time off may be taken in increments equivalent to one-half (1/2) day (4hrs) of work because of personal illness, injury, legal quarantine, or routine health care appointments which cannot reasonably be scheduled outside of working hours.

Personal time off may also be taken when an employee is required to attend to a member of his immediate family who is ill or incapacitated, or for their own personal business.

The Department Head or Mayor may request and obtain verification of the circumstances surrounding any use of personal time off and the request denied if unverified.

Employees SHALL NOT be paid for unused personal time off upon separation.

(g) Official holidays occurring during a period of illness shall be accorded to the employee and these hours shall be charged to "holiday".

Employees are not eligible to take personal time off until the initial (3) month probationary period is completed. (However, personal time off is accumulated from the beginning of a full-time appointment.)

Evidence of abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by the Department Head or Mayor.

For Sick Time, A doctor's slip is not required. Mayor can approve up to three (3) days off sick more than three(3) days needs a doctor's slip.

Department heads must give notice of 24 hours to the Mayor prior to taking of personal time off unless an emergency occurs.

Section 4. Emergency Leave

Department Heads or Mayor, after ascertaining the exact circumstances may grant a regular full-time employee up to three (3) working days per event of paid emergency leave in the event of a death within the employee's immediate family household. Immediate family is defined as an employee's husband, wife, father, mother, son, daughter, brother, sister, mother-in-law, father-in-law, or grandparents. Emergency leave shall not be charged against vacation or personal time off. Unusual circumstances will be brought before Council. If a department head is to be absent, then the Mayor is to be contacted.

FMLA filing is available for an employee who knows that an extended absence is needed. The employee must request this filing and must use available vacation and/or PTO before it can be approved. Some restrictions may apply.

Section 5. Administrative Absence

Employees called for jury service shall be granted administrative absence with pay during such service and shall retain a fees paid by the courts. Employees excused or released from jury services shall report to their work stations in accordance with departmental instructions. If a department head is to be absent, then the Mayor is to be contacted.

Section 6. Leave of Absence

Department Heads or Mayor may grant leaves of absence without pay to regular employees, not to exceed thirty (30) days in duration. Requests for such leave shall be in writing and submitted well in advance of the date the employee will commence such leave. In granting such leaves, the Department Head or Mayor shall give primary consideration to the City's need for the employees' services. Leaves of absence without pay may be granted for any legitimate purpose; however, employees will be obligated to show that granting such leave is in the interest of the city. If a department head is to be absent, then the Mayor is to be contacted.

Section 7. Absence Without Leave

No employee may absent himself from duty for a single day or any part of the day without permission of his Department Head or Mayor. Any such absence without pay will be subject to disciplinary action. An unauthorized absence for a period of two (2) working days will be considered by the Department Head as a resignation. If a department head is to be absent, then the Mayor is to be contacted.

Section 8. Injury Leave

Employees must notify their Department Heads and City Secretary immediately of job-related injuries. Also, a complete written report shall be filed forthwith with the Mayor.

Injuries on the Job. Injury leave is defined as approved absence from work arising from an on-the-job accidental injury. Any employee so injured on the job is covered by and entitled to all benefits accruing under the Texas Workmen's Compensation Act. Such employee's fitness and/or duty to return to work shall be determined under the provisions of said Workmen's Compensation Act. During the period of such injury leave, such employee's compensation will be made up from (1) the weekly benefits payable under the Workmen's Compensation Act; (2) any compensation which may be received as a result of employment by an outside insured employer; and (3) disability benefits, if any, payable under any health and accident insurance program.

In the event the employee has not returned to work within one (1) month of the date of his injury, the employee will go on an extended leave without pay status and will be entitled to return to active status when (1) he/she is able to properly perform the functions of his/her job without danger to his/her health; and (2) an opening exists in his/her job classification.

Injuries Off the Job. An employee injured off the job shall have the resulting absence from work, if any, charged against his accumulated sick leave at a rate of one (1) full day for each full working day's absence.

Reporting of Injuries

Reporting Injuries on the Job. When an employee is injured on the job, such injury shall be immediately reported to his Department Head and City Secretary, who shall take the steps he or she feels necessary to secure proper first aid and other treatment for the injured employee. The employee's Department Head, who shall also complete within forty-eight (48) hours an accident report in duplicate and forward copies to the Mayor/City Council. Department heads shall report injuries to the Mayor.

Accidents Involving Motorized Equipment. If an employee is injured while operating motorized equipment or if there is an accident in which the employee is injured occurs while the employee is on duty and involves property not owned by the City, a motor vehicle accident report form, as provided by the State, shall be prepared and copies forwarded to the Mayor/City Council. In any accident involving City motor equipment, the Police Department shall be immediately notified and called to the scene of the accident.

Section 9. Safety

Safety is a top priority for all city employees. Employees should not perform any task that they in good faith believe will create a serious safety hazard to themselves or anyone else. If orders are given to perform a task which the employee believes in good faith to create a serious safety risk, the employee **MUST** inform the supervisor or Mayor of their concerns. Pending further review, the employee should not perform any task, which the employee reasonably believes to be unsafe. Common sense is expected to be used in any refusal to perform an assigned task on the grounds that it is seriously unsafe to do so.

CHAPTER 4 COMPENSATION

Section 1. Pay Periods

Pay periods and dates of payment shall be set by the City Council.

All paychecks NOT SET UP FOR DIRECT DEPOSIT will be given to the appropriate Department Heads for distribution.

Paydays will be on Friday on a bi-weekly schedule.

Section 2. Overtime Time.

Overtime will be paid for all hours worked over 40hrs at 1 ½ times the hourly wage. (FLSA standards)

All hours worked over 40hrs per week will be approved by the Department Head or Mayor and turned in to the city secretary by the end of the pay period.

Section 3. Time Records

Records of an employee's hours of work, time entitlements and utilization and PTO usage are maintained by the ADP TIME AND LABOR MANAGER SYSTEM, the Department Head, City Secretary and Mayor.

Section 4. Pay Raises

All salaries and increases in salary are established by the City Council and are as specified by the City's approved annual budget.

Section 5. Payroll Deductions

Federal income tax, social security, Medicare, retirement, and any other deductions deemed appropriate, will normally be deducted from every paycheck.

CHAPTER 5 BENEFITS

Section 1. Workmen's Compensation Insurance

Workmen's Compensation Insurance is provided by the City for all its employees. This insurance provides employees injured on the job, both medical expenses and a weekly payment, if the injury results in absence from work for more than seven (7) days.

Section 2. Social Security

All permanent and temporary employees are currently under the Social Security Program. Both the City and the employee contributes to the program. Details of the retirement and various other benefits may be obtained from the Social Security Administration.

Section 3. TMRS -Texas Municipal Retirement System

This is for full-time employees only.

TMRS -Texas Municipal Retirement System
employee has 5% taken out of paycheck (city match).

Health Insurance Plan.

Provided through TML – Clark/Adamson – Blue Cross- Blue Shield – Texas Health
Participation is optional

Vacation:

1 week for each of the first 3 years, 2 weeks a year at the end of year 4 and beyond.

Vacation time is credited the first of the year regardless of when employed, after initial first year of employment. Unused vacation time does not carry over from year to year. If vacation time is not used, you can sell up to one-half of the hours earned time back to the City. For those who earn 40hrs per year, 20 unused hours can be sold to the City and for those who earn 80hrs per year, 40 unused hours can be sold to the City.

PTO (sick / personal time)

Full Time: employees are credited 4 hours at the first of each month and does carry over.

Part time: employees are credited for 2 hours at the first of each month and does carry over.

CHAPTER 6 DISCIPLINARY ACTION

Section 1. Cause for Disciplinary Action

Disciplinary action may be taken against an employee for just cause. Employees are expected to abide by City rules, regulations, and procedures. Failure to adhere may result in disciplinary action and may include termination. Causes for disciplinary action includes, but is not limited to, the following:

Illegal, unethical, abusive, or unsafe acts.

Violations of City policies, rules, or regulations

Participation in a prohibited political activity or unauthorized solicitation.

Participation in an organized strike or work stoppage.

Habitual tardiness or absence without notice.

Using or being under the influence of drugs or intoxicating beverages on the job.

Waste, damage to or the unauthorized use of City property or supplies.

Failure to pay taxes or other liabilities due to the City.

Abandonment or neglect of duties.

Insubordination

Inefficiency in or inability to perform assigned work.

Unauthorized or improper use of official authority.

Using discourteous, offensive, or abusive language or conduct in dealing with the public or fellow employees.

Abuse of sick or injury leave or other benefits.

Unauthorized use or disclosure of official information.

Refusal to sign required documents with the City pertaining to employment or disciplinary action taken.

Note: Disciplinary action will be administered as follows:

Salaried employees – Report to Mayor, Grievance Committee, City Council approval.

Hourly employees – Report to Department Head, Grievance Committee and City Council approval.

Section 2. Types of Discipline

Discipline shall be consistent with the nature of the rule infraction, offense, or deficiency, and reviewed by the Grievance Committee. Formal disciplinary action which may be taken includes:

Level 1 - Oral reprimand

Level 2 - Written reprimand

Level 3 - Possible termination

Any discipline of any kind will be recorded, dated, and signed by the employee and employee's Department Head, Grievance Committee, and the City Council and placed in employee's personnel file.

The disciplinary action which may be applied will depend on the exact circumstances.

Insubordination:

In the case of insubordination by employees, the consequences will be as follows:

First offense – three-day suspension with approval of the Grievance Committee and review by the City Council.

Second offense – five-day suspension with approval of the Grievance Committee and review by the City Council.

Third offense - termination with the approval of the Grievance Committee and City Council.

Section .3. Administrative Suspension

An employee under investigation for a crime or official misconduct or awaiting hearing or trial in a criminal matter, may be suspended without pay for the duration of the investigation or proceedings when such suspension would be in the best interests of the City and the public. If the investigation or proceedings clear the employee, he/she shall be eligible to resume work under such terms and conditions as may be specified by the Grievance Committee and reviewed by the City Council.

CHAPTER 7 SEPARATIONS

Section 1. Resignation

An employee who wishes to leave the City service in good standing shall give at least two week notice prior to the effective date of his/her resignation to his/her supervisor of his/her intention to terminate. An employee resigning quits without the required notice shall not be eligible for reinstatement for a period of one (1) year.

Section 2. Layoff

An employee may be laid off because of changes in duties or organization or for lack of work or funds. Whenever possible, at least two (2) week notice shall be given an employee prior to layoff. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within City service may be used to determine the order of layoff, but not mandatory, among employees with substantially equivalent records of job performance and efficiency. Laid off employees, whose services have otherwise been satisfactory, shall be eligible for rehire depending upon job vacancies and necessary qualifications.

Section 3. Incapacity

An employee may be separated for medical reasons when the employee no longer meets the standards of fitness required for the position. Separation for incapacity shall not be considered disciplinary action and shall not operate to deny an employee the use of accrued benefits.

Section 4. Dismissal for Cause

An employee may be dismissed at any time for just cause. Please refer to Chapter 6 for listing of causes and range disciplinary action, including dismissal, which may be taken.

CHAPTER 8 GRIEVANCE PROCEDURE

Section 1. Policy

Employees may submit complaints or grievances relating to their job, pay, working conditions or treatment, to their immediate Department head, Personnel/Grievance Committee, and/or the City Council.

- A. The Personnel/Grievance Committee will be composed of the Mayor, and two appointed Council members.
- B. The role of this Committee is to receive, review, and investigate the allegations of the written grievance and report findings of the grievance / complaint to the City Council for a resolution.

Section 2. Procedural Steps

- A. An aggrieved employee may go directly to his immediate Department Head and informally discuss the problem.
- B. Should the complaint or grievance not be resolved informally, the employee may submit a written grievance to his immediate Department Head and to the Personnel/Grievance Committee.
- C. Should the complaint or grievance not be resolved by the Department Head within five (5) working days after its written presentation, the aggrieved employee may appeal to the next higher level of supervision, i.e. The Personnel/Grievance Committee, and/or the City Council, if necessary. The City Council will render a final decision in writing which will be final and binding upon all parties concerned.
- D. Pay-related grievances should be taken before the formal Personnel/Grievance Committee.

*The City does not discriminate on the basis of race, color, national origin, or gender.

Employee Acknowledgement

I, the undersigned employee, do hereby acknowledge receipt of a hard copy of City of Bogata Employee Handbook. The revised handbook supersedes all previous handbooks that have been distributed to City employees.

I also understand that policies and procedures are continually evaluated and may be amended.

I understand that it is my responsibility to read and understand all policies prescribed in the City of Bogata Employee Handbook and will follow and abide by the Rules and Policies prescribed in the City of Bogata Handbook.

I also understand that no part of this policy or my compliance with the policy constitutes any contract for employment or any change to the "at-Will" status under which I am hired by the City of Bogata.

Please sign and date this receipt and return it to the Mayor. Received this ____ day of _____.

Employee Signature Printed Name

Witness Signature

This signed document **MUST** be returned within three working days. If not returned within three days, employment will terminate.

CONTROLLED SUBSTANCE AND ALCOHOL ABUSE POLICY

SCOPE

PURPOSE

BACKGROUND OF POLICY

DEFINITIONS

POLICY ADMINISTRATION

EMPLOYEE RESPONSIBILITIES

GENERAL PROCEDURES

CONTROLLED SUBSTANCE & ALCOHOL SCREENING PROCEDURES

DRUG AWARENESS PROGRA

SCOPE

The Bogata City Council authorized and directed the development and implementation (in accordance with the law) of new personnel policies. One of the most important components of a comprehensive personnel policy is a policy addressing controlled substance and alcohol abuse by employees. Accordingly, this policy is approved and implemented by the City of Bogata in accordance with their prior authorization.

This Policy applies to all employees of the City of Bogata. It also applies to members of the Bogata Volunteer Fire Department only if they are involved in an accident in a City vehicle. This Policy also applies to all potential employees that is, those individuals who have received a tentative offer of employment based on successfully completing and passing controlled substance and alcohol screens of the City of Bogata. All employees will receive a copy of this Policy.

PURPOSE

The manufacture, distribution, possession, use or consumption of controlled substances or alcohol on the job or being under the influence of controlled substances or alcohol on the job may create serious risks for the involved employee, fellow employees, the City and the general public. This Policy is to assist in the reduction of such risks.

This policy by its design accommodates the broad range of job positions and employee responsibilities existing in the City. This policy strikes a careful balance to protect the constitutional right of privacy for every employee, while at the same time protecting the employee, his/her co-workers and the citizens they serve from the effects of drug and alcohol use in the workplace or elsewhere. Those employees who must carry firearms as part of their job responsibility or who must operate emergency motor vehicles (even if exempted from the D.O.T. requirements), or who are involved in positions where sensitive materials, such as controlled substances, are administered to patients, have a special responsibility to themselves, their co-workers and the general public to be drug free at all times. Even the casual use of controlled substances or alcohol, carried into the workplace, could affect judgment, result in unnecessary and perhaps avoidable confrontations, cause avoidable and potentially serious motor vehicle accidents, or could jeopardize the very health of those entrusted to our care, all with serious and potentially life-threatening implications. As a consequence, and in furtherance of public safety and the protection of the health, safety, and welfare of our employees and the public they serve, this policy will require random testing. The effect of off-duty conduct, and the City's right to search for unauthorized substances anywhere on the City's property, in furtherance of the goals of this policy, other policies and laws of this state and this city, are also covered in this policy. Each employee is not only encouraged, but required, to read and become familiar with this policy.

BACKGROUND OF POLICY

The City acknowledges that its success now, as well as in the future, is dependent upon the well-being of its employee. Accordingly, it is the City's right, obligation and intent to maintain a safe work environment for all of its employees to protect the City's property, equipment, and operations, and to fulfill its obligations to the general public.

DEFINITIONS

"IN UNFIT CONDITION/IMPAIRED" - The employee's behavior and/or ability to work are affected by a controlled substance or alcohol, or the combination of them, in any detectable manner.

"CONTROLLED SUBSTANCE" - Any drug or controlled substance, the manufacture, distribution, possession, sale or consumption of which is illegal, or a prescribed or over-the-counter drug which is legally obtained but not being used for its intended purpose, or a prescribed or over-the-counter substance which is legally obtained and used for its intended purpose but the use of which causes the employee to be impaired or in an unfit condition.

For the purpose of this Policy, the definition of controlled substance shall include, but not be limited to, all controlled substances, drugs, inhalants, chemical precursors, simulated controlled substances, volatile chemicals, abusable glues, aerosol paints and marijuana as those terms are now or shall hereafter be defined in Title 6, Chapters 481-485 of the Texas Health and Safety Code, or any successor Code thereto.

"REASONABLE SUSPICION" - The belief that an employee has violated the alcohol or drugs prohibitions, based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the employee.

"MEDICAL REVIEW OFFICER (M.R.O.)" - A licensed physician with knowledge of substance abuse disorder and training to interpret and evaluate confirmed positive test results, who is responsible for receiving laboratory results generated by the City of Bogata Controlled Substance and Alcohol Screening Program. All test results will be reviewed by an authorized

M.R.O. The Chief of Police will designate, in writing, to the Mayor and Council those physicians or medical facilities act as M.R.O. under this Policy.

POLICY ADMINISTRATION

PERSONNEL DEPARTMENT. The City Police Chief and Mayor shall coordinate the implementation of this Policy. The Chief of Police shall be responsible for reporting the conviction of an employee for any drug or alcohol related criminal offense occurring in the work place within ten (10) days of learning of such conviction to the Mayor

MAYOR AND POLICE CHIEF. It is the responsibility of the Mayor and Police Chief to act in accordance with and to enforce this, Policy.

EMPLOYEE RESPONSIBILITIES

All employees or potential employees of the City are hereby notified that the manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol is prohibited while an employee is on City property or on City business. This includes reporting for duty after ingesting any type of controlled substance or alcohol as defined by this Policy. Employees violating these prohibitions will be subject to disciplinary action up to and including termination as set out in this Policy.

It is the responsibility of all City employees to conduct themselves in a manner consistent with the letter and spirit of this Policy. It is encouraged that if, at any time, an employee believes that another employee has entered City property or reported to work in an unfit condition because of the use or consumption of controlled substances or alcohol, the observing employee report this action to the Mayor or the Police Chief.

PROHIBITIONS - The use, consumption, possession, purchase, distribution, or sale of a controlled substance or alcohol while on City business or on City property, except for prescribed medications with prior supervisory approval, will subject the employee to disciplinary action up to and including termination. Prohibited activities include:

Reporting for duty or remaining on duty having used or using alcohol.

Reporting for duty or remaining on duty having used or using any controlled substance except when the use of such controlled substance is prescribed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform the essential functions of the job safely and successfully.

Refusing to submit to a controlled substance or alcohol test required by this policy.

NO EXCEPTION - There shall be no exception to the prohibition of being on City property or acting on City business while using or possessing a controlled substance or alcohol.

OFF-DUTY CONDUCT - The City reserves the right to take disciplinary action, up to and including termination in the event an employee's off-duty involvement with controlled substances or alcohol is damaging to the City's reputation or business or is inconsistent with the employee's job duties or when such off-duty conduct results in impairment of the employee's job performance.

Any employee convicted of or pleading guilty to a criminal drug/alcohol statute violation shall notify his/her supervisor in writing no later than five (5) days following such occurrence. For purposes of this Policy, a plea of nolo contendere shall be considered a plea of guilt.

Any employee convicted of, or pleading guilty to, a criminal drug/alcohol statute violation shall be subject to timely disciplinary action, up to and including termination.

SEARCHES - The City reserves the right to conduct unannounced searches for unauthorized substances anywhere on City property including, but not limited to, lockers, desks, file cabinets and employees' personal vehicles parked on City parking lots. Personal property on City premises shall be subject to such searches. All such searches shall be authorized and conducted under the direction of the City Police Department. Employees who refuse to cooperate during such unannounced searches shall be subject to disciplinary action, up to and including termination. Body searches of employees shall not be conducted by City personnel other than bylaw enforcement officers in the performance of their official duties.

GENERAL PROCEDURES

HIRING - Offers of employment with the City will be tentatively based on successfully completing and passing the controlled substance and alcohol screens. Any offer of employment will be nullified if the employee is found to be engaging in the use or consumption of controlled substances or the abuse of alcohol, unless such controlled substance is prescribed for the user by a physician, and then only if such controlled substance is being used/consumed for the purpose intended and the employee is able to perform the essential functions of the position safely and successfully.

SCREENING REQUIRED - After a tentative job offer, the incoming employee is required to consent to and pass the controlled substance and alcohol screens to successfully complete the employment process.

PROCEDURES FOR TESTING EMPLOYEES - Section VIII of this Policy describes the City controlled substance and alcohol screening procedures. All screenings for alcohol, with the exception of testing of a severely injured employee for which special testing procedures may apply, shall be conducted by breath alcohol testing with certified equipment by a certified technician.

TESTING OF EMPLOYEES - Current employees will be tested for controlled substance and alcohol use under the following circumstances by a sworn peace officer of the City's Police Department if reasonable suspicion exists:

In the event of the involvement of an employee in a vehicular or equipment accident on the job or on City property whether actively or passively involved; or in the event an employee sustains an injury on the job or on City property. If an injury is severe enough to warrant emergency care and hospitalization, a departure from regular testing procedures may be required. It will be the Mayor/Police Chief's responsibility to ensure that testing follows City procedure as stated in Section VIII of this Policy.

When the involved employee's behavior or work performance gives reasonable suspicion to believe the involved employee is affected by the use or ingestion of a controlled substance or alcohol.

To comply with local, state or federal government laws, ordinances or regulations.

OCCASIONS FOR REQUIRED TESTING -

During the employment process prior to reporting for duty - Before an incoming employee performs City functions, the employee must submit to controlled substance and alcohol testing. The controlled substance and alcohol screening will occur after a conditional offer of employment is made.

Post-Accident - Required immediately after an accident as specified in subsection D (1) of this Section VII.

Reasonable Suspicion - The Mayor /Police Chief must require an employee to take a test if he/she has reasonable suspicion to believe the employee has violated alcohol or drug prohibitions. Only one person is required to make the observations necessary to require the drug or alcohol test. A written record of the observations must be kept.

If controlled substance and alcohol testing is not administered within two (2) hours of the observation, a written record must be kept stating the reasons for the delay. If it is not administered within eight (8) hours, the Mayor/Police Chief must cease attempts to administer the test and a written record stating the reasons for not testing which will be maintained in the Personnel Department.

MEDICATION EXCEPTION - Exceptions to the use or consumption of controlled substances while on City business or on City property may be granted if:

The controlled substance is prescribed as a medication for the user by a licensed physician.

The medication is being used in the manner for which it was intended.

The employee's ability to perform the essential functions of the job safely and successfully is unaffected by use of the medication.

For medications which may affect the employee's ability to perform the essential functions of the job safely and successfully, the employee's supervisor is notified in advance by the employee that the employee will be using the medication. Notification to the supervisor requires written documentation from the physician which states how the prescribed medication will affect the employee's ability to successfully perform the essential functions of the job and if use of the medication while performing these functions will put the employee, fellow workers, or others in immediate danger. Based on the physician's recommendations, the supervisor will then determine if the employee may continue to work while taking the medication or what conditions or restrictions must be placed on the employee while working. This information will be kept in the employees' medical file in the Personnel Department.

FAILING A TEST

For incoming employees, failure to consent to or pass the required controlled substance and alcohol screening will be considered just grounds to void the tentative job offer. Furthermore, individuals failing or refusing to take a controlled substance and alcohol screening after a tentative job offer will not be reconsidered for employment for a period of twelve (12) months.

Current employees who fail to complete a controlled substance or alcohol screening required in accordance with this Policy shall be subject to disciplinary action, up to and including termination.

REFUSAL TO TEST - An employee who refuses to undergo a controlled substance or alcohol screening in accordance with this Policy shall be treated as if the employee failed the required test.

CONFIDENTIALITY OF RESULTS - All controlled substance and alcohol screening results shall be the private and confidential property of the City and will not be shared with anyone except the employee, City supervisory staff with demonstrated need to know such information, as required by a court order, D.O.T. mandates or to legally protect the City.

CONTROLLED SUBSTANCE AND ALCOHOL SCREENING PROCEDURES

The following procedures will be observed in the administration of the controlled substance and alcohol screening process:

EMPLOYEE RESPONSIBILITY - When required to submit to a controlled substance and alcohol screening, the employee will:

Present identification containing a photograph and will, if physically able, complete and sign a test authorization form and other paperwork required by the medical facility.

Provide a breath sample in accordance with established procedures as required by the medical facility.

Provide the medical facility with a urine specimen to be divided into two (2) samples.

Initial each specimen collection bottle or other similar documentation to accompany the specimen.

Along with the attending nurse, initiate "chain of custody" by signing and dating the Chain of Custody Form and witnessing the processing of the sample containers.

Where the employee's injuries prevent ordinary sample techniques, submit to a substitute sample technique such as blood sampling and testing.

MEDICAL FACILITY RESPONSIBILITY

The Medical Facility will:

Perform alcohol testing for all employees in accordance with city, state, and federal guidelines. Breath alcohol testing will be performed with certified equipment by a certified technician.

Perform controlled substance testing for all employees in accordance with city, state, and federal guidelines.

Immediately implement the steps necessary to ensure test confirmation when initial test results are positive.

Perform the collection of an employee's urine sample for controlled substance screening and, when applicable, the actual initial controlled substance test following the collection of specimen steps listed below:

Place one (1) specimen with the original copy of the Test Requisition Form in a tamper proof chain of custody pouch if forwarding to another facility for testing. Chain of custody will be maintained internally if the medical facility performs the initial screening.

When necessary, release the patient's first specimen to a courier to deliver directly to a nationally certified testing facility.

Retain the second urine specimen (labeled as original specimen) for a minimum of two (2) weeks as a backup in the event of contamination of the first sample in transit or any other need for a second examination of the patient's specimen.

For all non-safety sensitive positions, complete an initial controlled substance screening of the specimen. The initial test will be done in accordance with state and federal guidelines. Should this test be positive, a confirmation test, the Gas Chromatography/Mass Spectrometry (GC/MS) test, will be completed by a nationally certified testing facility.

Ensure that the following substances are included in the controlled substance testing process:

Amphetamines Cannabinoids (THC) Barbiturates Benzodiazepines Cocaine Metabolites Opiates Propoxyphene
Phencyclidine (PCP) Inhalants

Where the employee's injuries prevent ordinary sample techniques and testing, initiate a substitute sample technique such as blood sampling and testing.

When conducting testing for non-safety sensitive positions, contact the appropriate City Mayor/Chief of Police as soon as possible, but in no event later than twelve (12) hours after receipt of the employee's specimen, with initial test results and, if required, within forty-eight (48) hours after receipt of the employee's specimen by the testing facility that will administer the test confirmation. At all times, maintain confidentiality of test results.

MAYOR AND CITY COUNCIL RESPONSIBILITY - The Mayor and City Council will:

Select the medical facility or facilities which will conduct collections and screenings.

MAYOR'S RESPONSIBILITY - The Mayor will:

1. Inform an incoming employee, or when not required to be done by the employee's supervisor, a current employee, the City's controlled substance and alcohol testing procedures and require that a **CONSENT FORM FOR CONTROLLED SUBSTANCE AND ALCOHOL TESTING** be read and signed prior to sending the employee for testing.

Receive the screening results from the medical facility.

Resolve concerns regarding the medical results of a positive test by:

Contacting the Medical Review Officer and clarifying any medical questions, disagreement, or uncertainty.

Initiating any required testing of the employee's second specimen.

Based on test results, advise the appropriate supervisor:

Whether or not to continue the employment process for an incoming employee.

The impact of the results of the test on a current employee.

When necessary, inform the incoming employee:

Of unacceptable test results and, if requested, provide further information regarding positive test results.

That unacceptable test results dictate that the prospective employee is ineligible for hiring for a period of twelve (12) months from the date of testing.

Ensure confidentiality of test results by:

Restricting information regarding employee test results to those with a demonstrated need to know such information, unless legally required to do otherwise.

Maintaining test results in a secure area of the City Hall.

SUPERVISORY RESPONSIBILITY - The Supervisor will:

Whenever required under this Policy, ensure that all controlled substance and alcohol testing is performed in accordance with the requirements of this Policy.

Ensure that once the testing process is initiated, the employee is:

Prohibited from working or continuing to work.

Not allowed to drive or operate any motor vehicle.

Provided transportation to the designated medical facility. After testing, arrangements should be made for providing transportation for the employee to the employee's residence. The employee's opportunity to return to work before test results are returned shall be at the discretion of the Mayor, depending on the employee's observed condition or advice of a physician.

Not discuss employee testing with other City employees, except on a need-to-know basis. Unless legally required, no other individuals will be advised of test results.

CONSEQUENCES OF TEST RESULTS -The following guidelines will be used to determine acceptability of test results and procedures to be observed when an employee's controlled substance/alcohol screening results are unacceptable.

All unacceptable alcohol screening results are:

Based upon levels established by the D.O.T.

Breath alcohol test measures between 0 and .02 will be considered rated passing.

Breath alcohol test measures greater than .02 will be unacceptable and rated failing.

Automatically reviewed by the Medical Review Officer.

When alcohol screening results are unacceptable:

The Mayor will notify the supervisor of results.

The Mayor and supervisor will determine appropriate action based on the following guidelines:

Breath alcohol test measures greater than .02 up to but not including .04:

Employee will be sent home on administrative leave with pay for a minimum of twenty-four (24) hours and must r test prior to returning to duty.

Breath alcohol test measures greater than .02 at re-test require disciplinary action, up to and including termination.

Breath alcohol test measures of .04 or greater require disciplinary action up to and including termination.

The employee may request a blood alcohol test to confirm breath alcohol test results; however, it must be request at the time of the breath alcohol testing.

All unacceptable controlled substance screening results are:

Based upon established levels of intoxication and reported as a pass / fail result.

Automatically reviewed by the Medical Review Officer.

When controlled substance results are unacceptable:

The Mayor will:

Coordinate the test confirmation.

Notify the supervisor of initial and confirming test results.

The supervisor will:

Immediately put the employee on administrative leave with pay until written results of the test confirmation are received by the Mayor.

Upon receipt of a positive confirmation result, determine appropriate disciplinary action, up to and including termination.

When alternative testing results are unacceptable:

The same standards and consequences will apply as for other testing techniques described in this subsection when test results are determined through a substitute sampling technique, such as blood testing techniques.

RANDOM TESTING -

Tests will be unannounced and spread throughout the year.

A valid random selection method, chosen by Mayor and Police Chief, will be used.

One employee will be picked every six (6) months to be tested.

DRUG AWARENESS PROGRAM

There is hereby established a Drug Awareness Program for all City employees.

The Mayor and the Chief of Police shall be responsible for:

Collecting data regarding controlled substance and alcohol abuse.

Coordinating department/division efforts to present educational materials and provide training sessions to City employees regarding controlled substance and alcohol abuse and information regarding the City policy.

Providing a course of training on alcohol and drug use in accordance with D.O.T. guidelines.

APPROVED for implementation and distribution on this _____

Day of _____ 2022.

Larry Hinsley, Mayor

William Brown, Council member

Cecil Loftin, Council member

Melissa Kerby, Council member

Teresa Allison, Council member

Keith Perry, Pro Tem, Council member

EMPLOYEE RECEIPT FORM
CONTROLLED SUBSTANCE AND ALCOHOL ABUSE POLICY

Employee Name:

Division/Department:

Supervisor/Mayor's Name:

By signing this form, I hereby acknowledge that I have received an updated copy of the City of Bogata Controlled Substance and Alcohol Abuse Policy for employees. I further state that I am aware that I am required, as an employee of the City of Bogata to familiarize myself with and comply with the terms and provisions of this Policy, and I further state that I understand that this form which I sign will be placed in my personnel file indicating receipt of the Policy and acknowledging my responsibility to thoroughly familiarize myself with and comply with the Policy.

Employee Signature

Date

**INFORMED CONSENT AND
RELEASE OF LIABILITY MEDICAL AUTHORIZATION FORM, CONSENT FORM FOR SUBSTANCE
TESTING**

I hereby give my consent to a medical examination including, but not limited to, the collection of a breath, urine, or blood sample to be submitted for an alcohol, drug and controlled substance abuse screening tests, in accordance with the City Bogata Controlled Substance and Alcohol Abuse Policy. Further, I hereby consent to the release of the test results to the City officials who make employment decisions for the City. I understand that any positive result from such test, which indicates my inability to safely and successfully perform the essential functions of the position for which I am being employed or am currently employed, may preclude my receiving or continuing employment. I release, relinquish, and remise the City, its employees, agents and representatives from any and all causes of action or liability which I may have or which arise out of, or as a result of, the examinations herein authorized. Furthermore, I understand that my failure to execute this informed consent will, if I am applying for employment, result in my not being further considered for employment, and may, if I am currently employed, result in my discharge.

Signature

Date: _____

Name (please print)

Department/Division: _____

CONTROLLED SUBSTANCE AND ALCOHOL ABUSE POLICY

MANAGERIAL GUIDELINES

To ensure consistency in testing procedures, it is imperative that all supervisors who would authorize testing have a copy of this information. Attachments may be copied. Answers to questions regarding this Policy can be found in the Controlled Substance and Alcohol Abuse Policy. Please feel free to contact the Mayor or City Council of the City of Bogalusa if clarification is required.

GUIDELINES FOR HANDLING EMPLOYEES AT WORK OR ATTEMPTING TO REPORT TO WORK IN VIOLATION OF THE CONTROLLED SUBSTANCE & ALCOHOL ABUSE POLICY

Supervisory and managerial staff must be alert to detect employee violations of this Policy. The observed reduced ability to perform work in a safe and productive manner, observed aberrant behavior and any detectable amount of alcohol or controlled substances found in the work place will usually be factors triggering a reasonable cause to believe a violation of this Policy has occurred or is occurring. Consequently, supervisors and managers will be trained to identify alcohol and controlled substances, as well as taught the common physical signs of persons using such substances. The City of Bogalusa expects supervisors and managers to act in accordance with these guidelines when they develop a reasonably good faith belief that a violation of the Policy has occurred.

In the event of such reasonably good faith belief, supervisors and management officials should accomplish the following:

Address the employee in a reasonable, quiet, and professional manner. DO NOT USE FORCE. If the employee presents a clear, immediate, or substantial risk to the safety and well-being of the employee or to others, then appropriate action must be taken to protect that employee and others.

Take possession of any suspected contraband in plain view. If the employee refuses to turn over the suspected contraband, DO NOT USE FORCE, but inform the employee that continued refusal to do so may be grounds for discharge. Make sure the employee does not dispose of the suspected contraband, if at all possible. Put any suspected contraband in clean containers and mark them for future identification and testing.

Escort the employee from the work place to a private office. Never allow the employee to continue to work.

Notify the Mayor/Chief of Police of the situation and secure instructions regarding the requirement of a medical examination/controlled substance and alcohol abuse screening, including the specifics of such action if same is to be undertaken.

If at all possible, have another supervisor present to witness the employee's behavior.

Conduct an interview with the involved employee, utilizing the attached Employee Interview Sheet. During this interview, give the employee a chance to explain the situation.

Once the need for reasonable suspicion testing has been established and the decision to require testing has been made, the Personnel Department is to be notified immediately. The employee's immediate supervisor will:

Arrange for transportation and accompany the employee to the medical facility for the test.

Arrange transportation for the employee from the medical facility to the employee's home immediately following the test.

Advise the employee that the employee will be contacted as soon as reasonably possible regarding the test result.

The Mayor will be responsible for ensuring that screening procedures listed in the Controlled Substance and Alcohol Abuse Policy are followed.

If the employee refuses to consent to controlled substance and alcohol testing, the employee should be reminded that refusal to test is considered the same as failing the test. If the employee still refuses to consent to testing, the supervisor will immediately arrange transportation for the employee to the employee's residence. The employee will be advised that as soon as a decision is made regarding employment/disciplinary status, the employee will be contacted.

As soon as reasonably possible, and upon receipt of the test results, the Mayor, the Chief of Police, and immediate supervisor will confer as to the appropriate discipline, if any, return to work requirements or other appropriate employment status decisions to be implemented. The employee will be advised accordingly.

PROCEDURAL REMINDERS REGARDING CONTROLLED SUBSTANCE/ALCOHOL ABUSE SCREENING

When an employee is involved in an on-the-job accident involving a vehicle, mobile equipment (tractors, diggers, etc.) an injury that is not minor, the employee is required to submit to and pass a controlled substance and alcohol screening process. When the injury is minor in nature, it is up to the Supervisor to decide if the testing is warranted. Any time an accident report is completed, and the employee involved is not tested, the Supervisor will be required to include why a test was not required in the report. If more than one employee is involved, both should be tested. Examples of this would include:

An accident involving an Equipment Operator and another employee injured by the equipment.

A motor vehicle accident with both driver and passenger(s).

If testing is required, the Police Chief, other Peace Officer or Mayor should drive the employee to the testing facility as soon as possible after the accident. It is **MANDATORY** that the employee is not allowed to operate City equipment/vehicles until a negative result has been received. The supervisor cannot physically restrain the employee from driving a personal vehicle, however the supervisor can strongly suggest that it is not advisable until test results have been received.

The signed release should be handed over to the Personnel Department **as soon as** testing is completed. If the accident takes place after hours, the release should be turned in to the Personnel Department no later than 12:00 noon on the next normal business day.

Occupational Medicine Clinic should be utilized for testing in all cases except when the injury is serious enough that a hospital stay is in order or Occupational Medicine Clinic is not available.

If the accident occurs during normal working hours, the testing facility will administer appropriate tests, complete testing procedures, and contact the Personnel Department with the results. A Personnel Department representative will then contact the department/division.

If the accident occurs outside of normal business hours, the employee's supervisor should complete the verbal test result section on the authorization letter to the testing facility. (See Checklist, Step 5)

CARE SHOULD BE UTILIZED WHEN AUTHORIZING THE RELEASE OF THIS INFORMATION AND IT SHOULD BE RELEASED ONLY

TO SUPERVISORY PERSONNEL WITH A NEED TO KNOW.

THIS IS CONFIDENTIAL INFORMATION. (See Checklist, Step 5)

WAGE DEDUCTION AUTHORIZATION FORMCITY OF BOGATA

I understand and agree that my employer, **CITY OF BOGATA** (the Company), may deduct money from my pay from time to time for reasons that fall into the following categories:

My share of the premiums for the Company's group medical/dental plan.

Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by the company;
Installment payments on loans or wage advances given to me by the Company, and if there is a balance remaining when I leave the Company, the balance of such loans or advances.

Installment payments on loans based upon store credit that I use for my own personal purchases, including the value of merchandise or services that I purchase or have purchased for personal, non-business reasons using my employee charge account or credit card, an account or credit card assigned to another employee, or a general company account or credit card, regardless of whether such purchase was authorized, and if there is a balance remaining when I leave the Company, the balance of such store credit or charges;

If I receive an overpayment of wages for any reason, repayment to the Company of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless the Company and I agree in writing to a series of smaller deductions in specified amounts).

The cost to the Company of personal long-distance calls I may make, or messages I may send, using Company phones (land lines and cell phones) or Company accounts, of personal faxes sent by me using Company equipment or Company accounts.

The cost of repairing or replacing any Company supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the Company during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or, if I am a salaried exempt employee, reduce my salary below its predetermined amount);

The cost of Company uniforms and cost of cleaning the uniforms (the Company will deduct only the actual price it pays for uniforms and cleaning costs).

The reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by the Company in connection with my employment.

Administrative fees in connection with court-ordered garnishments or legally required wage attachments of my pay limited in the extent to the amount or amounts allowed under applicable laws.

If I take paid or sick leave in advance of the date, I would normally be entitled to it and separate from the Company before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered

The value of any time off for absences to which paid leave is not applied (except in the case of those who are paid fixed salary for fluctuating work weeks, non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time depending upon

the exact nature of the absence, unless partial-day deductions are specifically allowed under Federal Law); and If the employer pays any insurance premiums or retirement system contributions ("payments") on my behalf that I would normally make under such applicable Company benefits plan, the amount of such future wages payable to me.

I agree that the Company may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that the Company has stated its intention to abide by all applicable federal and Texas wage and hour laws and that if I believe that any such law has not been followed, I have the right to file a wage claim with the appropriate Texas and federal agencies.

Signature of Employee Date

Employee's Name Printed

Company Representative Date

CHAPTER 10

Items to be turned in to the City within three days:

Employee acknowledgement of handbook - page 19.

Controlled substance and alcohol abuse policy - pages 34 & 35.

Wage deduction authorization form - page 37 & 38.

Any other forms as may be prescribed by the City.

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