



# EMPLOYEE HANDBOOK

**City of South Padre Island**

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December 20, 2023

*Section 1: Introduction*

## **100.01 Purpose of the Employee Handbook**

### **Our Message**

As an employee of the City of South Padre Island, we strive to gain the public's trust and confidence through ethical decision-making and personal accountability.

### **Our Values**

Serving as the foundation for our work culture, our shared values embody those behaviors that we desire for every employee:

#### **S = Service**

- Provide excellent customer service at all times.
- Respond to the changing needs of the community through open communication and accountability.
- Demonstrate commitment to carrying out the will and decisions of the City Council.

#### **P = Professionalism**

- Engage in professional development and implement the best practices for the benefit of the citizens.
- Understand that we owe the public nothing less than our full commitment to do the best job we can.
- Maintain the highest standards of professional behavior to comply with the laws, regulations and policies under which we operate.

#### **I = Integrity**

- Perform our duties as public servants without bias, without favor and without allowing outside interests to conflict with work decisions.
- Demonstrate personal conscientiousness through the qualities of courtesy, honesty and respect.
- Role model ethical behavior.

### **Our Handbook**

Our Employee Handbook serves as the foundation for our work culture which is our collective belief on how we should conduct ourselves.

All employees of the City are "At-Will" employees. See *Policy #300.01* for more details.

This handbook has been approved by the City Council of the City of South Padre Island. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act on the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the

*Section 1: Introduction*

City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager. No City of South Padre Island supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

## **100.02 Distribution of the Employee Handbook**

### ***Policy***

Copies of the Employee Handbook will be distributed either by paper or USB or made available on the City website and shared computer drives to all employees working for the City of South Padre Island.

### ***Procedure***

- All new or revised policies and procedures will be maintained by the Human Resources Division.
- Draft policies and procedures will not have an effective date and will be stamped “draft.” Drafts should be kept separately from your official Employee Handbook to avoid confusion with later transmittals.
- Department Directors are responsible for making an Employee Handbook accessible to all employees in their department.

## **100.03     Amendment of Policies**

### ***Policy***

Amendments to the *Policy* portion of the Employee Handbook must be approved by the City Council. The City Manager is responsible for the implementation of the personnel policies.

This Employee Handbook has been approved by the City Council of the City of South Padre Island. Amendments of substance require approval by the City Council. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act on the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager. No City of South Padre Island supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

### ***Procedure***

The Human Resources Division will be responsible for indexing all policies and procedures and making them available to City employees.

The most recently approved Employee Handbook will be available on the city shared drives and on the City website.

## **100.04    How to Use the Employee Handbook**

### ***Procedure***

Begin by examining the Table of Contents at the beginning of the book to find the section you are interested in. Section headings are for groupings of similar policies, while titles refer to specific policies or procedures.

A reference number is located in the upper right hand corner of each policy or procedure. Turn the pages of the section until you come to the correct policy number.

## **100.05 Definitions of Terms “Policy” and “Procedure”**

**Policy:** A statement of overall philosophy and direction, describing goals to be accomplished and programs to be established.

**Procedure:** A specific and detailed statement of the means and methods by which management implements a policy.

## **100.06    Application and Authority of Policies and Procedures**

### ***Scope***

The Employee Handbook policies shall apply to all City employees.

### ***Policy***

All employees must become familiar with and abide by these policies.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

#### **City Authority:**

The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason or no reason.

Policy administration rests with the City Manager, who reserves sole authority to administer City operations.

Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or department policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to Director of Operations or to others as deemed appropriate in the City Manager's sole discretion.



## **100.07    Department Policies**

### ***Policy***

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

In the event of a conflict between a department policy or procedure and the Employee Handbook, the Employee Handbook prevails unless the City Manager decides otherwise.

Department policies and procedures are produced in writing and approved by the City Manager before distributing them to any employee. Once the department policy is approved by the City Manager, a copy must be provided to the Human Resources Division.

The Department will ensure that a receipt form is collected from all affected employees. The receipt form will be forwarded to the Human Resources Division to be placed in the employee's personnel file.

## **200.01 Equal Employment Opportunity (EEO)**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island is an Equal Employment Opportunity Employer. Discrimination or unfair treatment or harassment against any person in recruitment, examination, selection, appointment, rate of pay, promotion, 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 age (40 or older), race, religion, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation or gender identity, color, national origin, disability, genetic make-up, retaliation for filing a charge, or other unlawful bases, is prohibited.

All supervisors are responsible for continually monitoring and evaluating current policies, procedures, facilities and programs to achieve and maintain compliance with this policy. The City of South Padre Island is committed to an ongoing process to keep this policy relevant and effective.

### ***Procedure***

If an employee or an applicant has an equal employment opportunity-related concern, they are encouraged to discuss the matter with the Human Resources Manager for advice, evaluation, and, if warranted, investigation.

## **200.02 American with Disabilities Act (ADA)**

### ***Scope***

This policy applies to all City of South Padre Island Employees.

### ***Policy***

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunities to qualified individuals. It is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment.

Additionally, the City will provide reasonable accommodations to applicants and employees who are qualified for a position, with or without a reasonable accommodation, so that that may perform the essential functions of the position.

### ***Procedure***

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to the Human Resources Manager.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City. Contact the Human Resources Manager with any questions or requests for accommodation.

Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.

Employees with a complaint involving a potential violation of the Americans with Disabilities Act or ADA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact Human Resources, the Department Director, or the City Manager.

### **Terms Used in This Policy**

As used in this ADA policy, the following terms have the indicated meaning:

1. **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

2. Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
3. Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.
4. Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under the final ADAAA regulations.
5. Direct threat: A significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
6. Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
7. Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
8. Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - a. The nature and cost of the accommodation.
  - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
  - c. The overall financial resources of the employer; the size, number, type, and location of facilities.
  - d. The type of operations of the company, including the composition, structure, and functions of the workforce; administrative or fiscal

relationship of the particular facility involved in making the accommodation to the employer.

9. Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

## **200.03 Fair Labor Standards Act (FLSA)**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island recognizes that the Fair Labor Standards Act (FLSA), which prescribes standards for the basic minimum wage and overtime pay, affects most private and public employment. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. For nonagricultural operations, it restricts the hours that children under age 16 can work and forbids the employment of children under age 18 in certain jobs deemed too dangerous. The Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor administers the Act.

### ***Procedure***

The Human Resources Manager, and Department Director shall work together to make the determination concerning a position's exempt or nonexempt status.

All supervisors are responsible for continually monitoring and evaluating current policies, procedures, facilities, and programs to achieve and maintain compliance with this policy.

If an employee or an applicant has an FLSA-related concern, they are encouraged to discuss the matter with the Human Resources Manager for advice, evaluation, and if warranted, investigation.

## **200.04 Family Medical Leave Act (FMLA)**

### ***Scope***

A City of South Padre Island employee is eligible for FMLA leave, if the employee has worked for at least twelve (12) months total for the City in the past seven (7) years and has worked a minimum of 1,250 hours during the twelve (12) months immediately preceding leave.

### ***Policy***

#### General Provisions

In accordance with the Family and Medical Leave Act, The City will grant job-protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks per 12-month Period for any one or more of the following reasons:

- In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;
  - Leave must be taken within the 12-month Period following the child's birth or placement with the employee;
  - If married spouses both work for the City, their total leave in any 12-month Period may be limited to an aggregate of twelve (12) weeks if the leave is taken for the birth or placement of a child.
- In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
- The employee's own serious health condition that makes the employee unable to perform the essential functions of their position; or
- The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

The City will also grant job-protected unpaid family and medical leave to eligible employees for Servicemember Family Leave.

Eligible employees who are the spouse, son, daughter, parent, or next of kin of a Covered Servicemember are entitled to up to 26 weeks (alone or combined with other FMLA leave) of leave during a single 12-month Servicemember Period to care for such covered Servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Servicemember Period, which begins on the first-day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

#### Definitions

- A. "12-Month Period" means a single 12-month period that is measured January 1<sup>st</sup> through December 31<sup>st</sup> each year.
- B. "12-Month Servicemember Period" means a single 12-month period that is measured from the first day an eligible employee takes leave to care for a Covered Servicemember and ends 12 months after that date.
- C. "Child" means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on Covered Active Duty or Call to Covered Active Duty (qualifying exigency leave) or for Servicemember Family Leave, the child may be of any age.
- D. "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- E. "Next of Kin" means the nearest blood relative of a Covered Servicemember other than the Covered Servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the Covered Servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the Covered Servicemember has specifically designated in writing another blood relative as the nearest blood relative for FMLA Family Servicemember Leave purposes.
- F. "Covered Active Duty or Call to Covered Active Duty" means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
- G. "Covered Servicemember" means: 1) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness; or, 2) a veteran who is undergoing treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
- H. "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
- I. "Serious Injury or Illness" means an injury or illness that was incurred by a Covered Servicemember in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty) and, in the case of a current member, renders the member medically unfit to perform the duties of the member's office, grade, rank, or rating, or in the case of a veteran, manifested



itself before or after becoming a veteran and is a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the Servicemember unable to perform the duties of the member's office, grade, rank, or rating; a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50% or greater and such rating is based on the condition precipitating the need for Servicemember Family Leave; a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability related to military service or would do so absent treatment; or an injury on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers..

- J. "Qualifying Exigency" includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) counseling; 6) to spend up to fifteen days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; 7) parental care as identified in FMLA regulations and, 8) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.
- K. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves inpatient care (overnight stay) or continuing treatment by a healthcare provider.

#### Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule for a serious health condition of a spouse, parent, child, or for the employee's own serious health condition or for a serious injury or illness of a Covered Servicemember which requires treatment by a health care provider periodically. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. If FMLA leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, intermittent leave or leave on a reduced schedule may be approved upon approval of the City Manager, based on the operational needs of the City. Intermittent leave or leave on a reduced schedule under these circumstances is not required by law.

#### Use of Paid Leave

Use of accrued paid leave (including paid vacation, sick leave, and compensatory time) or the payment from the City's workers' compensation carrier will run concurrent with job-protected FMLA approved absence. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals twelve (12) weeks (or 26 weeks if combined with Servicemember Family Leave time).

## Employee Notice Requirement

- A. An employee must give 30 days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Human Resources Division. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice should indicate (1) why the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; (3) whether the employee intends to visit a health care provider or is receiving continuing treatment, and (4) whether the leave is necessary for a qualifying exigency or to care for a Covered Servicemember.
- B. If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
- C. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.
- D. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances and the details regarding the need for the leave as requested by the City.
- E. Employees requesting FMLA leave are required to follow the City's normal notice and procedural requirements for requesting leave and while on leave, absent unusual circumstances.

## Employer Notice Requirements

- A. Notice of Eligibility Rights: Within five days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave.
- B. Notice of Designation of Leave: When the City has enough information to determine whether the leave is being taken for an FMLA qualifying reason, within five days, the City will provide a written notice stating whether the leave is designated as FMLA leave and providing information on the duration of the leave and any applicable requirements of the employee.

## Medical and Military Certification

- A. Certification of Serious Health Condition: For leave taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the City. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional

information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of a medical emergency, the employee must submit certification as soon as is reasonably possible.

- B. City May Require Second Opinion: The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
- C. Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's Covered Active Duty or Call to Covered Active Duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
- D. Certification for Extended Servicemember Family Leave: Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.
- E. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

#### Effect on Benefits

- A. An employee granted a leave under this policy will continue to be covered under the City's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period. The employee will be placed on COBRA insurance if they do not meet the definition of an active employee under the plan documents.
- B. Employee contributions will be required either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.
- D. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

- E. If the employee fails to return from unpaid leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee (employer contribution) during the period of leave.
- F. An employee is entitled to longevity, benefit accrual, and holiday pay during periods of approved FMLA leave.

#### Employee Status After Leave

- A. If the employee returns to work following exhaustion of family and medical leave, they will be reinstated to their former position or an equivalent position in terms of pay, benefits, status, and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated for other reasons not related to the leave, the employee does not have the right to reinstatement upon return from leave.
- C. If the employee fails to return to work by the previously designated date, in absence of further communication, they will be considered to have abandoned the job.

#### Unlawful Actions and Enforcement of FMLA Rights

It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating their rights under the FMLA.

#### **Procedure**

Employees are required to communicate any request for (FMLA) family and medical leave with the Human Resources Division. This division is responsible for all communications and correspondence related to the Family Medical Leave Act.

Employees who have a complaint involving potential violation of the Family Medical Leave Act should immediately contact Human Resources, the Department Director or the City Manager.

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES** **UNDER THE FAMILY AND MEDICAL LEAVE ACT**

#### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption

or foster care;

- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to

perform the employee's job.

**Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

**Definition of Serious Health Condition**

A serious health condition is 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 the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

**Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

**Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**

For additional information:  
 1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



## **200.05 Uniform Services Employment and Reemployment Rights Act (USERRA)**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island recognizes that the Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits employers from denying initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions with the City to undertake military service or certain types of service in the National Disaster Medical System.

You have the right to be reemployed by the City if you leave your job to perform service in the uniformed services and:

- you ensure that the City receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with the City;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

You have the right to be free from discrimination and retaliation if you:

- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- are obligated to serve in the uniformed service.

The City may not deny you any of the following because of this status:

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to twenty-four (24) months while in the military.

If you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected

illnesses or injuries. *Please refer to policy #400.15 Military Leave for more information related to USERRA.*

## **200.06 Genetic Information Nondiscrimination Act (GINA)**

### ***Scope***

This policy applies to all City of South Padre Island Employees.

### ***Policy***

The City of South Padre Island recognizes that Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### ***Procedure***

All supervisors are responsible for continually monitoring and evaluating current policies, procedures, facilities, and programs to achieve and maintain compliance with this policy.

If an employee or an applicant has a GINA-related concern, they are encouraged to discuss the matter with the Human Resources Manager or the Director of Operations for advice, evaluation, and if warranted, investigation.



## **200.07 Patient Protection and Affordable Care Act (PPACA)**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island recognizes that the Patient Protection and Affordable Care Act (PPACA) was approved and requires employers with fifty (50) or more full-time employees (or the combined part-time equivalent) to offer group health insurance coverage to full-time employees (and their dependents).

The City currently has more than fifty (50) full-time employees and will offer group health benefits accordingly.

For purposes of PPACA only, a full-time employee is a person regularly scheduled to work 30 or more hours per week and which is not a temporary or seasonal employee of the City. The City of South Padre Island will be using Look-Back Measurement Periods and Stability Periods to determine which temporary and seasonal employees will be offered health coverage based on their full-time status.

This policy does not apply to employees that work less than ninety (90) days annually.

### ***Procedure***

#### **I. Regular City Employees**

Regular city employees who work on average at least 30 hours per week will be offered health benefits coverage by the City.

#### **II. Seasonal Employees**

For seasonal employees, the City of South Padre Island will use an initial measurement period, with an associated initiation administrative period and an initial stability period.

The initial measurement period will start on the first day of the month after the date of hire.

- **Look-Back Measurement Period:** Will be considered the twelve (12) months from the first day of the calendar month after the hire date.
- **Administrative Period:** Will be considered the thirty (30) days from the first day of the calendar month after the hire date.
- **Stability Period:** Will be considered the twelve (12) month period after the thirty (30) day administrative period.

Transitioning from the Initial Measurement Period to the Standard Measurement Period

- At the end of the first full standard measurement period, the employee is tested again for full-time status, the same as other employees.
- If the employee averages thirty (30) hours of service or more per week during the standard measurement period, the employee retains or gains coverage as of the start of the next standard stability period.
- If the employee averages less than thirty (30) hours of service per week during the standard measurement period, the employee retains any coverage through the end of the initial stability period, at which time coverage may end.

### III. Breaks In Service

Definition: A break in service is a period of time during which an employee had no work time/service or paid time off.

A break in service longer than twenty-six (26) weeks will be treated as a new hire for this purpose.

A break in service of or less than twenty-six (26) weeks will be treated as continued employment for this purpose.

All supervisors are responsible for continually monitoring and evaluating current policies, procedures, facilities, and programs to achieve and maintain compliance with this policy.

If an employee or an applicant has a PPACA-related concern they are encouraged to discuss the matter with the Human Resources Manager for advice, evaluation, and if warranted, investigation.

## **200.07 Pregnant Workers Fairness Act (PWFA)**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of South Padre Island will provide reasonable accommodations to employees and applicants with known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause undue hardship to the City of South Padre Island's operations.

While the reasonableness of each accommodation request will be individually assessed based on the essential functions of the position, possible accommodations may include allowing the individual to:

- Sit while working.
- Drink water during the workday.
- Receive closer-in parking.
- Have flexible hours.
- Receive appropriately sized uniforms and safety apparel.
- Receive additional break time to use the bathroom, eat and rest.
- Take time off to recover from childbirth.
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

In some cases, if the employee cannot perform the essential functions of the position, a reasonable accommodation may include waiving such essential functions so long as the inability to perform such functions is temporary and the essential duties will be able to be performed in the near future, and the inability to perform the essential function can be reasonably accommodated without undue hardship to the City.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the City of South Padre Island will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The City of South Padre Island prohibits any retaliation, harassment, or adverse action due to an individual's request for accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

### ***Procedure***

The overarching goal of the PWFA is to assist workers affected by pregnancy to remain on the job by providing them with simple accommodations quickly.

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the Human Resources Division. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed, and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a healthcare provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, Human Resources will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

## **200.07 Texas Crown Act (CROWN)**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The Texas CROWN Act prohibits discrimination against an employee based on their hair texture or protective hairstyle commonly or historically associated with race. Additionally, the City has not adopted a grooming policy that discriminated against hair texture or protective hairstyle commonly or historically associated with race.

In this policy, “protective hairstyle” includes:

- Braids
- Locks
- Twists

All supervisors are responsible for continually monitoring and evaluating current policies, procedures, facilities and programs to achieve and maintain compliance with this policy. The City of South Padre Island is committed to an ongoing process to keep this policy relevant and effective.

### ***Procedure***

If an employee or an applicant has an equal employment opportunity related concern, they are encouraged to discuss the matter with the Human Resources Manager for advice, evaluation, and if warranted, investigation.

## **200.10 Texas Emergency Evacuation Leave**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City will not discharge or take any other adverse employment action against an employee who leaves work, or does not report to work, in order to participate in a general public evacuation ordered under an emergency evacuation order.

**Exemption:** This does not apply to individuals employed as emergency services personnel if the employer provides adequate emergency shelter for those individuals. This does not apply to a person who is necessary to provide for the safety and well-being of the general public, including a person necessary for the restoration of vital services.

## **300.01    Employment-at-Will**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any reason or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

## **300.02    Job Postings**

### ***Scope***

This policy applies to all City of South Padre Island open positions.

### ***Policy***

The Human Resources Division will post the notice of a position vacancy, along with the requirements needed to perform the job. Each notice will specify the job title, required qualifications, the method for application and the deadline. In addition each notice will contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

### ***Procedure***

All posted positions must be posted for no less than one week (7 days). Postings may be placed internally, externally or both in order to maximize the greatest applicant pool.



### **300.03 Applicants for Employment**

#### ***Scope***

This policy applies to all City of South Padre Island open positions.

#### ***Policy***

External applicants and City employees interested in employment with the City are required to submit a South Padre Island Application form to the Human Resources Division during the specified job posting period. A separate application form must be completed for each position in which the individual is interested. A resume may be attached as supplemental information. Incomplete applications will not be considered for employment.

An applicant for employment is an individual who fully completes an employment application for a position that is currently open and who meets the qualifications of the position.

- An applicant must apply for a specific job on the City's current vacant job list. The City will not accept applications for anything other than a current open, posted position.
- An applicant must submit a separate application and attachments for each position they are applying for.
- All materials submitted for consideration will be considered the property of the City of South Padre Island and cannot be returned.
- Each applicant for employment is required to submit a completed City application before being interviewed.

The City will reject incomplete applications, unsolicited resumes for non-posted positions, and "any position" applications.

Disqualification: Applicants will be disqualified from consideration for one or more of the following reasons:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and their employment was involuntarily terminated or they resigned in lieu of termination;
- If the employee is not-eligible for rehire with the City;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet the minimum age requirement.
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, pre-employment drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;

- The applicant is unable to perform the essential functions of the job applied for with or without reasonable accommodation or
- Any other reason deemed to be in the best interest of the City.

## **300.04   Re-Hires**

### ***Scope***

This policy applies to all former employees of the City.

### ***Policy***

Former employees applying to be rehired may be considered for employment as members of the general public. However, special consideration will be given to past job performance, the circumstances surrounding the termination of previous employment, and the former employee's knowledge of the City's procedures and functions.

- Eligibility for re-hire will be determined by the Human Resources Division.
- For employees rehired within 30 consecutive calendar days after separation, longevity pay and leave accruals will continue as if no break in service.
- For employees rehired after a 30 day break in service, longevity pay, leave accruals, and all benefits will begin as if a new employee.
- Prior employees whose employment was involuntarily terminated by the City or who resigned in lieu of termination are not eligible for rehire.

*\*Approved FMLA Leave does not constitute a break in service.*

## **300.05 Recruitment and Selection**

### ***Scope***

This policy applies to all City of South Padre Island open positions.

### ***Policy***

The City hires employees based solely on their knowledge, skills, abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex (including pregnancy), age, disability, marital status, sexual orientation or sexual/gender identity, genetic make-up or any other characteristic protected by law. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

### ***Procedure***

The following information is being provided to assist departments with the recruitment and hiring process. A Department Director initiates the recruitment process by submitting a request for staffing to the Human Resources Division in writing.

#### **A. Job Description:**

The department submits a draft of the job description to human resources for review. Once the review is complete, the job description will be forwarded to the City Manager for approval. Once the City Manager approves the job description, the Director will be notified, and a copy of the final job description will be forwarded to the department. If a job description already exists, it is important to review and update it based on departmental needs, to include the essential functions of the position, and follow the same process.

#### **B. Posting the Vacancy:**

Job vacancies will usually be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting. The Human Resources representative will discuss advertising the vacancy with the Department Director to determine the most effective use of advertising resources by evaluating the placement of the advertisement and the duration of the ad and its content. Typically, the ad will be placed on the City's official website and posted in the City Hall lobby. However, many specialized positions require additional advertising via special periodicals or on specific websites. The goal is to ensure that the City receives an adequate pool of qualified applicants to consider for the position.

#### **C. Applications:**

Anyone seeking employment with the City must complete and submit an official City of South Padre Island application for the position desired. City employees seeking another position must also complete an official City application. Resumes will not be accepted in lieu of the official application (but may be attached to the application), and applications will only be accepted for posted vacancies. All information set forth on an application is subject to verification. Applications will usually be considered active until the vacancy is filled. Employment applications will be received by the Human Resources Division and forwarded to the Department for consideration. If there is a posted deadline for submission of applications for a position, any application received after the deadline will not be considered. Applications received by divisions other than human resources should be forwarded immediately to the Human Resources Division. The Human Resources uses an online platform to collect applications and resumes, communicate with applicants, and coordinate the hiring process with each department, which is linked to the City website and job posting announcements.

#### D. Disqualification:

Applicants will be disqualified from consideration for any of the following reasons:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position.
- If they previously worked for the City and their employment was terminated or resigned in lieu of termination due to unsatisfactory performance or conduct and/or violation of a City policy or procedure.
- If their employment will result in a violation of the City's Nepotism Policy.
- Failure to meet minimum age requirements of seventeen (17).
- False statements or material omissions on the application form or during the application process.
- Failing any of the City's background and employment requirements, including, but not limited to, drug testing.
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process.
- The applicant is not legally permitted to work in the United States.
- The applicant cannot perform the essential functions of the job applied for with or without a reasonable accommodation.
- Any other reason deemed to be in the best interests of the City.

#### E. Interview Process:

Prior to interviews being scheduled, the department will submit a list of interview questions to Human Resources for review. The department will also be responsible for creating an interview panel. All interviews will be conducted by a panel with a minimum of three people serving on the interview board. Cross departmental representation is encouraged as well as experts from other agencies or the community.

Once the interview questions and interview panel are finalized and approved by the Human Resources Division, the department will schedule candidates for the required oral interview(s) and notify the Human Resources Division of the schedule. Prior to beginning the interview, it is a

good idea to request that the applicant read the job description. You may wish to assign a score to each interview question to assist you in assessing the applicant's capabilities. Applicants should always be informed that the quantitative score is not the only factor considered in filling a position and that it is simply a tool to help in the decision-making process. Second interviews are left at the discretion of the Director.

Upon completion of the interview process, all original notes, interview questions, score sheets, forms and any and all related documents associated with the interview process will be forwarded to Human Resources for retention. The City Manager reserves the right to participate in any and all interviews.

F. Hiring Process:

After the interview panel has deliberated and a recommendation for hire is established, the hiring department coordinates its recommendation with the Human Resources Division. The Human Resources Division will prepare the letter of offer and the pre-employment screening information for the candidate. Offers for City employment will be communicated by the Human Resources Division to the applicant upon receipt of the hiring recommendation, all related paperwork and approval of the City Manager is received in writing (*Personnel Action Form*).

Applicants for certain positions will be required to submit to a pre-employment investigation that includes a criminal background check, post-offer drug screening and/or a post-offer physical examination.

The recruitment method for vacant Director level positions may be determined by the City Manager on a case-by-case basis.

If the applicant accepts the letter of offer, the letter is signed by the applicant and forwarded to the Human Resources Division to be included in the personnel file. All new hires will be required to complete necessary paperwork such as I-9, W-4, benefit-related documents prior to reporting to the department for work. New hires may only start on the first day of a pay period unless the department can show this would create an undue hardship. The Human Resources Division will coordinate the employee orientation process.

If an employee has not physically worked in six months with the City, the employee will be treated as a new employee and will be required to submit to any pre-employment investigation, pre-employment physical examination, and/or a pre-employment drug screening applicable to the position. A personnel action form must also be signed by the Director and City Manager and forwarded to the Human Resources Division before the employee can begin work.

## **300.06    Relocation Expenses**

### ***Purpose***

To establish guidelines within which the City will pay costs to relocate new employees enabling the City to recruit and hire the best-qualified candidates.

### ***Scope***

This policy will be implemented on a case by case basis based on market demand and position.

### ***Policy***

The City Manager is responsible for the implementation of this policy, with responsibility for determining applicability and maximum allowable amounts in individual cases.

### ***Procedure***

Reimbursement may be made to newly hired employees for out-of-pocket expenses encountered in moving to the Lower Rio Grande Valley area for the express purpose of commencing employment with the City of South Padre Island.

The allowable expenses include direct cost for:

- Any out-of-pocket expenses incurred during the recruitment and interviewing phases of recruitment.
- Moving company or transportation charges related to the move including gasoline.
- Meal and hotel expenses during the actual move.

Receipts must be provided to support each allowable expense.

## **300.07 Internships**

### ***Purpose***

To provide students with an opportunity to combine work experience and professional development to enhance their formal education. Internships may be paid or unpaid.

### ***Scope***

This policy applies to all internship requests and or approved internships within the City.

### ***Policy***

The City Manager is responsible for approving all internships with the City. The City should strive to maintain strong collaborative relationships with the regional colleges/universities to provide professional development opportunities to students interested in careers in local government. The City will limit the number of internships available depending on the needs of the City. Only one intern can be placed in a City Department to ensure city operations are not severely impeded.

### ***Procedure***

- **Request for Internship:** A student that is requesting an internship must submit the request in writing to the Human Resources Manager. The internship must be an integral part of the student's course of study. The request must include the related documents from the educational institution.
- **Approval of Internship:** All internships must be approved by the City Manager.
- **Coordination of Internship:** The Human Resources Manager will coordinate with the educational institution regarding all paperwork, waivers, and performance reports required for the student to participate in the program.
- **Selection of Interns:** If multiple students are requesting an internship in the same department the individual that made the first written request for internship to the Human Resources Manager will first be considered.
- **Employment of Interns:** Candidates for internships will be required to complete a pre-employment drug screen and criminal background check, if applicable. All paid interns will be hired as temporary employees and, therefore not eligible for any benefits associated with full-time employment with the City. Unpaid interns will be considered volunteers and, therefore, not eligible for any benefits associated with full-time employment of the City. Unpaid interns must sign a statement that indicates whether or not they will receive college credit for the internship, stating whether a report will be prepared and filed by the student addressing the internship experience and what was learned, stating the understanding that the internship is unpaid, and acknowledging that



no job will be offered at the conclusion of the internship. Interns do not displace regular employees and must work under close supervision of staff. The intern experience is for the benefit of the intern and not for the benefit of the City.

- Conclusion of Internship: The supervisor will complete an evaluation of the intern's performance at the conclusion of their assignment and submit it to the Department Director for Review. The Director will forward it to the Human Resources Division once reviewed. If the Intern's educational institution requires a performance review report, it will be provided by the Human Resources Division in coordination with the Department.

## **301.08 Employee Issued City Property & Equipment Use**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, equipment, uniforms, cellular phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appear to be damaged or defective or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for the maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment may result in disciplinary action.

#### **Personal Use Prohibited:**

City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises without prior written approval by the City Manager. No city property, materials, supplies, tools, equipment, or vehicles may be put to personal or commercial use by any employee. City property, materials, supplies, tools, equipment, and vehicles may be used by employees only in the performance of their duties for the City.

#### **Personal Property:**

All employees shall be solely responsible for their personal property at all times.

## **301.01    New Hire Orientation**

### ***Purpose***

To ensure each employee is provided accurate information regarding City and Department policies, procedures, and benefit information.

### ***Scope***

This policy applies to all positions in the City.

### ***Policy***

The Human Resources Division shall be responsible for developing and conducting a general employment orientation for all new employees with the City. Departments are responsible for developing and conducting department-specific orientations which cover departmental policies and procedures.

## **301.02    I-9 Requirements**

### ***Purpose***

To ensure each employee is authorized to work in the United States as per the Immigration Reform and Control Act of 1986.

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The Immigration Reform and Control Act of 1986 requires employers to verify the citizenship, or authorization to work in the United States, on all individuals since November 6<sup>th</sup>, 1986. Documentation is required no later than three days from employment commencement. It is the employee's responsibility to assure the Human Resources Division receives the appropriate documentation.

### ***Procedure***

The City uses E-Verify to validate the identity and employment eligibility of all persons hired to work for the City of South Padre Island. E-Verify compares information from an employee's Form I-9 to data from U.S Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

### **301.03    Residency Requirements**

#### ***Scope***

This policy applies to all positions in the City.

#### ***Policy***

The City Manager is required to live on the Island as specified in their contract for employment.

The Public Safety Director positions (Fire and Police Chief) are required to live on the Island as per policy.

There is no absolute residence requirement for other City positions. Employees who are likely to be called to work in cases of emergency are required to reside within reasonable response commuting ranges of their place of work. For these purposes, the City has established that a reasonable response time to an emergency is ninety (90) minutes.

The City Manager may waive the residency requirement for the Public Safety Director positions.

## **301.04 Minimum Age Requirements**

### ***Purpose***

To establish guidelines to occasionally hire minors during school breaks or during peak work periods.

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

As a general rule, employees of the City must be eighteen (18) years of age or older. During certain seasons, the City will hire applicants who are sixteen (16) years old, but this is done only under special conditions and must be approved by the City Manager.

Minors may not drive or operate any motor vehicles or equipment on behalf of the City.

### ***Procedure***

Specific minimum age requirements have been established for the following positions.

- Beach Patrol Technician – Seventeen Years of Age (17)
- Beach Patrol Technician – Sixteen Years of Age (16) if the applicant has successfully completed one full year of the Junior Lifeguard Program.
- Police Officer – Twenty-One Years of Age (21)

## **301.05 Nepotism**

### ***Purpose***

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, the City has adopted a policy to address employment decisions related to nepotism.

### ***Scope***

This policy applies to all full-time, part-time, and temporary seasonal employees and positions within the City.

### ***Policy***

#### **(A) Applicants**

- An applicant related to the City Manager or City Council within the third degree by consanguinity (blood) or within the second degree by affinity (marriage) shall not be employed by the City.
- Under no circumstances will an applicant be employed in a department where the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. Immediate family includes spouse, parents, children, brother, sister, or domestic partner.

#### **(B) Promotion**

- In the event of a proposed promotion to any of the positions listed above, any employed family member of a person considered for promotion to any of the positions identified above must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final.

#### **(C) Reorganization**

- In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified, and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event, giving rise to a relationship prohibited by this policy, one of the affected employees will be required to resign from employment. In the event that the employees do not decide which will resign, the employee with the least amount of seniority will be deemed to have resigned.

#### **(D) Other Restrictions**

- The following restrictions apply to the employment of any relative, including those defined as family members under this policy:
  - No employee in the relationship will supervise, review, or process the work of the other;
  - The employees' relationship must not create a conflict between employees/City interests and
  - There must be no interdependence or relationship between the jobs of the individuals concerned, which could be potentially detrimental to the interests of the City.

Relatives will not be permitted to work in the same department with each other without prior written authorization from the City Manager. In addition, written authorization must also be obtained from the City Manager to employ any relative of a current City employee.

(E) Marriage of Current Employees

- In the event of a marriage between two City employees, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. In the event that the employees do not decide which will resign, the employee with the least seniority will be deemed to have resigned.

(F) Grandfather Clause

- The City is aware that, as of the adoption date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City as long as the requirements set out in this policy are met. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the adoption date of this policy (12/03/2014). Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

(G) Exceptions

- The City Manager has the authority to approve the hiring of temporary employees that may violate the nepotism policy during peak seasons such as Spring Break if the City Manager feels the temporary assignment will be in the best interest of the City.



## ***Procedure***

Degrees of Family Relationships:

Consanguinity Kinship (Relationship by Blood)

First Degree	Second Degree	Third Degree
Father Mother Son Daughter	Brother Sister Grandfather Grandmother Grandson Granddaughter	Uncle Aunt Nephew Niece Great Grandfather Great Grandmother Great Grandson Great Granddaughter

Affinity Kinship (Relationship by Marriage)

First Degree	Second Degree
Father-In-Law Mother-In-Law Son-In-Law Daughter-In-Law	Brother-In-Law Sister-In-Law Spouse's Grandfather Spouse's Grandmother Spouse's Grandson Spouse's Granddaughter

## **301.06 Pre-Employment Background Checks and Drug Testing**

### ***Purpose***

To ensure a safe working environment for all employees of the City.

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

Depending upon the position, a criminal background check and/or driving record check will be performed after a contingent job offer has been communicated on all candidates for a position prior to reporting for duty.

Employees in safety sensitive positions under Department of Transportation regulations will be required to take a DOT Pre-Employment Drug test prior to performing any safety sensitive functions. *Please refer to the Drug and Alcohol Policy for Transportation Employees for more information.*

Having a criminal history will not automatically disqualify an applicant for employment. Each situation will be determined on a case by case basis taking into account the position applied for, the type of crime, the number of occurrences or crimes convicted, and the time period elapsed since the crime.

### ***Procedure***

The City may investigate the criminal background related to any current employee of the City or any applicant for employment that has been given a contingent job offer if there is a business necessity for the check.

The background check, drug test and physical (if applicable) must be completed for any break of employment more than (6) months.

## **301.07 Fitness for Duty**

### ***Purpose***

The City strives to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

All newly hired certified Fire Fighters, Emergency Medical Technicians, Paramedics, Police Officers and Beach Patrol Technicians will be sent for a fitness-for-duty physical examination before performing public safety functions of the position at the time of hire.

When circumstances justify the requirement, any employee may be required to undergo a physical or mental health evaluation to ensure that the employee is fit to perform the essential functions of the job. The Human Resources Manager must approve any request that an employee be required to undergo a physical or mental health evaluation.

Any employee returning to work following a health-related absence of five (5) or more working days must submit a fitness for duty statement from the employee's healthcare provider. A fitness for duty statement must certify that the employee can perform the essential functions of the employee's job and list any physical restrictions that may apply. A copy of the employee's job description will be provided to assist the healthcare provider in making the required statement.

## **301.09 Identification Badges**

### ***Scope***

This policy applies to all full-time and regular part-time positions in the City.

### ***Policy***

The City will supply all full-time and regular part-time employees an identification badge that contains an image of the employee, official title, and start date with the City. All City identification badges must be returned to the city after termination of employment.

Employees are prohibited from allowing any other person to use the employee's identification badge for any purpose.

Employees must immediately report a lost or stolen identification badge to the Human Resources Manager.

Police and Fire Department Identification Badges must include specific criteria specified by State law.

## **302.01 Categories of Employment**

### ***Purpose:***

To help provide uniformity and equity in applying personnel policies and benefits.

### ***Scope:***

This policy applies to all City of South Padre Island Employees.

### ***Policy:***

This policy maintains standard definitions of employment status and classifies employees for the purposes of personnel administration and related payroll transactions.

#### Employment Classifications

- **Probation Period:** A full-time or part-time employee during the performance of the probation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's Employee Appeals Policy during the probation period. The probation period for certified Firefighters, Paramedics, Emergency Medical Technicians, and Police Officers is one (1) year. The probation period for all other employees is six (6) months.
- **Regular Full-Time Employee:** Is defined as an employee in a budgeted position with an officially scheduled work week of 40 hours or more each week (except for certain Public Safety shift personnel who have different work cycles) who has successfully completed the initial probation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to each benefit program's terms, conditions, and waiting periods. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).
- **Part-Time Employee:** Is defined as an employee in a budgeted position with typically a work week of twenty (20) or more hours but fewer than thirty (30) hours who have successfully completed six (6) months of service with the City.
- ***Part-Time Employees meeting the definition of full-time under the Patient Protection and Affordable Care Act of 2010 working more than 30 hours per week but less than 40 will be eligible to enroll in the City Group Health Benefit plan at their own cost.***  
**Temporary/Seasonal:** Is defined as an employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees will receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits. Temporary employees who are placed with the City but who are actually employed by a

temporary staffing agency must look to the temporary staffing agency to determine what benefits are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in the Texas Municipal Retirement System (TMRS).

- Volunteer: Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectations of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are not covered by worker's compensation. Individuals employed by the City cannot volunteer their time for the same types of services that they are performing in their regular position with the City. City employees will not be coerced into volunteering their time for City services. Employees who want to volunteer their time for the City must submit a written request to the City Manager. The City Manager must formally sign the request to approve the work before the volunteer work being performed. The request should then be sent to the Human Resources Division to be filed in the personnel file of the individual. As defined by the U.S Department of Labor and the Fair Labor Standards Act, the term "volunteer" shall mean: Anyone who performs a service of his or her own free will; who contributes time, energy, or talents directly and/or on behalf of the City of South Padre Island; and without compensation or expectation of compensation beyond expense reimbursement if authorized. Volunteers for the City must be at least sixteen (16) years of age.

In addition to being in one of the above categories, each employee is also designated exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status at the time of initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only by written notification by the City Manager or the Director of Operations.

## **303.01 Personnel Records and Privacy**

### ***Purpose***

To establish standards by which information contained in personnel records will be managed with integrity to achieve accuracy, privacy and legal compliance.

### ***Scope***

This policy applies to all departments and employees of the City.

### ***Policy***

This Human Resources Division will maintain the official personnel records containing information on each City employee to meet state and federal legal requirements and to ensure efficient personnel administration.

### ***Procedure***

#### **(A) Notification of Changes**

- Changes of address, telephone number, and/or family status (births, marriage, death, divorce, legal separation, etc.) must be reported immediately to the Human Resources Division, as an employee's group insurance may be affected by these changes.

#### **(B) File Access**

- Personnel files and information may not be used or divulged for purposes not connected with the City personnel management except with the permission of the employee involved or when required by law.
- Access to an individual employee's personnel file is restricted to the employee, authorized employees of the Human Resources Division and supervisors, or managers on a strictly "need to know" basis. Personnel files may not be removed from the Human Resources Division and can only be reviewed in the Human Resources Division with a Human Resources representative present.
- The Human Resources Division uses an electronic platform to maintain personnel files for the city, effective October 1<sup>st</sup>, 2022. The employee has access to all sections of the electronic file in this file while employed by the City.

#### **(C) Information Requests and Employment References**

- Request for information from employee files received from other departments and inquiries from outside the City, including requests for references on former employees, will be directed to the Human Resources Division. Supervisors and

other employees are prohibited from providing personal or employment references on ex-employees or current employees without approval from the Human Resources Division.

- Verification of information requested by outside sources for credit or other purposes, must be submitted to the Human Resource Division for processing.

#### (D) Personnel Files

- When an employee is hired for the City, an electronic personnel file will be established, generally containing the following information.
  1. Application for employment and related documents such as resumes and educational transcripts.
  2. Personal information changes and personnel action notices of pay and employment status changes.
  3. Performance documents, including performance appraisals.
  4. Payroll deduction authorization documents.
  5. Employee history updating information submitted by employees, including recent education, records of achievements, changes affecting tax withholding, etc.
  6. Documents related to employment, such as appreciation letters, disciplinary action reports, employment verifications, and training records.
  7. Leave request forms. (excluding FMLA request)

#### (E) Confidential Personnel Files

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Division maintains these confidential files.

Examples of information that may be provided to the City by an employee or the employee's health provider and maintained in the confidential medical file include:

- A note to justify an absence
- A note to request sick leave
- A fitness for duty statement
- Medical records to support a claim for sick pay or disability benefits
- Insurance and benefit records containing medical information
- Workers' Compensation records
- Medical history records
- Employment background check information containing medical information
- Drug testing and employment physical results

This file is kept securely behind two locked doors and a locked file cabinet.



The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that confidentiality may be waived when the employee provides medical information to the supervisor. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

(F) Separate Personnel Files

- These files may be examined only by appropriate officials with the authority to conduct or review investigation materials.
  1. Any investigatory information will be kept in a separate electronic confidential file.
  2. I-9 forms are kept in a separate electronic file.

(G) Public Information Request

Within 14 days of employment with the City or within 14 days of termination of employment with the City, an employee may sign a form that allows the City to withhold from disclosure under the Public Information Act the following information:

- Information related to the employee's home address;
- Information related to the employee's home telephone number;
- The employee's emergency contact information;
- The employee's Social Security number; and
- Information that reveals whether the person has family members.

All other information in the employee's personnel file is subject to disclosure under the Public Information Act unless there is an exception to disclosure that is approved by the Attorney General.

## **400.01 Holidays**

### ***Scope***

This policy applies to all regular full-time employees for the City.

### ***Policy***

The City provides paid holidays to employees serving as regular full-time employees. Every other employee is extended the official holiday but without pay. The following official holidays will be observed:

New Year's Day	January 1 <sup>st</sup>
Presidents Day*	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24 <sup>th</sup>
Christmas Day	December 25 <sup>th</sup>
New Year's Eve	December 31 <sup>st</sup>

*\*Presidents Day is not an official holiday for Firefighters; September 11th will be the substituted Firefighters' official holiday.*

Holidays falling on Saturday will be observed on the preceding Friday. A holiday falling on Sunday will be observed on the following Monday. Two holidays falling on a weekend day and a weekday will be observed the first two or last two work days of the week.

New Year's Eve and Christmas Eve are considered regular holidays.

*Please refer to policy #500.10 Holiday Pay for more information.*

## **400.02 Vacation Leave**

### ***Scope***

This policy applies to all regular full-time employees for the City.

### ***Policy***

Regular full-time employees accrue vacation leave on a monthly basis. Vacation leave accrues at the end of the first full month of employment at a rate of eight (8) hours, [twelve (12) hours for Fire Department shift employees] for each full month worked in a calendar year. After five (5) years of employment, employees shall earn twelve (12) hours [eighteen (18) hours for Fire Department shift employees] for each full month worked in a calendar year. An employee may not use any accrued vacation leave until successfully completing the initial employment probation period of six months. Part-time and seasonal/temporary employees do not accrue vacation leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is not considered hours worked for purposes of performing overtime calculations.

### ***Procedure***

#### **Use and Scheduling of Vacation Leave:**

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 sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in hourly increments. Employees must schedule their vacation leave in accordance with their Department's guidelines governing vacation scheduling utilizing the Time Clock system. Whenever possible, vacation time will be scheduled at the convenience of the employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request before leaving for vacation.

If a sick leave request exceeds the sick leave balance, available vacation leave will be deducted to fulfill the leave request if a balance is available.

#### **Maximum Accruals:**

Employees may accrue up to 240 hours of vacation leave (360 for firefighters). All hours in excess of the maximum allowed are lost on the first day of January each year. Employees will not be paid for vacation in excess of the maximum accrual for vacation that is "lost" on the first

of January. If the needs of the City and/or Department preclude the taking of a scheduled vacation, the City Manager may defer an employee's scheduled vacation leave. In such cases, the City Manager shall grant the employee's deferred vacation leave within thirty (30) days. Employees requesting to have vacation hours rolled over to the next calendar year must have a Personnel Form, with the request attached approved by the City Manager. All vacation carryover granted by the City Manager must be forwarded to payroll before December 31<sup>st</sup> of each year.

Employees on approved FMLA leave will continue to accrue vacation leave during the paid leave portion of their absence. Vacation leave will not be accrued if an employee is out on any unpaid leave or any other leave that exceeds thirty (30) days.

Compensation for Vacation Leave:

Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation except upon separation of employment.

Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave up to the maximum accrual rate listed in the policy.

## **400.03 Sick Leave**

### ***Scope***

This policy applies to all regular full-time employees for the City.

### ***Policy***

Sick leave is paid time away from work due to bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, child care or adult care of an immediate family member when schools or care facilities are closed, or the employee is unable to report to work due to inclement weather or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department. Paid sick leave is not considered hours worked for purposes of performing overtime calculations.

Sick Leave can also be used up to 16 hours to attend a funeral where Bereavement Leave does not apply and to extend Bereavement Leave for up to forty (40) hours.

Holidays falling during a period of approved absence for sick leave will be paid. Therefore, sick leave will not be deducted.

“Effective October 1<sup>st</sup>, 1997, all future earned and unused Sick Leave Credit will be paid at a rate of fifty percent (50%) of the earned leave rate upon resignation of employment with proper notice and good standing. All previous earned and unused Medical Leave Credit accumulated prior to October 1<sup>st</sup>, 1997, will be paid at a rate of one hundred percent (100%) of the earned leave rate upon resignation of employment with proper notice and good standing.” (Amended by Ordinance No. 97-15)

Effective October 1<sup>st</sup>, 2011, all Sick Leave remaining in the Sick Leave Reserve bank that was accumulated prior to October 1<sup>st</sup>, 1997, will be paid out at the employee’s base hourly rate as of October 1<sup>st</sup>, 2011, upon resignation of employment with proper notice and good standing, regardless of the employee’s pay rate when the amount is paid.

Note: Sick Leave taken is charged to sick leave first earned as of October 1<sup>st</sup>, 2011.

### ***Procedure***

#### **Accrual Rate:**

Regular full-time employees accrue sick leave on a monthly basis. Sick leave accrues at the end of the first full month of employment at a rate of eight (8) hours, [twelve (12) hours for Fire Department shift employees] for each full month worked in a calendar year. Part-time and seasonal/temporary employees do not accrue sick leave.

Employees on approved FMLA leave will continue to accrue sick leave during the paid portion of their absence. Sick leave will not be accrued if an employee is out on any unpaid leave or any other leave that exceeds thirty (30) days.

Maximum Accrual:

The maximum sick leave time which any employee may accumulate shall be 720 hours (1080 hours for Certified Firefighters).

Authorized Use of Sick Leave:

For the Employee: Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise, use of sick leave for childbirth falls under the section below). Sick leave may be used by employees for their dental or doctor appointments.

If a sick leave request exceeds the sick leave balance, available vacation leave will be deducted to fulfill the leave request if a balance is available.

Employees with sick leave banks over 500 hours can use up to 40 hours between 501 and 720 hours in a calendar year for personal use with approval from their supervisor.

For the Employee's Immediate Family:

Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. Sick leave may also be used concurrently with related approved FMLA leave. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, children/stepchildren, grandparents, brothers, sisters, and parents of the employee's spouse. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the City Manager may allow the employee to use up to 40 hours of accrued sick leave (60 hours for firefighters). Sick leave may also be used by employees for their immediate family's scheduled doctor and dentist appointments.

Minimum Increments:

Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

Failure to Report Absence/Abuse of Sick Leave:

Supervisors closely monitor the use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from home, are acceptable, but other personal pursuits during paid sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this

policy, may result in immediate disciplinary action, up to and including termination of employment. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.  
Use of Other Leave:

If approved by the Department Director, employees who have successfully completed their initial probation period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director, the employee may flex the work schedule to attend medical or dental appointments. This is acceptable, provided that work time is accurately recorded on the time clock for the week or work cycle in which the flex time was approved. Under no circumstances can flex time be used to make up time missed be extended beyond the affected workweek, or work cycle.

Documentation:

Employees requesting paid sick leave must complete a sick leave request using the time clock system. If an employee calls in sick, the employee must submit a Personnel Action Form to the supervisor for approval. The supervisor or employee must then return the Personnel Action form to the Finance Department to ensure the used sick time is deducted from the employee's leave bank or ensure that their supervisor edits the time clock accordingly. An employee must present satisfactory proof from a doctor of illness/injury that prevents the employee from working whenever sick leave for three (3) or more consecutive work days is used and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed, and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

Family and Medical Leave Act:

Any absence that qualifies for both the Family and Medical Leave Act and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

Payment for Unused Sick Leave:

No employee shall be entitled to payment in lieu of using sick leave time. An employee who leaves the city in good standing and leave the appropriate notice as per their position shall be paid for accrued sick leave up to fifty percent (50%) of the maximum accrual rate listed in the policy. An employee whose employment has been involuntarily terminated by the city is not eligible to receive any payment for sick leave accruals unless approved by the City Manager for special circumstances.

## **400.04 Sick Leave Pool**

### ***Scope***

This policy applies to all regular full-time employees for the City that have been employed by the City for one year or longer.

### ***Policy***

The City of South Padre Island Sick Leave Pool provides a benefit to eligible employees who have exhausted accrued vacation and sick leave by virtue of a catastrophic injury or illness of their own or that of an immediate family member. The Sick Leave Pool will be administered by the City's Human Resource Division.

### ***Procedure***

#### Eligibility for Participation in the Sick Leave Pool:

- All full-time regular employees who have been employed by the City for one year or longer are eligible to participate in the Sick Leave Pool.
- Employees who are out on leave due to a work-related injury and who are receiving worker's compensation benefits and those who are on disability leave for any reason and receiving disability benefits may not withdraw leave from the Sick Leave Pool if the combination of sick leave and benefits (workers' compensation or disability) exceeds the employee's pre-injury or pre-illness compensation.

#### Contributions to the Sick Leave Pool:

- Contributions to the Sick Leave Pool may be made at any time on a strictly voluntary basis.
- Eligible employees desiring to donate time to the Sick Leave Pool must fill out a Contribution Form indicating the amount of sick leave to be donated.
- All donations to the Sick Leave Pool must be in increments of 8 hours or more and may not exceed eighty (80) hours.
- Once a Contribution Form is received by the Finance Department, the number of days donated will be credited to the Sick Leave Pool and deducted from the accrued sick leave of the employee making the contribution.
- Contributions to the Sick Leave Pool may not be earmarked for the benefit of a particular employee.

#### Withdrawals from the Sick Leave Pool:

- An employee may obtain leave from the Sick Leave Pool if the employee or an employee's immediate family member has experienced a catastrophic injury or illness resulting in the exhaustion of all of the employee's accrued vacation and sick leave.



Latest Revision Date: 12/20/2023

*Section IV: Benefits and Services*

- An employee requesting leave from the Sick Leave Pool must fill out a Sick Leave Pool Withdrawal Request Form indicating the need for the leave. In the event that the employee has not previously provided the City with a Medical Certification supporting catastrophic injury or illness underlying the need for the leave, such a Medical Certification must be submitted with the Sick Leave Pool Withdrawal Request Form. All medical information obtained pursuant to this policy will be maintained as confidential information by the City to the extent allowed by law.
- A determination that an employee or an employee's immediate family member has a catastrophic injury or illness under the Sick Leave Pool Policy does not mean that the employee or employee's immediate family member has a "serious health condition" under the FMLA or a "disability" under the ADA.
- An employee may not withdraw an amount of sick leave from the sick leave pool that exceeds 60 days.
- Employees who have contributed leave to the Sick Leave Pool may not withdraw donated time unless they become eligible to withdraw leave from the Sick Leave Pool pursuant to this Policy and are approved to withdraw time.
- An employee on sick leave from the Sick Leave Pool will be treated in all respects as an employee on regular sick leave.
- Requests for withdrawal of leave time from the Sick Leave Pool should be submitted as soon as the need for such leave is realized by the employee. Requests for withdrawal of leave are handled by the Human Resources Division on a first-come, first-serve basis.
- If an employee returns to work without having used all of the leave time obtained from the Sick Leave Pool, all unused leave time must be returned to the Sick Leave Pool.
- The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

Definitions:

- A "catastrophic illness or injury" is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee, or a member of the employee's immediate family, that requires the services of a licensed physician for a prolonged period of time and that forces the employee to exhaust all accrued leave. A severe condition or combination of conditions is one that:
  1. will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of their job if not treated and promptly or at regularly scheduled intervals (e.g. chemotherapy treatments, radiation treatments, etc.);
  2. has been designated as terminal; or
  3. fully incapacitates the employee from working for a continuous period of thirty (30) calendar days or more.
- "Immediate Family Member" means parent, child, or spouse of the employee and includes step-parents and step-children as well as foster children certified by the Texas Department of Child Protective and Regulatory Services.

## **400.05 Family Medical Leave Act (FMLA)**

A City of South Padre Island employee is eligible for FMLA leave, if the employee has worked for at least twelve (12) months total for the City in the previous seven (7) years and has worked a minimum of 1,250 hours during the twelve (12) months immediately preceding leave.

*Please refer to policy #200.04 Family Medical Leave Act (FMLA) for detailed policy.*

## **400.06 Workers' Compensation**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

All City employees are protected for “on the job injury or illness” under the Texas Workers’ Compensation Act. The City maintains workers’ compensation benefits that cover those employees who sustain job-related injuries or contract occupational diseases while carrying out the duties and responsibilities of their employment. Benefits are in the form of compensation for both medical expenses and for work time lost because of injury or illness. Nothing in this section is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA), and it is the City’s intent to comply with all the provisions of the FMLA.

### ***Procedure***

Employees must promptly report any accident, illness, or injury to the immediate supervisor before the end of the work day in which the event occurs. The supervisor shall ensure the employee reports the illness or injury to the Human Resources Division by completing the DWC Form – 1: Employer’s First Report of Injury or Illness and the Incident Investigation Form. Both forms should be promptly returned to the Human Resources Division to ensure that the City can assist in obtaining appropriate medical treatment for the employee. Failure to follow this procedure may result in improper filing of worker’s compensation reports, causing delays in payment or jeopardizing an employee’s right to benefit in connection with the work injury or illness.

Employees must be treated by a medical provider that accepts Texas Municipal League Intergovernmental Risk Pool Workers Compensation Coverage (TMLIRP) Internet. If an injured employee does not get treatment from a provider, their worker’s compensation benefits may be denied, resulting in non-payment of claims and possible loss of income benefits.

In an emergency, the injury or illness should be treated at the nearest emergency care facility.

It is the employee’s responsibility to communicate to the treating physician/hospital/ambulance that the injury is a workers’ compensation injury. If the employee is unable to communicate, the immediate supervisor is responsible.

An employee may not be permitted to return to work until the City has received a release from the doctor authorizing the employee to return to work, with or without reasonable accommodation.

An employee who refuses to return to duty after being released for duty by the treating physician shall be deemed to have resigned from employment with the City.

If an employee missed work time, the first day through the seventh day of lost time, the employee may take accrued sick leave, earned vacation leave, accumulated compensatory time or leave

without pay. If the employee is unable to work on the eighth day off, wage continuation benefits may begin in accordance with the Texas Workers' Compensation Act. Combined workers' compensation payments and City supplemental injury payments made in accordance with *Policy 500.20* shall not exceed the employee's regular paycheck.

If the employee is receiving vacation pay in addition to workers' compensation payments, the city will not pay supplemental injury payment during that time period.

Employees are responsible for paying deductions that are normally taken out of their paycheck, including, but not limited to, insurance premiums for their dependents, supplemental insurance, 457 loan amounts, and child support payments.

When an employee is on leave pursuant to the Family Medical Leave Act, the City pays the group benefit premiums. Employees are cautioned that extended absence from the workplace can affect eligibility for coverage under the group plan. If an employee is absent for an extended period of time, the employee should contact the Human Resources Division for current information concerning eligibility for coverage. The requirements for such coverage sometimes change, and it is the employee's responsibility to make certain the employee has current information. If, while on extended leave, the employee becomes ineligible for coverage, the employee may be entitled to Continuation of Coverage (COBRA). *Please refer to policy #400.20, Group Health Benefits, for more information.*

Part-time and temporary employees are eligible to receive workers' compensation benefits only. At the discretion of the City Manager, they may be granted "leave of absence without pay" for a limited period.

*Please refer to policy #500.22 Supplemental Pay – Workers Compensation for additional information.*

## **400.07 Return to Work Program**

### ***Scope***

This policy applies to all full-time employees.

### ***Policy***

The City of South Padre has implemented a return-to-work program for employees who are injured on the job. This program will attempt to provide opportunities to return the employee to safe, productive work as soon as medically reasonable.

The ultimate goal is to return qualified employees to their original jobs. The return-to-work program will attempt to provide alternative productive work that meets the injured employee's capabilities, and which the employer can reasonable accommodate without undue hardship.

The return-to-work procedures are developed to meet the Texas workers' compensation laws and rules, the Americans with Disabilities Act, and the Family Medical Leave Act that support and encourage return-to-work programs.

The City of South Padre Island will endeavor to return employees to gainful employment as soon as possible by exploring possible restrictive duty assignments. However, the City of South Padre Island does not guarantee the availability of restrictive duty work.

### ***Procedure***

The City of South Padre Island has a return-to-work program applicable to all full-time employees. The return-to-work coordinator is the Human Resources Manager. .

An employee who is injured on the job must immediately report the injury or incident to a supervisor or an appropriate person in management as per the *400.06 Workers' Compensation* policy located in this handbook.

If medical attention is required, the employee will receive medical services as per policy. After medical treatment, if the employee cannot return to work the next day, the employee is required to request a written statement of any restrictions they may have in performing their tasks and an expected return-to-work date from the physician. The employee is required to provide this information to the Human Resources Manager as soon as possible, preferably on the day of the injury and after each follow-up appointment until the employee returns to work.

For injuries requiring time away from work, the Human Resources Manager will send a return-to-work package to the physician. This package contains the employee's current job description and other information necessary to evaluate the essential functions of the position. The physician will be asked to complete the physical evaluation form (DWC-73) and return it to the Human Resources Manager and the Workers' Compensation carrier by the end of the second working day following the date of the examination.

If the physician indicates that the employee cannot return to regular duties, even with minor modifications, but is physically able to perform alternate assignments in his or her own or another department, the employee will be required to report to such a position if it is available. The priority will be to return employees to their own departments unless duties are unavailable.

Employees participating in the return-to-work program through either a modified, regular position or an alternative position may not work overtime hours or any employment outside of the entity without approval from the City Manager or until returned to their regular position without modifications.

Upon receipt of notification from the physician that the employee can return to work, to either their job with modifications, or another assignment, the Human Resources Manager will notify the employee in writing with a bona fide offer of employment. The hourly rate of pay shall remain unchanged during restrictive duty assignments.

The Human Resources Manager will also contact the employee with the information that they have been approved for return to work by their physician and that a position exists effective on a specific date along with the details of the position.

The employee, the employee's supervisor and the Human Resources Manager will meet to discuss details of the alternative position. These may include: any physical limitations of the employee, the maximum length of and periodic review of the alternative assignment, and any other issues any of the parties may have.

The City will continually review the return-to-work program and make changes that enhance its effectiveness.

#### Duration of Restrictive Duty Assignments:

An employee shall remain in a restrictive duty assignment until one of the following occurs:

- The employee receives a release from the designated treating physician to return to the position previously occupied before the injury or illness occurred.
- It is medically indicated the employee has reached maximum improvement with no anticipation of future additional improvement.
- The restrictive duty assignment ends.

Restrictive duty assignments are temporary assignments intended to complement and facilitate the healing process. Restrictive duty assignments cannot exceed twelve (12) weeks without approval from the City Manager.

An employee on restrictive duty who has been determined to have reached maximum medical improvement and whose physical restrictions do not allow the return to the employee's normal position or classification shall be eligible for one of the following:

- May apply to fill a vacant position for which the employee is qualified when such a position becomes available. It is the responsibility of the employee to identify such positions.

#### Employee Rights:

An employee who is released by the treating physician for a restricted duty assignment shall have the following options:

- Accept the assignment with no loss of base hourly rate of pay or benefits; however, shifts and workdays shall be up to the supervisor's discretion for whom the employee will be working. Under the appropriate procedure, the employee shall have the right to file a grievance over the content of the tasks or duties assigned if the employee believes the assigned tasks or duties are inconsistent with the physical restrictions placed on the employee by the designated treating physician.
- If an employee is offered a restrictive duty assignment and declines it or chooses to go home and use personal sick or vacation leave to be paid or chooses unpaid leave, the employee will no longer be eligible for supplemental pay as defined in the City of South Padre Island Handbook policy *#500.22 Supplemental Pay*.
- Employees entitled to FMLA leave can voluntarily accept restrictive duty assignments while they are recuperating, but they cannot be required to do so. Employees who lose their workers' compensation benefits as a result of declining a restrictive duty assignment are required to substitute any available paid leave, such as accrued vacation or sick leave, for unpaid FMLA leave. Until employees have exhausted their 12-week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job, provided that they can perform the job's essential functions.

#### Employee Responsibilities:

The return-to-work program is designed as a temporary tool to allow the employee to continue to work while recovering from a work-related illness. Consequently, restrictive duty status does not relieve the employee from complying with all City departmental policies, rules, and regulations. Know and follow all safety rules and procedures.

- Report any injury according to procedures.
- If at any time the employee feels the restrictive duty assignment is aggravating the injury/illness, the employee must immediately notify the supervisor in the department to which he/she is assigned and the Human Resources Manager.
- If medical attention is necessary, inform your treating doctor that return-to-work opportunities may be available to accommodate your physical abilities.
- Provide your doctor with a return-to-work packet as provided by the Human Resources Manager
- If your doctor restricts you from working, call your supervisor once a week to let them know how you are doing.
- Notify your supervisor immediately if your work status changes.
- When your doctor releases you to return to work, report on the next regular shift.
- Attend all medical and treatment appointments.
- Follow your doctor's orders and restrictions at home and work.
- Provide updates to the Human Resources Manager after all appointments.

## **400.08 Employee Assistance Program (EAP)**

### ***Scope***

The City's Employee Assistance Program is available to all employees of the City and any person who resides in their household.

### ***Policy***

The City's Employee Assistance Program (EAP) is available to provide assistance to employees who may be experiencing personal or family problems, alcohol or drug abuse, financial burdens, marital or other family problems, anxiety and stress, and balancing a healthy work/life balance. All employees who feel they may have an alcohol or drug problem are encouraged to utilize the program's resources before the problem adversely affects their performance or employment status. Participation in this program is typically voluntary and confidential. However, a supervisor may make a mandatory referral when some aspect of an employee's personal life negatively affects his or her performance on the job. Upon a mandatory referral, the employee may be required to sign a release authorizing the counselor to provide an update to the Human Resources Division regarding the employee's program participation.

This service provides you and your family with free and confidential assessments, referrals, and counseling. Deer Oaks EAP service is available at any time and can help you with work-related concerns, personal problems, and other issues affecting your well-being.

### ***Procedure***

The City currently utilizes Deer Oaks EAP Services to provide this benefit. If you would like more information regarding this program or would like to utilize this benefit, please contact Deer Oaks using the methods below.

- 24-Hour Phone Number: 1-866-EAP-2400
- National Relay Number: 1-800-877-8339
- E-Mail: [eap@deeroaks.com](mailto:eap@deeroaks.com)
- Website: [www.deeroaks.com](http://www.deeroaks.com)



## **400.09 Texas Municipal Retirement System**

### ***Scope***

This policy applies to all regular full-time employees for the City.

### ***Policy***

The City of South Padre Island participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of South Padre Island currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from the Human Resources Division or TMRS.

## **400.10 457 Plan – Deferred Compensation**

### ***Scope***

This policy applies to all regular full-time employees for the City.

### ***Policy***

The City of South Padre Island offers a qualified retirement plan as an additional savings tool for eligible full-time employees.

This plan has been set up by the City and is being offered to all employees as a benefit. Typically, employees make pre-tax contributions to their retirement plan accounts through automatic deposits from their paychecks.

All new employees are automatically enrolled at one percent (1%) of their base salary amount unless the employee chooses to opt out of the plan by signing the *Affirmative Election to Opt Out of Participation in the City of South Padre Island's Retirement Plan* form. For those employees who do not opt-out, this will result in one percent (1%) of each bi-weekly paycheck being deducted and contributed on a pre-tax basis into the 457 plan. Employees may decrease, increase, or eliminate employee contributions to the plan by completing the *Enrollment and Change* form. Employees should know that Internal Revenue Service limits on annual deferrals apply and that contributions to this plan, when combined with other plans in which the employee may participate, may not exceed one hundred percent (100%) of those IRS limits.

### ***Procedure***

The City Manager, Chief Financial Officer, and Director of Operations serve as trustees to the John Hancock account.

The Human Resources Division maintains benefit manuals regarding this plan that are available to all employees. More information can be found on the website at [www.jhpensions.com](http://www.jhpensions.com).

## **400.11 Judicial Leave**

### ***Scope***

This policy applies to all full-time and regular part-time employees of the City.

### ***Policy***

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In other cases, employees are required to schedule accrued vacation, holiday, or compensatory leave; otherwise, a nonexempt employee's time off to testify will be considered leave without pay.

### ***Procedure***

- The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a Personal Action form, along with supporting documentation, to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.
- An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.
- Jury duty leave is paid at the employee's base rate at the time of leave and does not count as time work for the purposes of calculating overtime.

## **400.12 Administrative Leave**

### ***Scope***

This policy applies to all full-time and regular part-time employees of the City.

### ***Policy***

The City Manager has the authority to authorize administrative leave with or without pay for periods of time as determined by the City Manager to be in the best interest of the City.

### ***Procedure***

Administrative leave is not charged against vacation or sick leave benefits and is granted for various administrative reasons, including:

- For an investigation or other administrative proceeding.
- To represent the City or Department at legislative proceedings, civic functions, or meetings.
- To attend conferences, conventions, or seminars that will enhance the employee's job performance.
- During emergencies, all City employees may be granted administrative leave when, for safety reasons, they are not required to report to work.
- Any other reason the City Manager feels is in the best interest of the City.

## **400.13 Inclement Weather Leave**

### ***Scope***

The purpose of this policy is to outline the circumstances under which an employee will and will not be paid for work missed due to inclement weather.

### ***Policy***

It is the policy of the City of South Padre Island to compensate an employee if the City must close due to inclement weather. This policy authorizes the City Manager to pay City Employees Inclement Weather pay when all listed bullets below apply.

- The South Padre Island Municipal complex is closed due to inclement weather, or the City Manager has authorized a skeleton crew to manage essential functions for the safety of the employees.
- The employee must be on the schedule to work during the time the SPI Municipal Complex is closed.
- The employee has not previously requested any other type of leave, such as sick leave, compensatory time, vacation leave, etc.
- This policy does not apply to situations where there is a declared emergency. *Please refer to policy #500.12 Emergency Pay for more information.*

Employees unable to report to work due to inclement weather may use accrued vacation, sick, or compensatory time to compensate for the lost time if the City has not authorized Inclement Weather pay.

### ***Procedure***

1. The City Manager must authorize Inclement Weather Pay before it is taken by the employee.
2. The leave must be recorded on the time clock system as: Leave with Pay, and in the notes of the edited hours, the supervisor should state “Approved Inclement Weather Leave”.
3. Employees not scheduled to work will not receive Inclement Weather Pay.
4. Employees required to work (including employees required to work from home) to maintain City-required services when the SPI Municipal Complex has closed will also be granted the same amount of Inclement Weather Leave to be added to their vacation bank to be used at a later date.
5. Inclement Weather Leave will not be considered time worked for the purpose of calculating overtime.

## **400.14 Bereavement Leave**

### ***Scope***

This policy applies to all full-time employees of the City.

### ***Policy***

The City provides paid leave to a full-time employee who has a death in the immediate family. An employee is granted bereavement leave of up to three working days. Employees who wish to attend funerals for other than immediate family must use, sick leave, vacation leave, compensatory time, or unpaid leave. Firefighters working twenty-four-hour shifts will be allotted 36 hours of bereavement leave.

### ***Procedure***

- The employee must submit a request by completing a Personnel Action Form or by using the time clock leave request system.
- An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave.
- Bereavement leave is paid at the employee's base rate at the time of leave and does not count as time work for the purposes of calculating overtime.
- Compensation will be paid at the employee's normal base rate of pay for the actual time lost.
- "Immediate family" includes the employee's spouse, children, parents, grandparents, brothers, sisters, parents of the employee's spouse, and siblings of the employee's spouse.
- If circumstances demand that additional time be taken, an employee's sick leave, vacation leave, or compensatory time may also be used for this purpose.

\* See policy 400.03 for Sick Leave use restrictions related to funeral attendance or the extension of Bereavement Leave.

## **400.15 Military Service Leave**

### ***Scope***

This policy applies to all full-time and regular part-time employees of the City. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, reserve or National Guard, for training, period of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service.

Employees will not be discriminated against nor denied employment, reemployment, promotion or other benefit or employment because of membership, application for membership, performance of service, application for service, or obligation for service in the Uniformed Services. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised their rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources Manager.

### ***Policy***

The City complies with all state and federal laws related to employees in reserve or active military service and does not discriminate against employees who serve in the military.

#### **Paid and Unpaid Leave for Training and Duty:**

- Full Pay for Up to 15 Days Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. Certified Firefighters, Paramedics, Peace Officers, and EMTs who work 24 or 12-hour shifts will be provided 180 hours of Military Leave, which is equivalent to 15, 12-hour shifts.
- Other Paid Leave Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave, and compensatory time) to cover their absence from work.
- Unpaid Leave After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

### ***Procedure***

Notice to City of Need for Leave:

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Personnel Action form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Personnel Action form must be turned into the Department Director and the Human Resources Manager as far in advance of the leave as possible.

Benefits:

The City will continue to provide employees on paid military leave with most City Benefits.

- Medical, Vision, Dental and Vision Insurance While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits that were in effect at the time the employee began military leave. When military leave is unpaid, the employee may elect to continue group health coverage at his or her own expense for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents. Premiums for continued coverage during unpaid leave will cost up to one hundred and two percent (102%) of the regular premium rate.

Upon an employee's return to employment following military service, the City will provide health coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

- Other Benefits While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided Life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once the employee returns to work following an unpaid military leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
- TMRS Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within 90 days after discharge, receive an honorable discharge, and timely complete the necessary application. An employee can request the monetary credit for the lesser of 5



years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

Returning from Leave:

A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA and Chapter 613 of the Texas Government Code. The City shall re-employ a returning veteran according to the provisions of USERRA and Chapter 613 of the Texas Government Code.

- Deadline to Notify City of Intent to Return to Work The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:
  1. For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
  2. For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
  3. For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation:

To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

## **400.16 Voting Leave**

### ***Scope***

This policy applies to all full-time and regular part-time employees of the City.

### ***Policy***

Employees are encouraged to exercise their right to vote in elections. On the day of an election, an employee who does not have at least two (2) consecutive hours outside the employee's work hours to vote, shall, upon the employee's request, be given paid time off to vote during the employee's work hours. The time off to vote shall not exceed two (2) hours.

### ***Procedure***

- The authorized time off to vote will be paid as regular pay. This time is not considered hours worked for the purposes of calculating overtime.

## **400.17 Flexible Time Leave “Flex-Time”**

### ***Scope***

This policy applies to exempt full-time employees of the City.

### ***Policy***

Exempt employees are paid a base salary for all services rendered as opposed to payment of wages for actual hours worked. Accordingly, exempt employees are not entitled to overtime pay or compensatory time off. However, we do recognize that from time to time an exempt employee must work excessive hours to meet customer and City needs. Examples of excessive hours might include working on projects that require working several nights in addition to normal daytime work, working on projects requiring frequent or prolonged weekend work, etc.

### ***Procedure***

The City Manager may grant exempt employees flex-time time off. Employees are encouraged to request flex-time leave when they have worked excessive hours to meet customer and/or City needs.

An employee must request Flex-Time Leave by sending a written request to the Department Director or City Manager that includes the dates and times worked excessively and the description of work performed.

Flexible time leave is a benefit not to be considered compensatory time off, and accordingly will not be given on an hour off for hour worked basis, but rather at the sole discretion of the City Manager.

Approval of flex-time off requests will be based on management’s judgment regarding the availability of appropriate staffing to meet customer and city needs as well as the employees’ workload and time worked.

Department Directors who supervise exempt staff members may grant flex time to their staff with the approval of the City Manager.

Employees requesting long-term flex schedules will need to submit a written request to the city manager. The request must be approved in writing by the City Manager prior to any schedule adjustment.

\*Alternate flexible schedules have been approved by the City Manager to create a better work/life balance when the department can reasonably accommodate. Please see policy #700.02, Attendance and Work Hours, for further details.

## **400.18 Compensatory Time**

### ***Scope***

This policy applies to all full-time non-exempt employees of the City.

### ***Policy***

The City of South Padre Island may provide non-exempt employees who work over forty (40) hours in a single work week (or over 86 hours in the Police Department or over 212 in the Fire Department in a single work period) with overtime pay or compensatory time at the discretion of the City.

Supervisors must notify employees prior to the performance of work that overtime will be converted to compensatory time, preferably in writing. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Employees may accrue up to two-hundred and forty (240) hours of comp time; since comp time is accumulated at time and one-half, this is one hundred and sixty (160) hours of actual overtime work. Employees who work in a public safety activity or emergency response activity may accumulate up to four hundred and eighty (480) hours of comp time (320 hours of actual overtime work).

### ***Procedure***

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a “reasonable period” after making such request if it does not “unduly disrupt” the work of the department. If the use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee’s accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

As soon as an employee reaches maximum accumulated compensatory time, all further overtime will be paid at the rate of one and one-half times the employee’s regular rate of pay.

Employees cannot request payment of compensatory time. Payment of compensatory time is detailed below.

#### **Payment of Compensatory Time:**

All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee’s current hourly

rate. All compensatory time will be required to be paid out to an employee prior to the effective date of a pay increase.

Exempt employees are not eligible to accrue compensatory time.

## **400.19 Retiree Medical Benefits**

### ***Scope***

This policy applies to all full-time employees with a minimum of twenty (20) years of continuous service with the City of South Padre Island. All years of service must be worked for the City of South Padre Island.

### ***Policy***

The City of South Padre Island will offer group medical benefits to employees retiring from TMRS with a minimum of twenty (20) years of service with the City of South Padre Island. Retiring employees who meet the eligibility requirements and have at least twenty (20) years of continuous full-time employment will be granted “service credits.” A retiree is only eligible to receive a City contribution for retiree medical benefits if the employee is at least fifty (50) years of age at the time of retirement. The City reserves the right to alter or eliminate this policy at any time.

### ***Procedure***

Service credits will be calculated as five (\$10) dollars for each year of service for a retiree who has twenty (20) to thirty (30) years of service with the City of South Padre Island. A maximum of thirty (30) years of service credit will be applied to retiree medical coverage premiums. (i.e., \$10.00 x 25 years of service = \$250.00 applied towards the retiree’s monthly premium).

Once the retiree turns sixty-five (65) years of age, the City of South Padre Island’s obligation to contribute funds to this benefit has ended.

The City will contribute to any medical benefit plan the retiree selects. The retiree is responsible for showing proof to the City of enrollment in a medical benefit plan every fiscal year prior to October 1<sup>st</sup>. Failure to show proof of enrollment will end the City of South Padre Island’s obligation to contribute funds to the benefit. If this occurs, the retiree will no longer be eligible for contributions from the City at any time in the future.

If a retiree chooses not to enroll in the City’s designated retiree medical benefit plan at the time of retirement, the retiree will not be eligible to re-enroll in the City’s medical plan at any time in the future.

Employees retiring will be eligible to continue on the retiree medical benefits plan at their own expense. Dependents who are enrolled on the City’s health plan at the time of the employee’s retirement are eligible to continue on the plan at the retiree’s expense.

When a retiree or their dependent(s) become eligible for Medicare or reach the age of sixty-five (65), the City benefits will cease, and all contributions will cease. Depending on the plans available at the time, the retiree may have an option to enroll in a city supplemental to the Medicare plan. If, for any reason other than death, the retired employee terminates from the City benefits plan,

the dependent(s) covered will also terminate. Retirees or dependents(s) who have terminated their benefits with the City will not be eligible to re-enroll on the City's medical plan at any time in the future.

The new Retiree Medical Rates are effective for retirees retiring after December 31, 2023.

## **400.20 Group Benefits**

### ***Scope***

This policy applies to all eligible full-time employees of the City.

### ***Policy***

The City shall furnish medical, dental, vision, long term disability, accidental death and dismemberment and life insurance for each full time employee to maintain competitive benefits that will attract and retain quality employees; and to enhance employees' quality of life within budget limitations as set in the City's annual budget. Employees are eligible to participate in the Cafeteria Benefit Plan. For details of coverage, see the City's Benefit Plans. For health benefits only, a full-time employee is one who is regularly scheduled to work thirty (30) or more hours per week for the City.

The City currently pays \$10.00/month toward spouse or dependent medical coverage elected by the employee through TX Health (Blue Cross Blue Shield of Texas).

Additional supplemental benefit coverage for employees and members of their families beyond those amounts provided by the City shall be made available at the employee's expense.

The City also carries a worker's compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated. Please refer to policy #400.06 Workers' Compensation for more information.

The City offers employees retiring from the City the option to purchase continued health coverage. *Please refer to policy #400.19 Retiree Medical Benefits* for more information.

The group insurance programs offered by the City may be eliminated by the City or may be revised from time to time by the City or the provider.

Current Providers:

- Medical Benefits  
TX Health (Blue Cross Blue Shield of Texas)
- Vision Benefits  
TX Health (Blue Cross Blue Shield of Texas)
- Dental Benefits  
Blue Cross Blue Shield of Texas (BCBSTX)
- Life Insurance  
Dearborn National
- Accidental Death and Dismemberment  
Dearborn National
- Long Term Disability  
Dearborn National



- Workers' Compensation  
(TMLIRP) Texas Municipal League Intergovernmental Risk Pool
- Supplemental Insurance  
Guardian

### ***Procedure***

- Employees can add dependents onto the medical, dental, and vision plans each year during the established open enrollment period in August and/or September or within thirty (30) days of the employee's hire date by contacting the Human Resources Division.
- Employees can make changes to the medical, dental and vision plans within thirty (30) days of a qualifying event specified by the benefits provider. See your benefit plan details for more information.
- Employees can make changes to their supplemental insurance each year during the open enrollment period in August by contacting the Human Resources Division or within thirty days of the employee's hire date.
- The Human Resources Division administers the group benefits plan, in accordance with the terms of the contract in effect, and will provide assistance as is necessary to explain the operation and benefits of the plan to City employees.
- Employees will be enrolled in the health, dental and vision coverage on the 1<sup>st</sup> day of the month falling after their start date.

*Please refer to policy #200.07 The Patient Protection and Affordable Care Act (PPACA) for more details.*

## **400.21 Group Health Continuation of Coverage (COBRA)**

### ***Scope***

This policy applies to all employees who are regularly scheduled to work thirty (30) or more hours per week for the City.

### ***Policy***

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to one-hundred and two (102%) percent of the regular premium.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical or dental plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or a copy of the entire health plan available on the plan website or made available by the Human Resources Division.

### ***Procedure***

All COBRA notices, forms, and information can be provided by the Human Resources Division.

TX Health administers the City Medical and Vision COBRA program.

## **400.22 SPI Connect Rewards Program**

### ***Scope***

This policy applies to all full-time employees.

### ***Policy***

In support of the City's strategic priority of reinvesting in a high performance organization and work culture, the City of South Padre Island Training Program (SPI Connect) is designed to improve continuous learning and growth for employees at all levels of the organization. SPI Connect will serve as a foundation for identifying, producing, organizing, coordinating, and communicating training opportunities for City of South Padre Island employees, providing timely, relevant, and consistent training and development solutions.

To encourage participation in the SPI Connect program, the city has developed a rewards program for those who complete eight (8) SPI Connect Trainings and the required mandatory training assigned each year.

Full-time employees completing all mandatory training assigned by the Human Resources Division by December 31<sup>st</sup> and attending eight (8) additional SPI Connect Trainings during the calendar year will earn 8 hours of vacation leave to be used the following year.

These training sessions must be from attending SPI Connect training sessions. Training taken outside this program will not be counted toward this rewards program.

### ***Procedure***

The Human Resources Division is responsible for tracking the SPI Connect Training program and attendance. The Human Resources Department will create a Personnel Action form for the City Manager to approve for all employees meeting the requirements above, and the vacation leave will be added to the leave banks in February following the end of the calendar year.

## **400.23 Service Awards**

### ***Scope***

This policy applies to all full-time employees.

### ***Policy***

It is the policy of the City of South Padre Island to recognize all full-time employees upon completion of five years of service and at the end of every additional five (5) years of service. Service must be continuous to count toward the service credit for the award. Service Award Certificates will be given out to eligible employees at the annual Employee Thanksgiving Luncheon by the City Manager. An employee who receives a service award will receive additional vacation time added to their vacation bank on a one-time basis. This amount will not be added annually on the employee's vacation accruals.

### ***Procedure***

<u>Years of Service</u>	<u>Amount of Vacation Received</u>
5 years:	8 hours of vacation
10 years:	12 hours of vacation
15 years:	16 hours of vacation
20 years:	20 hours of vacation
25 years:	24 hours of vacation
30 years:	28 hours of vacation

#### Fire Fighter vacation amounts are listed below:

5 years:	12 hours of vacation
10 years:	18 hours of vacation
15 years:	24 hours of vacation
20 years:	30 hours of vacation
25 years:	36 hours of vacation
30 years:	42 hours of vacation

Service Award recipients for five-year increments after thirty (30) years of service will receive the same award amount as was received for thirty (30) years of service.

## **400.24 Educational Assistance Program**

### ***Scope***

This policy applies to a regular, full-time employee with at least twelve consecutive months of full-time service with the City.

### ***Policy***

It is the policy of the City to encourage employee development through formal education in order for an employee to maintain and improve job-related skills or prepare for advancement within the City. Therefore, the City shall reimburse the cost of tuition and mandatory fees for courses which an employee takes through a school or institution that is approved as provided in this policy.

### ***Procedure***

#### **Rules:**

1. The employee must have a field of study, commonly known as a major, declared with the employee's chosen college or university. All courses approved by this program must be taken under a degree plan submitted at the time of request. Only those fields of study that, in the judgment of the employee's Department Director and the City Manager, are related to the employee's current job-related position within the City are considered under this program. Additionally, online courses may qualify as approved courses but will only be reimbursed in accordance with this policy. Certification programs are not subject to reimbursement through this program.
2. Educational courses must be taken through a college or university that is accredited by the Council for Higher Education Accreditation and/or the U.S. Department of Education (includes accreditation from the North Central Association of Colleges and Schools and Higher Learning Commission), except for courses leading to a G.E.D. The determination of an approved institution is the responsibility of the Human Resources Manager, with the final approval of the City Manager.
3. Exam fees that result in college credit in lieu of taking a required course (College Credit by Examination) will qualify for reimbursement by the same requirement as tuition fees.
4. Seminars, conferences, and courses unrelated to a City career field are ineligible for reimbursement under the educational assistance program. Approval for reimbursement for certification programs, seminars, and conferences is subject to departmental training budgets. Non-credit continuing education courses containing the same or similar information as received in previous courses (repeat courses), as well as credit obtained under the College Level Examination Program (CLEP), are not eligible for tuition reimbursement. This program also does not apply to training or courses that are required by the City.
5. The maximum benefit for reimbursement per applicant shall be equal to the cost of tuition and mandatory fees not to exceed \$4000 per fiscal year.

6. This program is subject to available funding on a fiscal year basis, as determined by the annual budget process.
7. The City shall not pay the cost of tuition and mandatory fees which are paid by other sources, such as scholarships, grants, veterans programs, U.S Military Reserves, aid programs or other subsidies.
8. Whenever possible, classes should be scheduled during non-working hours. If a course is available only during working hours; supervisors are encouraged to allow flexible scheduling of work to allow completion of the employee's normal scheduled work hours per week. Final approval on flexible scheduling will be at the discretion of the City Manager.
9. While educational assistance is expected to enhance an employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment or a pay increase.
10. Employees will not be paid for time preparing for or attending class, and such time will not be considered hours worked for purposes of calculating overtime.
11. Employees will not be reimbursed for preparatory classes of any kind.

Application Process:

1. To request participation in the Educational Assistance program, employees must submit an "Educational Assistance Request Form" to the Human Resources Division prior to the start of the course. The related degree plan must be attached to this form to be considered complete. Submission of the form is due to the Human Resources Manager no later than May 1<sup>st</sup> of each calendar year for reimbursement requests for the next fiscal year (starting the following October 1<sup>st</sup>).
2. The employee will receive an approval or denial regarding the request based on the information provided and/or available funds approved during the budget process
3. The completed request form will be placed in the employee's personnel file, and a copy will be forwarded to the employee.

Reimbursement Process:

An employee shall submit a written request for education reimbursement on an official city expense report to his/her immediate supervisor, who shall request approval from the Department Director. Upon approval of the Department Director, the supervisor shall then forward the request to the Human Resources Division for review and approval. An employee is not entitled to reimbursement for expenses associated with enrollment in a course that has not been approved by the City Manager.

1. The program reimburses the cost of tuition and mandatory fees only and does not include the costs for supplies, travel or late fees.
2. An employee must receive a grade of "C" or better to be reimbursed or a "Pass" in a Pass/Fail course. For those courses for which grades are not assigned, a certificate of completion will serve as proof of course completion.

3. Within 30 days from the end of the school term, the employee shall obtain and submit to the Human Resources Division an itemized statement of tuition and fees, proof of payment which shall consist of an itemized receipt from the school indicating the amount paid by the student/employee and an official grade report or transcript.
4. Upon completion of a course in which an employee receives reimbursement, an employee must provide, at a minimum, one year of service to the City. Failure to work for the City for one year following course completion will require the employee to refund the amounts paid. If an employee discontinues employment for any reason prior to course completion, the City shall not be obligated to reimburse any part of the expense approved by this program.
5. The City Manager retains ultimate discretion to approve requests for reimbursement.

## **400.25 Leaves of Absence**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

When an employee requires a leave of absence in excess of two weeks, the employee must request and obtain prior approval for the leave of absence. All requests for LOA must be submitted in writing and approved by the City Manager. If an employee has requested and received approval for a period of FMLA leave, it is not necessary for the employee to also request a leave of absence under this policy. The employee may seek extensions of leave, up to a maximum of six (6) months away from work. This policy will be administered consistently with the City's obligations under the Family and Medical Leave Act, the Americans with Disabilities Act, and any other applicable law. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

#### Use of All Other Available Leave:

All accrued vacation time, compensatory time, holiday time, and/or leave authorized under FMLA (if applicable) must be exhausted and run concurrently with an authorized LOA. If the LOA is due to illness or injury, all sick leave must also be exhausted and used concurrently with a LOA. Upon exhaustion of all paid leave, the remainder of any approved LOA will be unpaid.

#### Criteria:

Factors considered by the City in granting an LOA include the reason for the leave, departmental work requirements, the employee's length of service, work performance, and disciplinary history.

#### Reasons for LOA:

A LOA may be considered in the following circumstances:

- a) Recovery from extended illness, injury, or temporary disability.
- b) Pregnancy, childbirth, or related medical conditions.
- c) Extended care for immediate family members.
- d) Educational purposes, when successfully completed, will contribute to the work of the City.
- e) Public service assignment.
- f) Personnel exchange programs that emphasize intergovernmental relations.
- g) A circumstance not listed that is reviewed and approved by the City Manager.

#### Documentation:



Requests for LOA must be made in writing to the employee's Department Director as far in advance as possible before the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Human Resources Manager. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position when the employee is expected to return to work and periodic updates regarding the employee's ability or inability to return to work. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee will be required to submit a fitness for duty statement from the doctor stating that the employee can resume regular job duties and perform the essential functions of his or her job. The City may also impose additional return-to-work requirements as set out in policy #301.07 Fitness for Duty.

Other Employment During Leave:

Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the City Manager.

Reinstatement:

Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. An employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City unless additional leave is required by law.

Benefits/Premium Payments:

Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid portion of a LOA.

Any insurance/benefit premiums, or partial premiums, generally paid on behalf of the employee by the City, will not be paid by the City during an unpaid portion of a LOA. Employees with group healthcare or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on an unpaid LOA. An employee's failure to pay either the employee's or the City's, portion of insurance/benefit premiums during an unpaid LOA may result in cancellation of coverage.

Revocation:

The City Manager may revoke authorized leave at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, or

physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

## **400.26 Paid Quarantine Leave for First Responders**

### ***Scope***

To provide paid leave for peace officers, emergency medical technicians, and fire fighters of the City of South Padre Island, if they are ordered by a supervisor or health authority to quarantine or isolate due to a possible or known on-duty exposure to a communicable disease.

### ***Policy***

Employees who are in the positions identified above and those who are ordered by a supervisor or a health authority to quarantine or isolate due to a possible or known on-duty exposure to a communicable disease will be provided paid quarantine leave for up to 14 days as required by a licensed healthcare provider.

Reasonable expenses such as lodging, medical, and transportation costs may also be reimbursed by the City if directly related to the required quarantine and considered reasonable by the City.

Employees who decide to quarantine without having been ordered to do so will not be covered by this policy.

Employees who are required to quarantine or isolate for a possible or known off-duty exposure will not be covered by this policy.

### ***Procedure***

#### **Notice Requirements**

- A. Employees are required to notify Human Resources if they have been required to quarantine by a health authority for a possible or known on-duty exposure to a communicable disease.
- B. Supervisors must inform Human Resources if an eligible employee has a potential on-duty exposure that would trigger a required quarantine.
- C. Applicable employees on paid quarantine leave must file the exposure to a communicable disease while on duty as a workers compensation claim. Should the employee be approved for and receive worker's compensation benefits, the employee wages will be offset with paid quarantine leave to reflect the total weekly salary. See Policy: *400.06 Workers Compensation*.

If applicable, an employee on paid quarantine leave is expected to remain home during periods of quarantine and may work from home (i.e., telework) during this period if permitted by departmental arrangement and approved by the City Manager.

In addition, an employee on paid quarantine leave may not work a second job, including self-employment, or participate in volunteer work.

Employees approved for paid quarantine leave will not have their sick or vacation leave banks reduced in connection with approved paid quarantine leave.

An employee on approved paid quarantine leave will continue to receive all employee benefits and compensation, including leave accrual, pension benefits, and health benefit plans benefits for the duration of the leave.

Upon returning to work, an employee will be required to provide a doctor's note that they have been cleared to return to duty.

### ***Definitions under this Policy***

"Emergency medical technician" means an individual who is:

- (A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
- (B) employed by a political subdivision.

"Firefighter" means a paid employee of the fire department who:

- (A) holds a position that requires substantial knowledge of firefighting;
- (B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.

## **400.27 Peace Officer Mental Health Leave**

### ***Scope***

This policy applies to all active Peace Officers licensed by the South Padre Island Police Department.

### ***Policy***

The purpose of this policy is to provide guidance regarding the use of mental health leave for authorized peace officers employed by the City of South Padre Island, pursuant to Chapter 614.015 of the Texas Government Code. Mental health leave will support staff in maintaining a healthy state of mind while at work and at home. The City of South Padre Island recognizes that mental health is just as important as maintaining physical health. The City supports establishing a workplace that is comfortable, healthy, safe, and supportive.

### ***Definitions***

Law Enforcement Agency: An agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

Peace Officer: An individual having met all requirements established by law and possessing the necessary licenses under the law; completed the basic licensing course; the state licensing examination; and thereafter having been appointed by South Padre Island Police Department to serve as an officer.

Course and Scope of Employment: An activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer. (Section 401.011(12) of the Texas Labor Code)

Identified Traumatic Event: Any traumatic event occurring in the course and scope of employment which results in an adverse effect on the mental health of a peace officer resulting in the documented need for mental health leave.

### ***Conditions***

The use of mental health leave may be granted after a peace officer experiences a traumatic event in the course and scope of employment. Traumatic events that may occur within a peace officer's career can have varying degrees of severity and effect on any one individual. Each employee may experience the same type of traumatic event differently. Below is a non-exhaustive list of possible examples of traumatic events in the course and scope of employment that can have an effect on an employee's mental health.

- An officer-involved shooting

- An investigation by an officer involving the death of individual
- An investigation by an officer involving abuse of an individual

When such a traumatic event does occur while in the course and scope of employment, it is important for management staff to recognize the fact that some employees may be negatively affected and need to be away from work to appropriately process the traumatic incident and perhaps seek mental health assistance from a professional. In addition, it is important to provide support for employees.

An officer shall be allowed up to 10 days (80 hours) of paid mental health leave per identified traumatic event.

### ***Anonymity***

The City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee the anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.

### ***Effect on Leave Balances***

The City will not reduce an eligible employee's Vacation Leave, Sick Leave, Compensatory Time Earned, or other paid leave balance for mental health leave taken in accordance with this policy.

### ***Employee Responsibilities***

After experiencing an identified traumatic event while in the course and scope of employment, it is prudent for the affected employee to openly communicate his/her current mental/physical status to their supervisor. Employees should be open to suggestions by their supervisors about using mental health leave and/or seeking assistance from a crisis intervention professional. Communications/conversations regarding the affected employee's health status will be kept confidential by the supervisor and any other need-to-know management staff as required by state and federal law.

### ***Police Chief/Captain/Lieutenant Responsibilities***

Management/supervisors should privately meet with any individual who has experienced a traumatic event while in the course and scope of employment. Supervisors should ensure the employee will be supported as much as possible after experiencing the event. In addition, it is important for supervisors to determine if there is a need for the employee to use mental health leave. If a supervisor determines the employee may need advice and help from a crisis intervention professional, this should occur as quickly as possible. Any employee who requests mental health leave and/or the assistance of a crisis intervention professional after experiencing a traumatic event should be granted the request. Regarding the mental health leave, it is at the discretion of command staff in determining how long the initial mental health leave should be if medical documentation is unavailable. If additional mental health leave beyond that initially

granted by command staff is needed, the supervisor will require medical documentation from the individual's treating medical provider to substantiate the need for such additional leave.

### ***Documenting Mental Health Leave***

Once an employee has been granted use of mental health leave, the supervisor will notify Human Resources. The maximum number of mental health days an individual may use is 10 days (80 hours) per Identified Traumatic Event. If additional days beyond 10 are necessary, the employee must use accrued leave unless the leave is determined to be covered under workers' compensation. Request for additional leave must be substantiated in writing by the employee's treating medical provider. In addition, the employee will be required to submit to a fitness for duty examination before being allowed to return to work.

Mental health leave will run concurrently with FMLA, where FMLA is available.

While utilizing mental health leave, employees will continue to earn all benefits.

### ***Mental Health Services Support Available***

Deer Oaks Employee Assistance Program  
1-866-327-2400  
[www.deeroaks.com](http://www.deeroaks.com)

Deer Oaks EAP is available when you need it, 24 hours a day, 365 days a year. Deer Oaks can also coordinate with the City of SPI Healthcare plan for cases that require treatment under the employee's medical benefit.

## **500.01 Compensation Program Objectives**

### ***Scope***

This policy applies to all full-time positions of the City.

### ***Policy***

#### **Total Compensation Philosophy**

The City of South Padre Island (City) is committed to providing an organized, equitable, consistently administered, and maintained competitive total compensation system of salary and benefits to employees that supports its strategic objectives. The City seeks to attract and retain a highly engaged, qualified and diverse workforce through a competitive pay system that fosters the City's commitment to providing services to residents and visitors alike. Recognizing and rewarding employees' experience and responsibility levels competitive with its peers while remaining fiscally responsible to the public are key to the City's compensation system and associated practices.

To support this philosophy, the City of South Padre Island will:

- ***Provide a competitive total compensation system of salary and benefits that is competitive with its peers;***
- ***Maintain and update a competitive compensation (pay) plan and classification structure that is internally and externally equitable, provides for career and salary growth, and allows for flexibility in administration;***
- ***Administer and maintain flexible hire, promotion, and retention pay practices that support the compensation and classification system and provide managers flexibility in offering competitive salaries to attract and retain a highly qualified, engaged workforce;***
- ***Communicate and administer the compensation plan and classification structure equitably, and in a manner that is clear and transparent to employees at all levels and is supported by the public; and***
- ***Review regularly the compensation and classification structure and associated policies and practices through internal review, and surveys of external peer market salary trends.***

The Human Resources Department is responsible for maintaining, administering, and communicating the City's Total Compensation Program. The Department oversees the implementation of classification and compensation strategies, processes, and practices.

The City Manager approves the administration of the Total Compensation Program. This document is intended to provide a brief summary (only) of the City's compensation philosophy and associated pay practices. These are provided in detail in the City's Employee Handbook and govern the administration, overall, of the City's Total Compensation Program.





## **1. Provide a competitive total compensation system of salary and benefits.**

The City's total compensation system includes both employee salary (pay) and offered employee benefits. The City reviews both components of compensation on an ongoing basis.

It is the intent of the City to provide:

- Salaries to employees that reflect market conditions for similar work; and
- Benefits (both mandatory and optional) to employees that reflect market trends that, when combined with salaries provide (in total) competitive compensation.

### **1.1 SALARIES**

Employees' salaries (base pay) are determined at the beginning of employment with the City and are intended to progress within the pay range of each employee's assigned classification. The progression is determined based on the ability of the City to fund annual Cost of Living Adjustments (COLA) for its regular, full and part-time employees. Progression of salaries within and through pay ranges is reviewed regularly to determine if and how salaries are competitive externally in the labor market and internally within the City. Also reviewed are other methods by which employees may also receive pay additives (e.g., uniform/clothing allowance) and/or incentive pay (certification beyond minimum qualifications) to their base pay.

### **1.2 BENEFITS**

A regular full-time employee, upon hire, will be provided certain mandatory benefits (e.g., eligibility for worker's compensation, health coverage, etc.), and will be given options to select or decline other non-mandatory benefits (e.g., short-term disability, critical insurance, accident coverage, etc.) at varying levels of coverage and/or cost.



## **2. Maintain and update a competitive compensation (pay) plan and classification structure.**

The City's competitive compensation (pay) plan is comprised of pay grades with associated pay ranges. The pay ranges are based on market averages for similar positions/classifications based on essential job duties and minimum qualifications. To ensure compensation is competitive and equitable, the City has adopted a classification process to establish new positions and review existing ones for appropriate placement within the City's pay plan. This process ensures external/internal equity.

### **2.1 CLASSIFICATION**

External equity exists when an organization's pay rates are at least equal to market rates. The City achieves external equity by:

- Identifying the positions to be classified;
- Identifying target organizations, the City may compete against for talent; and
- Benchmarking jobs externally by conducting a salary survey and analysis of the position(s) being studied.

Internal equity is the comparison of positions within the City to ensure fair pay. The City achieves internal equity by comparing jobs internally to ensure comparable pay for jobs with similar levels of responsibility, scope and decision-making authority. This is key for jobs that the City cannot benchmark externally.

Generally, a balance of external and internal equity is utilized to determine a position's placement in the pay plan through this process. A pay grade and associated pay range (minimum and maximum pay) is selected for each classification in the pay plan. At times, external labor market conditions may influence the grade/range selected for a position. For example, for hard to recruit or hard to retain, or critical positions, market conditions can influence the grade/range selected. An employee's salary, i.e., placement within the pay range, depends on the personnel action that is taking place. These will be discussed in the next section.

## **2.2 COMPENSATION**

The City is committed to providing a fair and organized approach for administration of a total compensation program. To meet this requirement, the City will strive to (1) maintain a competitive pay plan/structure for the purpose of recruiting and retaining a diverse, effective and efficient work force; (2) establish a salary range for each position that is based on a systematic blending of the positions internal worth to the City and its external value in the market; and (3) adhere to the Fair Labor Standards Act in establishment of minimum wage, overtime pay and child labor standards affecting full and part-time employees.

In order to ensure that the employee salaries are relative to annual inflation, the City may, during the annual budget process, fund a COLA for all regular, full and part-time employees (not included in the pay plan). The COLA will be based on average of the first eight months (October – May) of the current fiscal year Consumer Price Index (CPI) for the defined Texas Region. (CPI Data Used: CPI, Urban Wage Earners and Clerical Workers, Area: South Urban).

In addition, compensation surveys will be conducted as requested by the City Manager and submitted as part of budget preparation materials submitted to the City Council. Discussion of the review of the Total Compensation Program is discussed in the last section of this document.



### ***3. Administer and maintain flexible hire, promotion, and retention pay practices.***

The method of moving salaries through the pay plan and setting new salaries for new hires, promotions, demotions, and transfers depends largely on an organization's compensation philosophy. It is important for the City to have established guidelines for each of these situations, and to ensure that they are followed consistently for all employees.

Pay practices are reviewed periodically to ensure they align with the City's Compensation Philosophy, market trends, and potential internal equity concerns. Supporting the City's compensation and classification system while providing managers flexibility in offering competitive salaries and progressing those salaries are important to attract and retain a highly qualified, engaged workforce. The City's key pay practices for establishing and progressing employees' salaries are outlined below.

### 3.1 New Hire Salaries

A new employee shall be placed into the plan at the grade applicable for their position/classification for which they have been selected. The following criteria will be considered when determining the range placement of a new employee:

- experience level exceeding the minimum experience required for the position (outside experience must be documented); and
- internal equity of the department.

Approval by the Human Resources Manager is required for all placements above range minimum for any new employee or any employee reassignment within the City. Placement above range minimum will typically be considered in cases where an employee has directly comparable work experience, as determined by the City, that goes above and beyond the minimum requirements for a job. Their placement will always be subject to an internal equity review, and placement may be lowered in cases where internal equity would be negatively affected. Example: if a position calls for five years of experience, and a candidate has ten years of related work experience beyond minimum qualifications, the candidate would be in line for potential placement at a higher salary based on the additional work experience. The table below provides a guideline for determining the potential additional salary increase above the minimum of the range.

## **RANGE PLACEMENT GUIDELINES**

Years of Experience Exceeding Minimum Qualifications	Percent Beyond Minimum Base	Percent Beyond Minimum Limit	Quartile
0-1	0%	5%	1st Quartile
2-3	8%	10%	1st Quartile
4-5	15%	20%	1st Quartile
6-7	23%	30%	1st Quartile - 2nd Quartile
8-9	30%	40%	2nd Quartile
10-11	38%	50%	2nd Quartile
12-13	45%	65%	2nd Quartile - 3rd Quartile
14-17	53%	70%	3rd Quartile
18-21	60%	75%	3rd Quartile
22-24	68%	80%	3rd Quartile - 4th Quartile
25+	75%	85%	3rd Quartile - 4th Quartile

A review must be performed and any individual who is hired into a position will not be placed at a higher pay rate than employees in the same classification and/or similar positions and with similar qualifications as determined by the Human Resources Department. This type of internal equity review must be performed for all new hire salaries above the minimum of the classification’s pay range.

### 3.2 Pay Progression

Pay progression may occur by an annual across the board increase.

The City will review on an annual basis, its ability to provide across the board salary increases. These may be associated with increases to the local cost-of-living index or a need to keep the pay structure in line with the market.) Pay will not be reduced if the cost-of-living index decreases. Budget restraints will always govern both possibilities.

### 3.3 Promotion, Demotion, Lateral Transfer, Reclassification, Re-Grades

The City Manager is responsible for creating a functional and productive workforce for the City. The City Manager has the authority to make salary adjustments within the organization to create efficient operations within the City as outlined in this policy. The purpose of adjustments is to respond to situations that might affect the external competitive position or adversely affect internal equity. Once direction has been given with regard to salary adjustments or increases, Human Resources will coordinate the implementation. All proposed salary adjustments to specific positions must have the approval of both the Department Director and the City Manager. The most common type of salary adjustments are promotion, demotion, reclassification and lateral transfers.

Listed below are guidelines that will be followed to maintain consistency in pay administration. Any individual who is promoted, demoted, or transferred to a new position will not be placed at a higher pay rate than employee(s) who are in the same position with the same amount/more experience.

### **Promotion:**

A promotion is typically defined as movement from one level in the organization to the next. It usually results in movement to a job with significantly different job content, accountability, and/or responsibility. The following criteria will be reviewed for promotional increases:

- Employee's placement in the new range in relation to the minimum;
- pay grade difference between old and new position; and
- internal equity of department.

Employees will typically be placed at the minimum of the new range except when the range minimum is below the employee's current salary. If the minimum of the new range is below the employee's current salary the employee should be awarded an increase equivalent to the difference between the current pay grade and the pay grade of the new position. For example: if the employee's current salary exceeds the minimum of position they are promoting to and there is a ten percent difference between the pay grades of the employee's current and new position, the employee would could receive a ten percent increase. The increase of course must be reviewed against the salaries of current employees in the same classification.

### **Demotion:**

A demotion is movement from the current job to a job in a lower salary grade. Typically, salary adjustments as a result of a demotion will be made equivalent to the percentage difference between the pay grades of the current and demoting positions, but should be based on the following criteria:

- the reason for the demotion;
- pay grade difference between old and new position; and
- review of current employees' salaries in the lower salary grade (internal equity).

### **Lateral Transfer:**

A lateral transfer describes the movement of an employee from one position to another position with the same salary range. Typically pay would remain the same, but the following criteria should be considered:

- the reason for the transfer;
- employee placement in relation to the market; and
- internal equity of employees' salaries within the department.

### **Reclassification:**

Reclassification is the assignment of a position to a different pay grade based on an evaluation of the current duties and responsibilities of the position. A reclassification request should be based on the fact that the essential functions of a position have significantly changed. Due to the nature of a reclassification, such position does not require posting to recruit applicants whether internal or externally if the position is filled with an incumbent.

### **Re-Grades:**

A re-grade is when the City Manager moves a position to a different pay grade as the result of a market review of the position that results in the position not being in the proper pay grade to be competitive externally or internally or due to a change in market conditions. Normally this occurs when a salary survey is performed by Human Resources. This may, in some instances occur when it is difficult to attract applicants for a certain position because the position may not be at the correct pay grade to be externally competitive.

### **Standards for Withholding Pay Increase(s):**

An employee whose competence and value in the position does not progress commensurate with their service, and/or who does not consistently meet required standards of performance, shall not receive pay increase(s), including any across the board increases. As well, if an employee is placed onto a performance improvement plan during their annual review, his/her salary will likely be frozen in place. No change would be made until they have successfully completed the performance improvement plan.

The department head will be responsible for informing the employee of their performance requirements and for developing and providing a performance management plan for improvement to the employee. The performance management plan and improvement requirements shall be provided in writing including a time line for successful accomplishment. At the conclusion of the performance improvement plan, employees should either be placed (back) at their previous rate of pay or steps should be taken to sever employment.



### **4. Communicate and administer the compensation plan and classification structure equitably.**

The City's competitive compensation (pay) plan must be communicated regularly, and administered equitably in a manner that is clear and transparent to employees at all levels and is supported by the public.

Certainly, this document is one tool the City utilizes to communicate how its pay plan is administered. While there is some flexibility within the pay practices described herein, ensuring that overall, the practices are equitable is key. Continuous review of the pay practices is important and may uncover that the practices need improvement and/or to remain current with market trends. There can also be "unintended consequences" that result from a particular practice that needs to be corrected. The labor market conditions can change quickly which may demand a need for changes to a pay practice.



**5. Review regularly the compensation and classification structure and associated policies and practices.**

A compensation survey will be conducted as requested by the City Manager and submitted as part of the budget preparation materials submitted to the City Council. The highest and lowest salary information will be discarded from the survey from each position individually. One hundred percent of the average will be presented to the City Council for pay rate adjustments. The information used will only be comprised of actual pay rates received by the position from the authorized cities listed below.

The City Council approved the following cities to be surveyed for this purpose the fall of 2021.

1. City of Brownsville
2. City of Corpus Christi
3. City of Galveston
4. City of Marble Falls
5. City of McAllen
6. City of Mission
7. City of San Marcos

The Total Compensation Program may be revised from time to time as changing circumstances and conditions require and upon recommendation by the City Manager and approval by the City Council.

***Procedure***

1. All pay changes, title-changes, re-grades, promotions, lateral transfers, reclassifications, demotions and promotions must be submitted on a Personnel Action Form and signed by the City Manager for approval.

## **500.02 Fair Labor Standards Act Policies and Procedures**

The Fair Labor Standards Act establishes minimum wage, overtime pay, and child labor standards affecting full-time and part-time employees.

The Fair Labor Standards Act exempts from the wage and hour provisions of the Act “any employee in a bona fide executive, administrative, or professional capacity.” The Human Resources Division will work with the Department Director to review the job duties and responsibilities of each position and determine whether it is exempt or non-exempt according to the Act and update the approved job description.

*Please refer to policy #200.03 Fair Labor Standards Act (FLSA) for more information.*



## **500.03 (Future Policy Placeholder)**

## **500.04 (Future Policy Place Holder)**

## **500.05 Overtime**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island requires employees to work overtime when necessary and as requested by the supervisor. Overtime is defined as time worked which exceeds forty (40) hours per work week. The City of South Padre Island work week is from Saturday at 12:00 am to Friday at 11:59 pm. Overtime for Certified Police and Fire department employees will be calculated based on the maximum number of hours for the declared work period. Employees who work overtime without authorization from their immediate supervisor will be subject to disciplinary action. Overtime on any job shall be allocated as evenly as possible among all employees qualified to do the job. Supervisors should make every effort to schedule overtime as far in advance as possible. Supervisors shall be held responsible for ensuring that overtime is assigned only when absolutely necessary. Overtime for non-exempt employees will be paid subject to the requirement of the Fair Labor Standards Act. Some seasonal and temporary positions may be eligible for overtime.

### ***Procedure***

#### **Overtime Pay (Non-Exempt Employees):**

- Non-exempt employees will be paid at the rate of one and one-half times their regular rate of pay for overtime worked.
- The employer may, at its discretion, provide compensatory time in lieu of paid overtime. *Please refer to policy #400.18, Compensatory Time, for more information.*
- Regular part-time employees will be paid overtime for all time worked, which exceeds 40 hours in a work week, as established by the City.
- Holidays are considered actual time worked for the calculation of overtime.
- Vacation, sick, or any other leave type is not considered actual time worked for the calculation of overtime hours.
- Certified Fire Protection personnel will be paid overtime for all authorized time worked which exceeds 212 hours in a 28-day pay period established by the City.
- Licensed Police Officers will be paid overtime for all authorized time work that exceeds 86 hours in the 14-day pay period established by the City.

#### **Overtime Pay: Exempt Employees:**

- Exempt employees are not eligible for overtime pay. These employees will normally be required to work more than the normal 40-hour week without additional compensation due to the nature of their job duties. Exempt positions can request occasional flex-time leave based on workload. *Please refer to policy #400.17, Flexible Time Leave, for more information.*

Authorization of Overtime:

- Prior to working any overtime, employees must check with their supervisors to confirm overtime is authorized.
- Work performed by an employee other than normal working hours will not be considered authorized overtime unless it is approved by the appropriate supervisor prior to the work being performed. (For example: work during meal times, after normal working hours, or work taken home.)
- Non-exempt employees who work unauthorized overtime must still be paid for their time worked at the applicable overtime rate; however, the employees will be subject to discipline pursuant to the 1000.01 Disciplinary/Corrective Action policy.
- During a declared emergency/disaster period and post-impact/recovery period, some approved exempt employees shall be compensated by receiving their normal work hours during the declared emergency/disaster and impact/recovery period. The rate of pay for additional hours worked over forty (40) in a workweek shall be equivalent to the exempt employee's hourly rate. *Please refer to policy #500.12 Emergency Pay Procedures for the complete policy.*

Flex-Time Work Schedule:

In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work period for certified police and fire personnel that the overtime was worked and must be accurately reflected on the affected employee's time record.

## **500.06 Reporting Time Minimum Pay**

### ***Scope***

This policy applies to all non-exempt employees of the City of South Padre Island.

### ***Policy***

To guarantee at least partial compensation for employees who report to work but are unable to perform the specified duties because of weather conditions or lack of proper notice by the City. The City of South Padre Island will pay non-exempt employees for the time physically worked or a two-hour minimum reporting time pay, whichever is greater in a twenty-four-hour period. Reporting time pay for hours in excess of the actual hours worked is not counted as hours worked for purposes of determining overtime.

### ***Procedure***

1. The employee is responsible for calling his or her supervisor before traveling to work if there are obvious weather conditions that could prevent the employee from being able to perform the job.
2. The City is not obligated to pay reporting time pay to any employee who chooses to leave work, is not fit to work, or is sent home for any reason, including termination or disciplinary action.
3. The reporting time pay provisions do not apply to employees who have a regularly scheduled shift of less than two hours.
4. The Department Director must sign a completed Personnel Action Form to initiate Reporting Time Minimum Pay.
5. The Personnel Action Form must be submitted to the Finance Department on the same day that time records are due for payroll purposes.

## **500.07 Travel Time**

### ***Scope***

This policy applies to all non-exempt employees of the City of South Padre Island.

### ***Policy***

Compensation for travel required outside an employee's normal working hours will be calculated according to the Fair Labor Standards Act and accompanying regulations.

#### One-Day Assignment in Another City:

When a non-exempt employee travels to another city for a one-day work assignment, all traveling is counted as time worked.

For example: An employee with regular hours of 8:00 am to 5:00 pm must travel to a meeting in McAllen. The employee leaves his home at 6:30 am and returns home at 8:00 pm after stopping for an hour for dinner.

The travel time is counted as time worked. In addition to the normal working hours of 8:00 am to 5:00 pm, the employee must be paid from 6:30 am to 8:00 pm, less the time for meals.

#### Overnight Travel Away From Home Community:

Travel that keeps a non-exempt employee away from home overnight is treated differently than travel for one-day assignments. Travel time involving a required overnight stay is viewed as work time. For example: An employee with regular hours of 8:00 am to 5:00 pm must attend a two-day training in Corpus Christi, and leaves home at 6:00 am on the first day, and arrives at the meeting at 9:00 am. The meeting starts at 9:00 am on the second day and concludes at 4:00 pm, and the employee leaves immediately and arrives back in South Padre Island at 7:00 pm.

In this case, the travel time that is outside of the regular work hours (for the first day 6:00 am – 8:00 am, and for the second day, from 5:00 pm – 7:00 pm) is counted as hours worked. The employee would be paid for the regular number of hours, including the travel time, while at the two-day training meeting. Hours worked would be as follows in this example:

1<sup>st</sup> day: 6:00 am to 4:00 pm  
2<sup>nd</sup> day: 9:00 am to 7:00 pm

#### Travel on a Non-Work Day:

Travel time that is required of a non-exempt employee is work time even though the travel may take place on a day, such as Sunday, other than the normal work day.

### ***Procedure***

1. All travel time must be approved by the Department Director and recorded as time worked for the purposes of overtime calculation.

## **500.08 Acting Status Pay – Public Safety**

### ***Scope***

This policy only applies to licensed Police Officers and certified Fire Protection personnel.

### ***Policy***

The purpose of this policy is to outline the circumstances under which a public safety employee may be compensated for work performed at a higher rank in the absence of an incumbent and to establish procedures for granting such pay.

It is the policy of the City of South Padre Island to compensate an employee for assuming, on a temporary basis, some or all of the duties of another position in a higher rank from which an incumbent is absent when all the following conditions have been met:

- The employee is assigned by the Director of the Department to perform a majority of the significant duties of a budgeted, higher-paid position from which an incumbent is absent;
- The duration of the assignment is a minimum of one entire shift.
- The employee will be compensated for the additional duties and responsibilities of the higher level position at a straight rate of twenty-five dollars (25) per assigned shift.
- Employees must be qualified to perform and must actually perform the range of duties of the higher rank position to be eligible for compensation.

### ***Procedure***

1. The Department Director or Captain must approve the pay for licensed police officers in the Police Department and fire protection personnel in the Fire Department.
2. The Department Director must sign a completed Personnel Action Form to initiate Acting Status Pay.
3. The Personnel Action Form must be submitted to the Finance Department on the same day time clock approvals are due for payroll purposes. This time is currently set at 10:00 am on the first Monday following the last day of the pay period.
4. If the Personnel Action Form is not submitted to the Finance Department by the deadline stated above, Acting Status Pay will not be paid to the employee.
5. Acting pay shall not apply to any paid leave taken during the assignment.



## **500.09 Interim Pay**

### ***Scope***

The City of South Padre Island recognizes the need to assign additional responsibilities of a higher level position to an employee on a temporary basis. Temporary salary adjustments may be warranted when additional responsibilities are assigned on an interim basis. Interim pay is subject to budgetary availability.

### ***Policy***

Reassignments, as described in this policy, shall be for no less than one month and no more than twelve months and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant or because of temporary sufficient change in the duties and responsibilities of a filled position. A temporary pay increase may be made when a significant change or increase in duties and responsibilities occurs. Such pay increases may only be made if funds are available. The pay increase should be consistent with the additional responsibilities assigned and with City salary guidelines. The pay increase will be the minimum of the salary range for the position for which the interim assignment is made. The former rate of pay will be reassigned when the interim assignment is completed.

### ***Procedure***

1. Interim assignments must be approved by the City Manager prior to re-assignment.
2. A Personnel Action form (PA) must be signed by the City Manager authorizing Interim Pay and assignment.
3. The employee will be paid at the minimum pay grade approved for the job title of the interim assignment.
4. If the employee is currently paid more than or at the same level as the minimum pay grade, the employee will receive a twelve 12% increase in pay if funds are available and if it is approved by the City Manager.

## **500.10    Holiday Pay**

### ***Scope***

The purpose of this policy is to outline the pay received for time worked on official holidays for non-exempt regular part-time, full-time, and temporary full-time employees.

### ***Policy***

The City of South Padre Island currently observes eleven (11) official holidays. If an employee is required to work on an official holiday the employee will be paid time worked plus holiday pay for any time worked on the holidays. All time worked on the holiday must be approved by the supervisor prior to performing the work. Temporary/Seasonal and Part-Time employees are not eligible to receive Holiday Pay. A holiday is a period of eight (8) hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees, where the holiday is twelve (12) hours.

*Please refer to policy #400.01 Holidays for more information.*

### ***Procedure***

1. Work Performed on a Holiday: All work performed on a holiday must be assigned and approved by the supervisor.
2. Overtime: Holiday pay is counted as hours worked for the purpose of calculating overtime for non-exempt employees.
3. Part-Time, Seasonal/Temporary employees: Part-time and seasonal/temporary employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. Holiday pay is not authorized for part-time, seasonal or temporary employees who do not work on a holiday.
4. Employees Required to Work on a Holiday: Employees required to work on a holiday will be given an alternate holiday with pay during the same pay period or will be paid eight (8) hours for the holiday (twelve (12) hours for the Fire Department shift personnel) at their regular rate of pay, in addition to the hours worked. If an alternate holiday is provided to the employee during the same pay period, it must be entered into the time clock system and approved by the Department Director.
5. Employees Scheduled "Off Duty" on a Holiday: When a holiday and an employee's regular scheduled day off occur on the same day, the employee will be given an alternate holiday with pay during the same pay period or will be paid eight (8) hours for the holiday (twelve (12) hours for the Fire Department shift personnel) at their regular rate of pay, in addition to the hours worked. If an alternate holiday is provided to the employee during the same pay period, it must be entered into the time clock system and approved by the Department Director.
6. Holiday Occurring During Vacation Leave: A holiday that falls within an employee's vacation period will be counted as a holiday in lieu of a day of vacation.
7. Separating Employees: Separating employees will not be allowed to use a holiday as their final day of employment.

8. Paid Leave Status: An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.
9. Other Holidays: Employees may request an approved absence to celebrate a holiday that is not a scheduled City holiday. If approved, the time must be charged to the employee's vacation or compensatory time.
10. Holiday Pay during Workers' Compensation Leave: An employee on workers' compensation leave will receive holiday pay if they are not being compensated by workers' compensation payments or supplemental pay. If the employee is receiving workers' compensation payments or supplemental pay, the holiday is already included in the payments; therefore, no additional holiday pay will be received.
11. FMLA Leave: If a holiday falls within a period of FMLA leave for an employee, the day is still counted as part of the employee's total FMLA leave.

## **500.11     Longevity Pay**

### ***Scope***

This policy applies to all full-time employees of the City of South Padre Island.

### ***Policy***

Employees with more than twelve (12) months of service with the City will receive longevity pay. Longevity pay is seven dollars (\$7.00) for each month of service beginning on the thirteenth (13<sup>th</sup>) month of employment. Longevity pay is paid only during the month of December each year and is calculated through the month of December. If the length of services is less than thirteen (13) months, no longevity pay is received. If an employee is separated from employment before December, they are not eligible for longevity pay.

### ***Procedure***

1. The Finance Department will process longevity pay each December.
2. Longevity pay will be calculated into the regular rate of pay for purposes of calculating overtime by the finance department.
3. Employees who separate from the City and return at a later date will not be eligible for longevity pay until they are employed for thirteen months unless the break from employment is less than thirty (30) days.
4. Prior service credit will not be counted for returning employees for purposes of calculating longevity pay unless the break from employment is less than thirty (30) days.  
*Please refer to policy #300.04 Rehires for additional information.*

## **500.12     Emergency Pay**

### ***Scope***

This policy applies to all non-exempt and exempt employees and is intended to outline instructions for employees to follow when a state of emergency is imminent or has been declared by the Mayor. This policy recognizes that some emergencies will provide no advanced warning.

### ***Policy***

The citizens of the City of South Padre Island depend on City employees before, during, and after an emergency or disaster, to provide or restore essential public services for health, safety, and quality of life for the community.

No one is excused from work until the City Manager authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued. In addition, employees must return to work as soon as an emergency is over to participate in the post impact/recovery period. Employees authorized to leave work during a declared emergency due to closed facilities will be paid as per policy: #400.13 Inclement Weather Leave.

Employees are expected to contact the City of South Padre Island every few hours and return to work on their next scheduled day or shift following the City Manager's declaration that it is safe to return. If an employee fails to show up for work or cannot show up for other reasons, then the time lost will be leave without pay, unless other paid leave (ex: compensatory time or vacation leave) is approved by the Department Director.

The City of South Padre Island recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state of local emergency. When evacuation of personal residence is required, employees will be permitted and expected to make arrangements for their families like any other citizen, including the use of authorized shelters. Employees who are not able to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to City facilities due to impassable roadways, etc.), must contact their Department Director or designated supervisor as soon as possible and utilize appropriate leave. During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge.

### **Emergency Periods:**

- A. Pre-Impact Period – This is the time prior to the impending emergency period, and includes emergency response activities and preventative measures by the City of South Padre Island departments in preparing for the impending emergency. This period begins when the City Emergency Operations Center or the City Manager declares an emergency is imminent.
- B. Emergency Period – This is the time during which emergency response activities and/or restoration of critical services are conducted to protect life and property, and

- most other regular City services are suspended. This period begins when the City is closed for normal business and ends when the City Manager declares it safe for all employees to return to work.
- C. Emergency Response Center – This is the time during which emergency response activities and/or restoration of critical services and all regular City services are suspended. This period begins when the City Manager designates emergency essential personnel to take shelter in City operated Response Centers(s) and ends when the City Manager declares it safe for all employees to return to work.
  - D. Post Impact/Recovery Period – This is that period of time during which activities are conducted to restore the City’s infrastructure and services to pre-disaster conditions. This period begins when the City Manager declares it safe for all employees to return to work and ends when he/she declares the period over.

#### Employee Status:

Prior to a declaration of an emergency, department heads shall designate “emergency essential personnel” and “emergency non-essential personnel” by position. This designation shall be documented by Human Resources in the official job description. All personnel shall be advised of their status by May 31<sup>st</sup> of each year, and/or at the time of hire. Individual employee status may change as the needs of the City change during the emergency, or at the discretion of the Department Director.

- A. Emergency Non-Essential – Following a needs assessment, some employees may be temporarily dismissed from work, concurrently or successively, as determined by the emergency need and the department. These employees are designated as “Emergency Non-Essential” and will be placed on emergency paid Administrative Leave pursuant to this policy.
- B. Emergency Essential – Each Department Director is responsible for identifying those employees who will be designated as “Emergency Essential” for approval from the City Manager. These employees may be required to remain available immediately before, during, and/or after the emergency condition as determined by the City. Notwithstanding, an “Emergency Essential” employee will be allowed reasonable emergency paid leave to secure the employee’s home and family to attend to immediate person needs resulting from the emergency. Typically “Emergency Essential” personnel are First Responders (Firefighters, Police Officers, Public Works, and Emergency Medical Services). Also included are other specialized person such as EOC personal, Public Safety Dispatch Personnel, and employees with Emergency Plan Responsibilities.
- C. Post-Impact/Recovery Assigned – Following the event, all City of South Padre Island employees are considered Post-Impact/Recovery Assigned employees. All City employees are to return to work after the City Manager declares it safe to do so.
- D. Emergency Duty Assignment – In the event of an emergency, the City Manager may assign employees to any duty, to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function assigned.

Compensation for Hours Worked During a Declared State of Emergency:

The City of South Padre Island has the authority to require as many employees as necessary to either remain at work, or be on emergency stand-by.

***Procedure***

1. During the Emergency Period, “Emergency Non-Essential” employees who are released from their normal workday by the City Manager and are not required to report back to work due to the emergency event shall receive regular pay for their normally scheduled workday. These hours shall not count as “time worked” for the purposes of calculating overtime that may be earned elsewhere in that pay period. These hours shall be recorded on the employee’s time with appropriate coding, as designated by the Finance Department, to reflect emergency administrative leave.
2. During the declared Emergency Period “Emergency Essential” personnel who are non-exempt (hourly) and are authorized to perform work for the benefit of the city, including the period the “Emergency Essential” personnel spend waiting in a declared “Response Center” for the emergency to run its course, shall be paid at a rate of one and one-half (1.5x) the base straight pay for normally scheduled work hours during the declared emergency conditions, when other employees are allowed administrative leave. When the City Manager declares that it is safe for all employees to return to work these employees will be paid according to the normal pay policy.
3. During the declared Emergency Period and Post Impact/Recovery period, “Emergency Essential” exempt employees shall be compensated by receiving their regular pay and/or compensatory time (hour for hour) for all hours worked in excess of their normal work hours during the declared emergency and Impact/Recovery Period. The rate of pay for such additional hours worked shall be equivalent to the exempt employee’s hourly rate. Each department will provide the appropriate documents to record their hours worked.
4. Employees who are out on any prior-approved leave, or who call in sick during any of the three periods will continue to be charged for such leave.

Supervisor and or Department Director Responsibilities:

- Hold training with all employees regarding emergency operations procedures prior to May 1<sup>st</sup> each year.
- Assign personnel according to the City’s Emergency Operations Plan.
- Assess all approved vacation leave requests and advise employees of their responsibilities and when they need to be at work.
- Allow employees to secure their homes and families to prepare them to seek shelter or to evacuate when approved by the Department Director.
- Provide a list of Essential Personnel to Human Resources and Emergency Management prior to May 1<sup>st</sup> each year.

Employee Responsibilities:

- Maintain an up-to-date Employee ID Badge and carry it at all times while on duty, during a period of emergency preparedness, or during an evacuation to help facilitate the return to work.
- Contact their Department Director or immediate supervisor immediately upon knowledge of a wide spread emergency in the community, understanding that any pre-approved leave may be subject to postponement or cancellation.
- Ensure that emergency contact information supplied to supervisor and human resources is up-dated.



## **500.13     Certification Pay – Public Safety**

### ***Scope***

This policy outlines the conditions under which a full-time public safety employee may be compensated for certifications specified in this policy. This policy only applies to full-time regular or part-time licensed police officers, licensed dispatchers, and certified fire protection personnel. Part-Time Beach Rescue Technicians are eligible for hourly certification pay based on the listed certifications.

### ***Policy***

The City will pay the following to an employee who obtains and maintains the following certifications and currently serves as a full-time licensed police officer/dispatcher or a certified fire protection employee. This amount will be added to the employee’s hourly rate to ensure it is included in the regular rate of pay for overtime calculations.

Intermediate	\$1000/year
Advanced	\$1200/year
Master	\$1400/year
Intermediate (EMS)	\$650/year
Paramedic	\$4000/year

Part-Time Beach Patrol Technicians are also eligible for certification pay based on the following certifications:

National Registry:	
Emergency Medical Responder (RMR)	\$0.50/hour
Emergency Medical Technician (EMT-B)	\$0.75/hour
Paramedic	\$1.00/hour

### ***Procedure***

1. It is the employee’s responsibility to submit a copy of the certification showing date earned to the Department Director and to Human Resources.
2. The Department Director must submit a personnel action form (PA) and a copy of the certification received to the City Manager for approval.
3. The amount and type of certification must be written on the PA form.
4. Certification pay will begin the following payroll from the date that the Finance Department receives the approved PA form but not before the date of certification.
5. The City will not pay retro-pay certification pay to the date the certification was received by the employee.
6. If an employee does not maintain certification, he or she will no longer be eligible for certification pay.
7. An employee must immediately notify the Department Director if their certification expires, is canceled, or is not renewed.

8. Employees eligible for certification pay are not guaranteed the annual amount listed.  
The amount is added to the hourly rate of pay.

## **500.14 Pay Periods/Pay Days/Pay Methods**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City has established work weeks/periods and pay periods to administer the payment of wages, salaries, and overtime to comply with federal, state, and local laws and provide employees with a reliable and responsive system.

### ***Procedure***

- Work Week/Period – *All employees except for Certified Police Officers, Certified Fire Fighters, and EMS*

For pay purposes, the work week/period shall be a seven (7) day period. The paycheck will include any overtime the employee earned over 40 hours in the 7-day period. The work week/period begins on Saturday at 12:00 am and ends on Friday at 11:59 pm.

- Work Period – *Certified Fire Fighters and EMS*

The work period shall be a twenty-eight (28) day period. The first paycheck in the twenty-eight (28) day cycle will be paid at the regular rate of pay. The second paycheck in the twenty-eight (28) day cycle will include any overtime the employee has earned over 212 hours in the 28-day period. The work period starts at 12:00 am on the first day of the cycle and ends at 11:59 pm on the last day of the cycle.

- Work Period – *Certified Police Officers*

The work period shall be a fourteen (14) day period. The paycheck will include any overtime the employee earned over 86 hours in the 14-day period. The work period starts at 12:00 am on the first day of the cycle and ends at 11:59 pm on the last day of the cycle.

- Pay Period

The pay period shall be bi-weekly, with generally twenty-six pay periods per year.

- Pay Day

The payday is the first Wednesday following the end of a pay period. Employees are paid on a bi-weekly basis (every other week on Wednesday). If a regularly scheduled payday falls on a holiday, paychecks will be distributed on the next regularly scheduled working day. When an employee voluntarily resigns, the employee is paid on the next payday. When an employee is

involuntarily terminated the employee will be paid within six (6) calendar days as required by the Texas Payday Law.

- Pay Method

The City of South Padre Island does not issue paper checks. All employees of the City must complete a Payroll Authorization Form designating an account to utilize for direct deposit,

## **500.15    Take Home Vehicles**

### ***Scope***

This policy applies to all full-time employees of the City.

### ***Policy***

*Please refer to the Standard Operating Procedure 1100.03 Vehicle/Fleet Management for detailed policy.*

## **500.16**    **Vehicle Allowance**

### ***Scope***

This policy applies to all full-time employees.

### ***Policy***

The City has established a Vehicle Allowance policy to reduce the amount of paperwork and time necessary to complete expense and mileage reports required for reimbursement. Many positions within the City are required to travel frequently using their own vehicles for City business. The following guidelines and procedures have been established:

### ***Procedure***

1. To receive a car allowance, an employee must be a full-time employee.
2. Employees must show proof of valid State Driver's License upon hire.
3. Employees must be eligible to drive for the City as stated in the Vehicle/Fleet Management Policy.
4. Employees must show proof of valid Vehicle Liability insurance. The employee must provide a copy of the insurance card to the Human Resources Division by January 15<sup>th</sup> of each calendar year.
5. The vehicle registration of the vehicle must be current.
6. The employee must have a personal vehicle available for use when needed.
7. An employee receiving a vehicle allowance will not be paid/reimbursed mileage for any travel within the Cameron, Hidalgo, and Willacy County areas. Trips outside the area will be compensated with mileage reimbursement or the use of a rental vehicle, whichever is less costly.
8. A car allowance request must be submitted on a Personnel Action Form (IFI006) and approved by the Department Director and the City Manager. The Personnel Action form must include justification regarding the amount of travel required and the current state mileage rate. The request must be detailed and list the regular travel amounts required by the position.
9. All car allowance amounts must be reviewed annually during the budget process by the Department Director. The Department Director is responsible for recommending any necessary changes at that time.

## **500.17     Cell Phone Allowance**

### ***Scope***

This policy applies to all employees of the City.

### ***Policy***

*Please refer to the Standard Operating Procedure #1100.08 Wireless Telecommunication Equipment Policy for details.*

## **500.18    Payroll Deductions**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The following deductions are authorized for payroll deductions.

- Social Security contributions. (This deduction is only authorized for part-time and seasonal employees)
- Income withholding taxes.
- Contributions to the Texas Municipal Retirement System.
- Current authorized benefit premiums.
- Current authorized supplemental benefit premiums (Guardian).
- Deferred Compensation 457 Plan.
- Deferred Compensation 457 Plan loan repayment amounts.
- United Way contributions.
- Police and Fire Association dues.
- Child support or other payments ordered by the Attorney General or Court Order.
- Internal Revenue Service wage garnishments.

*Safe Harbor: An exempt employee must receive the full salary for any week in which the employee performs any work, subject only to certain limited deductions. If an improper payroll deduction occurs, please report it to the finance department, and it will be corrected.*

### ***Procedure***

No other payroll deduction privileges are authorized at this time, and no future payroll deduction privilege will be granted without the approval of the City Manager except as otherwise provided by law.



## **500.19    Reimbursement of Employee Expenses**

### ***Scope***

This policy applies to all City of South Padre Island Employees.

### ***Policy***

*Please refer to the Standard Operating Procedure #2000.01 Travel Policy for detailed policy.*

## **500.20 Supplemental Injury Pay**

### ***Scope***

Full-Time employees who have completed one year of service prior to the date of an on-the job injury with the City are eligible to receive supplemental injury pay.

### ***Policy***

The City, under the provisions below, will supplement workers' compensation wage benefits to ensure that a disabled employee receives his or her full base salary for a period not to exceed three (3) months per injury/illness. Workers' compensation payments will continue as outlined by Texas Law. Supplemental injury pay will begin on the same day wage continuation benefits may begin in accordance with the Texas Workers' Compensation Act. This is typically on the eighth day after the injury or illness occurs. Combined workers' compensation payments and City supplemental injury payments shall not exceed the employee's regular paycheck.

If the employee is receiving any other paid leave in addition to workers' compensation payments at the same time the city will not pay supplemental injury payment during that time period.

### ***Procedure***

If a full-time employee is injured and is not eligible to receive supplemental pay from the City, the injured employee may choose to use his or her leave balances to make up the difference between the workers' compensation payment and the employee's regular pay.

If the employee ceases to work for the City for any reason, supplemental injury pay will not continue.

The amount of communication required is established by the supervisor and the Human Resources Division at the onset of the absence related to an on-the-job injury/illness. The injured employee and the City must maintain the agreed upon communication during this period of disability or supplemental injury pay will be terminated.

## **500.21 On-Call Pay Procedures**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

### ***Procedure***

#### Return to Work Provisions:

After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

#### Compensation:

On-call status is not considered time worked and is not compensable unless the employee actually responds to a callback. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours of pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Travel time to and from a call-back is compensable under this policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone or computer/equipment. In all cases, employees must report their actual hours worked in the time clock system. Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

#### Department Policies:

Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

## **500.22    Sales Commission Pay**

### ***Scope***

This policy applies to employees of the Convention and Visitors Bureau that are eligible for sales commission pay based on their position. This includes the following positions: Executive Director, Director of Sales, Senior Sales Manager, Sales Managers and Convention Sales and Services Manager.

### ***Policy***

Commission pay is evaluated monthly. Commission pay will be determined by using a basic dollar system.

### ***Monthly Incentive Program***

**Director of Sales/Senior Sales Manager, Sales Managers:** Minimum room nights of five hundred nights (500) per month must be booked before the commissions listed below are effective.

- a. One dollars (\$1.00) per room per night will be paid as a commission for room nights picked up, above the minimum 500 room nights for any and all business.
- b. Three dollars (\$3.00) per room per night will be paid as a commission for new business, above the minimum 500 room night threshold consumed that month, for groups booked into the months between September 1<sup>st</sup> through February 29<sup>th</sup> only New Business is defined as a group or business that has not booked on South Padre Island previously or within three (3) calendar years from the date of the executed contract. The provision contained herein shall override and replace the provision described in (a) above when applicable.
- c. The dates of arrival/departure of the room block hotel contracts will be the determining factor for deciding which commission rate applies.

The Convention Sales and Services Manager will be paid a commission amount equal to five (5%) of the sales force commission paid for any business consumed each month as an incentive to achieve excellent guest experience and to ensure the rebooking of groups. Said incentive shall be approved by the Director of Sales based on evaluation of performance.

The Director of Sales will be paid a commission amount equal to ten percent (10%) of the sales force commission paid for any business consumed each month as an incentive for reaching team achievement. For clarification purposes, the Director of Sales direct production shall be omitted from the incentive calculation and shall only include the sales team members.  
The – Executive Director will be paid a commission amount equal to twenty-five percent (25%)

of the sales force commission paid for any business consumed each month.

***Annual Incentive:***

To motivate, drive, and encourage the South Padre Island Convention and Visitors Bureau staff to deliver consistent high-value group and leisure business to South Padre Island, we would like to provide an annual Staff incentive bonus for the sales team and executive leadership.

***Eligibility:*** Executive Director, Director of Sales, Senior Sales Manager, Sales Managers, Convention Sales and Service Manager

- a. Annual Incentive of up to 10% will be awarded based upon achievement of the following combination:
  - (1) 5% of Salary: Individual achievement of 100% of Room Night Pickup Goal defined as 6,000 room night minimum (500 per month x 12 months = 6,000). Should a sales team member not achieve two consecutive months of the monthly room night goal, said sales manager shall not be eligible for the annual incentive
  - (2) 5% of Salary: Team achievement of Annual Production Room Night Goal defined as 34,000 booked room nights for the future. For the purpose of this calculation, all groups turned definite within the fiscal year shall be applied to this calculation. Future is defined as any date of arrival in the future from the date of the definite booking.

MAXIMUM ANNUAL INCENTIVE: 10%

The Director of Sales will be eligible for the annual incentive described above and paid an additional commission amount equal to five percent (5%) of their annual salary as an incentive for reaching team achievement of both Room Night Pick Up Goal and Production Room Night Goal for a maximum annual incentive of 15%.

The Executive Director will be eligible for an annual incentive equal to up to twenty (25%) of the annual salary based upon achievement of the following combination:

- (1) 15% of Salary: Achievement of annual budgeted Convention Center Revenue Goal. For clarification purpose, Convention Center Revenue is defined as the sum of Room Rental and Fees and Services.

(2) 5% of salary: Team achievement of Annual Production Room Night Goal defined as 34,000 booked room nights for the future. For the purpose of this calculation, all groups turned definite within the fiscal year shall be applied to this calculation. Future is defined as any date of arrival in the future from the date of the definite booking.

(3) 5% of salary: Team Achievement of both Room Night Pick Up Goal and Production Room Night Goal

- a. For the purposes of this calculation, the production from an employee who may have resigned during the period will still be counted toward the annual goal. New employees who may be within the 90-day grace period, described below in Procedure, shall have imputed 500 room nights per month. New employees hired within the year shall be paid out at a prorated amount equal to months of service.
- b. Base salary is defined an annual base salary earned by the individual during the incentive period. Base salary does not include COLA's, expense reimbursements or monthly bonus.
- c. Payout will be calculated based on actualized room nights each month and must be supported by contract, LOI or other approved, documented confirmation of consumed and paid for hotel room nights. For incentive calculation only, room nights paid for by the CVB shall be omitted from incentive payout calculation.

### ***Procedure***

Commissions will be paid to the employee once the month is completed. If the employee is no longer employed with the CVB when the commission checks are distributed, then no commission will be paid.

To be eligible to be counted for incentive pay purposes, a room must be booked, occupied, paid for, and accounted for by a hotel contract or post-convention report, meeting, or hotel surveys.

Special events room night calculations, when not covered in a contract, must be supported with documentation from an intercept study, promoter/event coordinator surveys, CVB staff directed surveys, post event reports, contracted research or any combination of these instruments.

Eligibility for monthly incentive payments begins the month following the assignment of the room night goal to the sales manager by the Director of Sales at the discretion of the Director of Sales and Executive Director based on an onboarding and ramp up period to be no longer than ninety days from the date of hire.

***Performance Assurance Monitors***

- a. The minimum room nights required must be met monthly for satisfactory performance ratings.
- b. If an employee fails to meet the minimum monthly requirement for two consecutive months in a fiscal year, a corrective action will be taken.
- c. To be eligible for payout, the employee must be in good standing; defined as: may not be on a performance improvement plan and have no write-ups within the period.
- d. Contracts may not be held for a period exceeding two weeks upon receipt to definite booking in CRM.
- e. Participants on an approved Leave of Absence will be eligible for a prorated incentive payment based on the date of return from the LOA.

## **500.23 Uniform/Clothing Allowance**

### ***Scope***

This policy applies only to certain positions as outlined in this policy.

### ***Policy***

The City of South Padre Island may pay or reimburse for an employee's uniform and or other clothing costs related to maintenance and/or cleaning when approved by the City Manager.

### ***Procedure***

The following positions are currently approved to receive the following Uniform/Clothing Allowance amounts.

- Police Lieutenant: \$25.00 per month
- Police Captain: \$25.00 per month
- CID Sergeant: \$25.00 per month and \$300 bi-annually
- Detectives: \$25.00 per month and \$300 bi-annually
- Police Officer: \$25.00 per month
- Community Resources Officer \$25.00 per month
- Dispatcher: \$25.00 per month
- Chief of Police: \$25.00 per month and \$300 bi-annually
- Chief Marshal: \$25.00 per month

The following Public Works and Shoreline positions are approved to have ordered or can be reimbursed once per fiscal year for a pair of work boots as part of their uniform.

- Assistant Public Works Dir. \$150 per fiscal year/boots
- Maintenance Technician \$150 per fiscal year/boots
- Shoreline Technician \$150 per fiscal year/boots
- Operations Manager – Shoreline \$150 per fiscal year/boots
- Operations Manager – CVB \$150 per fiscal year/boots
- Fleet Manager \$150 per fiscal year/boots
- Fleet Mechanic \$150 per fiscal year/boots
- Foreman: \$150 per fiscal year/boots
- Equipment Operator I \$150 per fiscal year/boots
- Equipment Operator II \$150 per fiscal year/boots
- Facility Maintenance \$150 per fiscal year/boots
- Public Works, CVB, Shoreline Leads \$150 per fiscal year/boots



## **500.24 CVB Staff Incentive Bonus – Policy is Currently Frozen**

### ***Scope***

This policy applies to all full-time employees of the Convention and Visitor’s Bureau that are eligible for the Staff Incentive Bonus

### ***Policy***

To motivate and reward the South Padre Island Convention and Visitor’s Bureau staff for delivering high value group and leisure travel business consistently to South Padre Island and to promote tourism and the convention and hotel industry on South Padre Island, the City Council has approved a Staff Incentive Bonus for all full-time eligible staff.

CVB staff must work as a team to deliver high-value group and leisure travel business consistently to meet the goal of increasing Hotel Occupancy Tax collections year over year to achieve an increase in revenues in order to receive the Staff Incentive Bonus.

Based on annual Hotel Occupancy Tax collections, year over year, the CVB will receive 10% of the increased revenues from one fiscal year to the next to utilize as incentive pay for all eligible staff and management if this goal is achieved. This amount will be divided equally among all eligible full-time CVB staff and management members. For example, if Hotel Occupancy Tax collections for Fiscal Year Y are \$350,000.00 above the Hotel Occupancy Tax collections for the prior year (Fiscal Year X), 10% (or \$35,000.00) of the Year Y collections will be divided equally among all eligible full-time CVB staff and paid in the first payroll of December following the close of Fiscal Year Y.

### ***Procedure***

The CVB Staff Incentive Bonus will be paid to the employee on the first payroll of December following the close of the applicable fiscal year. If the employee is no longer employed with the CVB when the incentive bonus checks are distributed, then no incentive will be paid unless the incentive bonus is included in their last paycheck which may be received after their last day of employment.

For purposes of calculating overtime pay, Section 7(e) of the FLSA provides that non-discretionary bonuses must be included in the regular rate of pay. This will be included for those non-exempt employees receiving a CVB Staff Incentive Bonus.

An employee who starts with the CVB mid-year will receive a prorated amount based on the number of months worked in the applicable fiscal year.

A Personnel Action form must be submitted to the Finance Department by the Convention and Visitor’s Bureau for processing no later than November 20<sup>th</sup> each year to ensure the amount is paid on the first payroll in December.

Employees that have been placed on a Performance Improvement Plan or probation during the applicable fiscal year are not eligible to receive the CVB Staff Incentive Bonus.

## **500.25 Assignment Pay – Public Safety**

### ***Scope***

This policy outlines the conditions under which a full-time public safety employee may be compensated for special assignments specified in this policy.

### ***Policy***

The City will pay the following to an employee who obtains and maintains the following certification and is assigned to a specific assignment by the Department Director. This amount will be added to the employee's hourly rate to ensure it is included in the regular rate of pay for overtime calculations.

Fire Inspector Assignment	\$2500/year
---------------------------	-------------

A Firefighter, Fire Captain, or Driver assigned to do Fire Inspections on a regular basis by the Fire Department will be paid \$2500/year added to their base salary.

### ***Procedure***

1. The Department Director must submit a personnel action form (PA), and a copy of the certification and assignment to the City Manager for approval.
2. If an employee does not maintain the certification required, he or she will no longer be eligible for the assignment pay.
3. If an employee is removed from the assignment, the associated pay will also be removed.

## **500.26    Residence Stipend**

### ***Scope***

This policy applies only to certain positions as outlined in this policy. The purpose of this policy is to encourage key staff members to reside within the City limits, while managing the high cost of coastal housing and limited availability.

### ***Policy***

The City of South Padre Island will pay Department Directors required to live on South Padre Island a \$300/month residence stipend. This policy also applies to Leadership Team members who are classified as Emergency Essential (as per policy 500.12) when approved by the City Manager.

### ***Procedure***

An employee must show proof of residence before being eligible for this policy. Examples of proof of residence include a utility statement, rental agreement, mortgage statement, or any other document acceptable by the City.

The following positions are currently approved to receive the residency stipend if proof of residency on South Padre Island is established.

- Police Chief
- Fire Chief
- City Manager
- City Secretary (Emergency Public Information Officer)
- CVB Director
- Fire Marshal

## **600.01 Probation Period**

### ***Scope***

This policy applies to all full-time and regular part-time employees of the City.

### ***Policy***

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete a probation period of six months. All current employees who are transferred or promoted into a new regular full-time or part-time position must satisfactorily complete a six-month probation period.

Certified Firefighters, Paramedics and Peace Officers must complete a twelve-month probation period.

### ***Procedure***

Each employee serving in the probation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the probation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attitude, or conduct.

#### **Absences during Probation Period:**

During the probation period, the employee will accrue vacation leave but is not eligible to use such leave during the six-month probation period. During the probation period, an employee is eligible to use sick leave for qualifying absences. Compensatory time off or recognized holidays during the probation period may be used as approved per established City or Department policy. Transferred or promoted employees serving in the probation period retain eligibility for all types of leave established by the City.

#### **Probationary Performance Evaluations:**

All employees serving in the probation period shall be constantly evaluated and will receive a performance evaluation in accordance with policy *#600.02 Performance Evaluation System*. These reviews are designed to assess each employee's performance and to communicate that performance to the employee.

#### **Extensions of Probation Period:**

The probation period may be extended under the following circumstances:

- At the end of the six-month initial period, the probation period may be extended for up to an additional six months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's probation may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed. The Department Director must approve such extension.
- A probation period may be extended for time spent on an approved Leave of Absence, including absences due to injury or illness or approved Military Leave. The approved extension will generally equal the length of time away from work.

#### Failure of Probation Period:

An employee is considered to have failed the probation period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, conduct, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the probation period may occur at any time within the probation period. Employees who do not successfully complete the probation period may be terminated from City employment. All related documentation must be reviewed by the Administrative Services Director and approved by the City Manager before an employee serving in the probation period can be terminated.

#### Termination of Employees Serving in the Probation Period:

Employees serving in the initial probation period are at-will employees and may be terminated at any time during the probation period, with or without notice or cause. An employee serving in the initial probation period who is terminated has no right of appeal. Employees serving in the initial probation period are not entitled to progressive levels of discipline. Employees serving in the initial probation period are otherwise subject to all policies and procedures of the City.

## **600.02 Performance Evaluation System**

### ***Scope***

This policy applies to all full-time and regular part-time employees of the City.

### ***Policy***

The City uses a thorough performance evaluation system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance evaluation system provides necessary information for management decisions, including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system, as outlined herein, is to achieve optimum employee performance, resulting in outstanding service to citizens.

### **Schedule:**

Regular full and part-time employees hired are eligible for:

- A performance evaluation after the completion of the six (6) month probation period. *(Certified Fire Fighters and Police Officers will receive their probationary review after (1) one year of service. All other positions will be reviewed after (6) six months of service.)*
- A performance evaluation on their annual anniversary date thereafter.

Newly transferred or promoted employees will be provided a performance review after completion of the six (6) month probation period.

Full-time employees receiving a rating of Superior (3.51 – 4.00) will receive a one-time credit of eight (8) hours of vacation added to their vacation leave banks. Certified Fire Department personnel will receive twelve (12) hours of vacation. *\*This does not apply to probationary evaluations or follow-up evaluations.*

Full-time employees receiving a rating of Exceeds Standards (2.61 – 3.50) will receive a one-time credit of four (4) hours of vacation added to their vacation leave banks. Certified Fire Department personnel will receive six (6) hours of vacation. *\*This does not apply to probationary or follow-up evaluations.*

### ***Procedure***

#### **Supervisor Responsibilities:**

All completed performance evaluations must be submitted on the official Performance Evaluation form and be submitted to the Human Resources division for retention in the

employee's personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation form or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation form and the City Manager has signed it.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Areas of Development section. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Human Resources division for filing in the employee's official personnel file and provide the employee a copy.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors must review and sign all performance evaluation documents for validity before the department supervisor conducting the performance evaluation with the affected employee to correct any obvious errors or rating bias.

Quarterly/Monthly One-On-One Forms (Form # ICM0004) must be submitted with the Performance Evaluation to the City Manager/Human Resources Division.

Human Resources Division Responsibilities:

The Human Resources Manager will review all evaluation forms for apparent errors and return them to the Department Directors for any clarifications or procedural corrections. The Human Resources Manager maintains the original evaluation form in official the personnel files.

Employee Responsibilities:

Employees are expected to know their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee cannot resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address concerns.



## **600.03 Employee Development and Training**

### ***Scope:***

This policy applies to all City of South Padre Island employees.

### ***Policy:***

The City of South Padre Island strives to provide exceptional customer service by maintaining a high standard of professionalism through competent, well-trained employees. City employees and supervisors have a shared responsibility in developing a training work plan for the successful performance of responsibilities.

The City will provide appropriate training for City employees subject to available funding. All training must align with professional development goals, certification, or requirements for a job.

The Human Resources division will coordinate City-wide training for areas of development deemed necessary for all or a significant portion of City employees. Each department can establish training for their specific needs.

Supervisors must attend eight (8) hours of related supervisor-related training each year.

The City Council members and regular full/part-time employees must participate in an annual training regarding ethics as required by Title 43 Texas Administrative Code, Part 1, Chapter 31, Subchapter D, Rule §31.39. (*43 TAC §10.51(b)(3)*).

Hours spent in required training are hours worked for purposes of calculating overtime if the training is paid for and coordinated by the City.

### ***Procedure:***

#### **Responsibility of Individual Employee:**

Each employee is accountable for her/his job performance. Employees should request training from their supervisor in the areas in which they need improvement. At a minimum, employees should be able to perform their essential job duties and consistently exhibit behavior that is aligned with the City's Core Values.

#### **Responsibility of the Supervisor:**

The immediate supervisor is responsible for the development of their employees. Supervisors shall identify areas for development and/or training. Supervisors should ensure their employees are well-trained to perform their job duties and deliver exceptional service delivery and customer service.

*Please refer to # 1100.01 Travel, Training and Client Entertainment Policy for more information.*

*Please refer to #600.06 SPI Connect Internal Training Program for more information.*

## **600.04 Career Advancement**

### ***Scope:***

This policy applies to all City of South Padre Island employees.

### ***Policy:***

The City of South Padre Island strives to support the basic organization-building process of promoting qualified employees to positions of greater responsibility and recognition. When a position vacancy occurs, opportunities to promote within may be explored consistent with the goal of filling positions with the most capable individual available.

Receipt of a promotion does not guarantee that an employee can return to his or her former position if he or she is unsuccessful in the new job.

The City conducts succession planning when future talent gaps are identified in the organization. Succession planning entails developing internal employees with the potential to fill key organizational leadership positions within the City.

An employee who participates in a succession planning process or who is deemed to be developing for a future position is not guaranteed a promotion or employment of any kind. The succession planning process strives to develop an employee's knowledge, skills, and abilities to prepare them for advancement or promotion into a future role, but does not guarantee employment.

See policy #300.00 *Recruitment and Selection* for further details.

### ***Procedure:***

1. Non-exempt employees who are promoted to an exempt level position will be paid-out all compensatory time accrued at the pay rate prior to the promotion.
2. Promotions shall be made upon the recommendation of the Department Director with the approval of the City Manager.
3. A promotion will not be deemed completed until a probation period of six (6) months shall have elapsed.

*Please refer to Section III Employment Process and Policy #500.04 Salary Adjustment Guidelines for more information.*

## **600.05 Transfers**

### ***Scope:***

This policy applies to all City of South Padre Island employees.

### ***Policy:***

The City of South Padre Island strives to support and encourage teamwork among City departments to achieve the common goals of the City.

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be assigned at any time for a variety of reasons. Transfers may be made administratively or in conjunction with an announced recruitment process. The Department Director and the City Manager must approve transfers between job levels or between departments.

### ***Procedure:***

1. Transfers will typically occur between positions within the same pay grade.
2. Transfers will typically occur between positions with similar responsibilities or job duties.
3. All transfers will be reviewed by the Human Resources division before being submitted to the City Manager for final approval.
4. Fire Department shift employees transferring from non-exempt to exempt positions will accrue sick and vacation leave based on the policy for regular full-time employees. *Please refer to policy [#400.03 Sick Leave](#) and [#400.02 Vacation Leave](#) for more details.*
5. Transferred employees must successfully complete a six-month probation period.

*Please refer to [Section III Employment Process](#) and [Policy #500.04 Salary Adjustment Guidelines](#) for more details.*

## **600.06 SPI Connect – Internal Employee Training Program**

### ***Scope:***

This policy applies to all City of South Padre Island employees.

### ***Policy:***



### ***Purpose:***

In support of the City’s strategic priority of reinvesting in a high performance organization and work culture, the City of South Padre Island Training Program (SPI Connect) is designed to improve continuous learning and growth for employees at all levels of the organization. SPI Connect will serve as a foundation for identifying, producing, organizing, coordinating, and communicating training opportunities for City of South Padre Island employees with an end result of providing timely, relevant, and consistent training and development solutions.

### **Mission**

The mission of the SPI Connect training program is to promote and support organizational effectiveness and employee development by providing high-quality educational training programs. We strive to enhance individual and team development as a means of creating a better work environment and a better South Padre Island.

### **Human Resources/Training and Workforce Development**

The Human Resources Division provides oversight of the SPI Connect program.

All available City-sponsored, instructor-led training and computer-based training/online activities are posted on the City’s SPI Connect website. Employees can access SPI Connect by visiting <https://sites.google.com/myspi.org/connect/home>. Once there, they can view and enroll in training if your supervisor approves.

Informational flyers are also posted on bulletin boards in those departments that have employees without direct email or computer access.

## **Training/Learning Activities**

### **Mandatory Training**

Mandatory training refers to training required for all or specific groups of employees. It includes City-wide mandatory training (required of all employees) and training required by specific divisions, departments, and or job groups.

- **Mandatory New Employee Training**

New employees of the City, are required to complete the listed training below in the first thirty calendar days of employment. All training is considered time worked and should be completed during work hours. All certificates must be turned in to the Human Resources Division once all are complete.

Mandatory Training Topics include:

Ethical Behavior for Local Government

Sexual Harassment in the Workplace

Violence in the Workplace

Drug and Alcohol Awareness

Diversity in the Workplace

Cyber Security

Please log into the TML Risk Pool Online Learning Center through the website link above using the following credentials to complete the required training.

Online courses are available 24/7 from any computer with internet access, and most courses take about 30 minutes to complete. The TML Risk Pool Online Learning Center can be accessed through the SPI Connect website listed above.

- **Division/Department/Job-Specific Mandatory Training**

Divisions, departments, and specific job categories may require additional mandatory training. Employees should consult their supervisors and departmental policies for more information.

### **Adjunct Training**

Other training activities will be offered by city departments through the SPI Connect training program. City employees or outside vendors will conduct the training. Registration will be made available on the SPI Connect website. Examples include, but are not limited to, the following:

- Technology (GSuite: Email, Calendar, Drive)

- Budget, Purchasing
- Defensive Driving
- First Aid/CPR
- Safety Related Training
- Records Retention
- Supervisor Training
- Media Training
- Emergency Preparedness

### **Employee Development Training**

A variety of employee development training will be offered throughout the year. Please refer to the SPI Calendar or informational flyers for dates and registration information.

### **Training Request or Recommendations**

Do you have a great training idea or recommendation? Please refer your idea or request to the Human Resources division at (956) 761-6456 or [wsaldana@myspi.org](mailto:wsaldana@myspi.org).

## **600.07 Quarterly/Monthly One-On-One Meetings**

### ***Scope***

This policy applies to all full-time employees of the City.

### ***Policy***

The City Manager requires that each supervisor have, at a minimum, Quarterly One-On-One Meetings with their direct staff members. This is the minimum requirement, as Monthly One-On-One Meetings are encouraged.

### ***Procedure***

The City has created a form for supervisors to use to guide each meeting and make sure all important areas are discussed with the employee. Form #ICM0004 is available on the City's shared drives.

This form encourages discussions with employees regarding current and future projects or job tasks, employee development, kudos, employee coaching, and encouragement.

The One-On-One forms must be submitted along with the Performance Evaluation Form to the City Manager for review.

See policy [#600.02 Performance Evaluation System](#) for more details.



## **700.01 Standards of Performance, Behavior or Conduct**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

To ensure orderly, productive, and safe operations and to provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens, and employees.

#### **Prohibited Activities:**

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules, and regulations, either written or verbal. In addition, acts that are not explicitly addressed in policies and procedures, codes of conduct, and rules and regulations but that may adversely affect the City or put the health and safety of fellow employees, citizens, or other third parties at risk may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are some examples of conduct that will likely result in disciplinary action, up to and including immediate termination of employment:

1. Theft or inappropriate removal or use of City property or other property not belonging to the employee.
2. Falsification of timekeeping or other records, including employment applications.
3. Reporting for work or working under the influence of or with a presence in the system of alcohol or illegal drugs.
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment.
5. Violation of the City's policy regarding sexual or other unlawful harassment.
6. Interfering with work schedules or another employee's ability to work.
7. Misuse of City telephones, computers, mail systems, internet, or other electronic systems.
8. Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval.
9. Breaks in excess of the allotted time allowed.
10. Violation of the Use of Tobacco Products/Electronic Cigarettes policy.
11. Violation of safety or health rules and/or failure to immediately report an on-the-job injury/accident.
12. Profanity, abusive language, or racial slurs.
13. Unauthorized disclosure of confidential information.
14. Violation of any provision of the City Charter.
15. Violation of City or departmental policies, codes of conduct, rules, and procedures.

16. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others.
17. Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others.
18. Unsatisfactory performance or conduct.
19. Inefficiency, incompetence, or neglect of duty.
20. Fighting, provoking or instigating a fight, or threatening violence.
21. Disruptive activity in the workplace.
22. Engaging in a work stoppage.
23. Conduct which results in waste or damage of a coworker's, City, or citizen-owned property.
24. Insubordination and/or other disrespectful or unprofessional conduct.
25. Discourteous treatment of the public.
26. Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun licenses with permitted weapon locked in their personal vehicle).
27. Violation of local, state, or federal law.
28. Conviction of a felony, including reasonable belief that the employee has committed a crime under the Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime.
29. Failure to return to work in a timely manner upon conclusion of authorized leave or disciplinary suspension.
30. Outside employment that conflicts with, or potentially conflicts with, City interests.
31. Acceptance of payment of any kind by a third party for activities related to City employment.
32. Failure or refusal to follow lawful orders.
33. Sleeping on the job (except for Fire Department personnel governed by applicable Fire Department Rules and Regulations).
34. Dishonesty, including misrepresentation during the hiring process.
35. Participation in workplace gossip causing disruption to the organization, damaging morale or causing lost productivity.
36. An accumulation of minor infractions.

## **700.02 Attendance and Work Hours**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

#### **Regular Work Hours:**

Nonexempt employees of the City, except for Fire Department and Policy Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins on Saturday at 12:00am, and ends on Friday at 11:59 pm. The regular workday normally begins at 8:00 am and ends at 5:00 pm., although employees in some departments may have different work hours. For example, most non-exempt Fire Department personnel work a 24-hour shift every third day, based on a 28-day (212-hour) work cycle. Most non-exempt Police Department personnel work a 14-day (86-hour) work cycle. In times of disaster or emergency, working hours shall be determined by the City Manager.

#### **Adjustment to Work Hours:**

To ensure the continuity of city services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or on a different schedule. Acceptance of work with the City constitutes the employee's acknowledgment that changing shifts of work schedules may be required and indicates that the employee will be available to do such work.

#### **Attendance Records:**

Employees are expected to be at their workstations and ready to work at their scheduled start time. Non-exempt employees are required to sign into the time clock system to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

#### **Attendance and Punctuality:**

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with

departmental procedures. The employee must disclose to the supervisor whether the absence or tardiness is approved for Family Medical Leave or sick leave and the date and time of anticipated arrival. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the supervisor before an absence or tardiness will be subject to disciplinary action up to and including termination of employment. An employee absent from work without approval for three days or more will be presumed to have voluntarily resigned from employment.

#### Alternate Work Schedules:

The Department Director can authorize alternate work schedules to increase service levels both internally and/or externally. In creating schedules, the Department Director must ensure there is no decrease in service provided by the department.

\*The City Manager has approved alternate flexible schedules to create a better work/life balance when the department can reasonably provide such accommodations. All employee schedules must be approved by the Director of the Department.

Two approved schedules are listed below:

Non-exempt employees can work 4/10 schedules if approved by their Department Director.

A 4/10 schedule is when an employee works 10 hours daily for 4 days during a work week. This schedule allows the employee to work 40 hours in 4 days, providing a three-day weekend in most cases where an employee would typically take a Monday or Friday off.

Exempt employees can work 9/80 schedules if approved by their Department Director.

A 9/80 schedule is when an employee works 9 hours a day for 8 days and 8 hours for 1 day, providing a three-day weekend every other week where an employee would typically take a Monday or Friday off.

The schedules above are not mandated and will not work for all departments. The Department Director must ensure that any alternative work schedule approved will not affect City operations and service levels, and would not otherwise be an undue hardship for the City.

## **700.03 Meal and Break Times**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each workday to prevent undue fatigue and comply with applicable laws.

### ***Procedure***

#### **Meal Periods:**

Full-time employees (excluding most Police and Fire Department employees) are typically provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period without prior approval. Saving the meal period until the end of the shift to leave early from work must be pre-approved by the supervisor.

#### **Breaks:**

Full-time employees may, depending on individual department work schedules and the discretion of their supervisor, take up to two fifteen-minute paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined.

#### **Lactation Breaks:**

Employees who are nursing are provided with reasonable break time to express breast milk for their nursing child, in a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. Employees will not be retaliated against for exercising their rights under this policy. See Policy [#700.20 Rest Periods for Nursing Mothers](#) for more detailed information.

#### **Supervisor Responsibility:**

Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should consider the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted:

The following practices are not permitted uses of rest breaks:

- Combining two daily breaks into one thirty (30) minute rest break.
- “Banking” rest period time from day to day.
- Saving rest period time to extend lunch periods or shorten the scheduled work day.
- Requesting compensatory time off or overtime pay for work performed during rest period time.

## **700.04 Time Clock Procedures**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City requires all non-exempt employees to record their time worked using the time clock system. Non-exempt employees are required to clock in and out for payroll and attendance purposes. It is the Department Director's responsibility to ensure that the time records are accurate.

Employees not clocking in prior to performing work for the City will be subject to disciplinary action up to and including termination of employment.

### ***Procedure***

#### **Clocking In & Out:**

Each non-exempt employee must provide their fingerprint each time they clock in and out for work. This includes clocking in and out for lunch in addition to the beginning and end of each shift.

If the employee misses an entry into the timekeeping system, the employee will notify their immediate supervisor as soon as possible. The supervisor will manually enter the employee's work hours via the Time Clock Manager software on the computer. Employees who consistently miss time clock entries will be subject to disciplinary action.

The Time Clock System "rounds" time to the nearest ¼ hour (15 minutes). For example, if an employee clocks in at 7:55 am, the Time Clock System will say 8:00am, 8:07 am is considered 8:00 am but 8:08 am is considered 8:15 am. Employees found to be intentionally and unnecessarily delaying "punching out" until 5:08 pm (if their shift ends at 5:00 pm) will be subject to disciplinary action.

If there is a problem with the time clock, the employee should notify the Finance Department and their immediate supervisor.

#### **Requesting Time Off:**

Employees requesting time off shall do so with as much advance notice as possible. This will allow for proper scheduling of staff to cover the shortage.

It shall be the responsibility of the employee's immediate supervisor in each Division or the Department Director to approve requests for time off, whether vacation leave or sick leave, in

addition to approving time sheets for payroll purposes. After approved by the Supervisor, it is the final authority of the Department Director to approve.

Time off requests shall be approved or denied through the Time Clock System within one week of initial submittal. If less than one week’s notice is given, the requesting employee shall notify their supervisor of the pending request so consideration of the request can be communicated verbally or by email.

Time off not requested in advance must be accounted for by accurately editing the Time Clock System.

Trading Shifts (Fire Department):

To request a trade, Fire Department personnel must submit a Personnel Action Form (PA Form) to the Captain of the shift that indicates the date of the trade and the person who will be covering the shift. The PA form must be approved by the Fire Chief prior to the trade. The Captain will then make notes in the time clock system on that date segment indicating that the trade was approved and will include the individuals name working instead of the scheduled employee. The PA form should be kept and filed by the fire department as required.

Time Clock Edits and Payroll Approval:

An assigned designee may be given the authority by their Department Director to edit and approve time and leave for payroll purposes. Employees cannot edit or approve their own time in the Time Clock system.

Department Directors are responsible for the accurate approval of all time clock entries. The Department Director or the assigned designee must approve all payroll records using the Time Clock System prior to 10:00am every Monday.

The Director of Operations and Human Resources Manager are authorized to make edits to any employee time clock record if it involves a work injury or personnel issue to ensure the correct pay is provided to the employee.

Action Matrix:

	Clock In & Out	Approve Leave Request	Approve Time	Edit Time
Employee	X			
Assigned Designee	X	X	X	X
Supervisor (Non-Exempt)	X	X	X	X
Supervisor (Exempt)		X	X	X
Department Director (Exempt)		X	X	X



## **700.05 Dress, Appearance and Uniforms**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the workplace year-round, in accordance with this policy. Department Directors and supervisors are responsible for enforcing this policy in their respective departments to maintain acceptable dress and appearance.

Employees must remember that they are professionals 100% of the time and are dressing for work, not for pleasure. Attire must always reflect a professional attitude and presence. Police and Fire Department employees may be covered under other additional Department policies regarding appropriate dress and appearance.

#### **Standards for Work Attire:**

- Athletic shoes are acceptable on Fridays unless a particular day is declared or as explicitly approved by the appropriate Department Director or City Manager as work assignments dictate.
- Sweat-shirts or sweat pants of any type are not acceptable unless the City Manager declares a special casual wear or festive occasion.
- Jeans are acceptable regularly as long as the jeans are appropriate for the workplace, contain no holes, or extreme fading.
- Shorts may be worn only if approved as part of the standard uniform.
- Shorts, when authorized, shall be worn no shorter than four (4) inches above the top of the knee. Shorts must be business casual style.
- Beach-style flip-flop sandals and “Croc” type shoes are unacceptable.
- T-shirts are not acceptable unless approved by the City Manager.
- Skirts or dresses shall be worn no shorter than four (4) inches above the top of the knee.
- Dress shoes or dress sandals with a professional length heel are acceptable.
- Leggings are unacceptable unless worn under a skirt/shirt/dress that is an acceptable length.
- Facial piercings on nose, eyes, face and tongue are unacceptable.
- Hats and head accessories are only acceptable if they have a purpose, such as to shield rain, wind, or sun while working unless included as part of an issued uniform or approved by the City Manager.

#### **The following are unacceptable:**

- Provocative, revealing or low-cut attire, including body-hugging, see-through, or excessively tight fabrics.

- Tank tops that have less than two inches across each shoulder.
- Clothing with obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind.
- Wrinkled, ripped, or tattered clothing.
- Visible tattoos which could be deemed offensive.
- Nose rings/studs, eyebrow rings/studs, tongue studs or similar facial jewelry.

Hair: Hairstyles and hair colors must be appropriate to the employee's position, and extremes of any type are unacceptable. For example, green hair, Mohawk-style haircuts, and extremely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times.

Uniforms: The City supplies many Fire, Police, Transit, Public Works, and Environmental Health personnel with appropriate uniforms. Employees in jobs that require a uniform will be informed how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use, or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.

Employees who are provided with uniforms must wear them when on duty and keep them in good, clean, and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City-related events.

When employment has ended with the City, uniforms and any other City equipment that the employee possesses must be returned in good condition before final pay can be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck. The City cannot make deductions that will result in an employee taking home less than minimum wage.

Enforcement: In all cases, the City will make the determination as to acceptable dress and appearance. Employees should direct questions about appropriate appearance or dress to the supervisor, Department Director, City Manager, Director of Operations or Human Resources Manager.

Employees in violation of this policy may be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up for the work time missed. Employees whose appearance violates this policy may be disciplined, up to and including termination of employment.

The Department Director, with the approval of the City Manager, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

## **700.06 Use of Tobacco Products/Electronic Cigarettes**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City strives to promote the health and safety of our employees as well as our visitors.

The City of South Padre Island is a tobacco-free workplace. Employees are prohibited from using any form of tobacco product while on duty except for designated break periods. Employees and visitors are prohibited from smoking or using any form of tobacco product inside City facilities and City vehicles.

While on break, employees should refrain from smoking or using any form of tobacco product in public areas where the public and/or employees must walk through to enter a City facility.

Electronic cigarettes and tobacco-free “dip” will follow the same guidelines as regular tobacco products.

### ***Procedure***

Smoking may not occur in City facilities or vehicles or within ten (10) feet of a public doorway or entrance.

Proper receptacles must be used in the disposal of tobacco waste.

## **700.07 Telephone Contact**

### ***Scope***

This policy applies to supervisory, emergency essential, and public safety employees of the City.

### ***Policy***

All supervisory and public safety personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a landline telephone.

No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work-related matters.

All employees must immediately notify their immediate supervisor and the Human Resources Division of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse or parent.

## **700.08 Political Activity**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election, or a nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate, provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time, or other valuable thing to any person for City election purposes.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g., City of Port Isabel, Port Isabel ISD, and Cameron County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be terminated upon failure to do so.
- Engage in any political activity while on duty for the City or while in a city uniform or wearing any other indication of the employee's affiliation with the City (for example, a shirt, hat, or logo pin).

## **700.09 Employment/Vendor References**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City does not provide verbal or written references, other than to confirm the dates of employment, position title, and salary information, without the express written consent of the employee. Employees are not authorized to provide a reference or employment verification regarding City employment for any past or current City employee unless the request has been approved by the City Manager or Director of Operations.

City employees are not authorized to provide a written reference on behalf of the City of South Padre Island to a company or vendor who may have provided products or services to the City.

### ***Procedure***

All written requests submitted by past or current employees must be submitted for review and approved before a reference is provided by any employee of the City.

The Human Resources division is the only City division authorized to provide dates of employment, position titles, and salary information if requested. An employee receiving a reference or employment verification request should direct the requestor to the Human Resources division.

## **700.10 Searches**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks and offices, computer and electronic files, social media sites, cell phones, pagers, text messages, whether secured, unsecured, or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots. All searches must be authorized and conducted under the direction of the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

## **700.11 Weapons Control and Violence Prevention Policy**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

#### **Zero Tolerance:**

Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

#### **Weapons Control:**

Unless expressly authorized by the City Manager, no employee other than a City licensed peace officer shall carry or possess a firearm or other weapon on City premises. Employees licensed by the State of Texas to carry a concealed weapon may have a permitted weapon only in the City parking lot if it is locked in the employee's vehicle and cannot be observed from outside the vehicle. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5.5 inches, switchblades, etc. Employees do not have an expectation of privacy, and the City retains the right to search for firearms or other weapons on City property.

#### **Mandatory Reporting:**

Each City employee must immediately notify his/her supervisor, Department Director, Director of Operations, Human Resources Manager, City Manager, and/or the Police Department of any act of violence of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a city-controlled site, or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Manager.

#### **Protective Orders:**



Employees who apply for or obtain a protective or restraining order that lists City locations as being protected areas must immediately provide to the Human Resources Manager and the City's Chief of Police a copy of the petition and declarations used to file the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Human Resources Manager of any protective or restraining order issued against them.

### ***Procedure***

#### Confidentiality:

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City Management, and others on a need-to-know basis and as may otherwise be required by law.

#### City Premises:

For purposes of this policy, City premises include a building or portion of a building owned or leased by the City.

#### Documentation:

When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Division and/or the Police Department.

#### Policy Violations:

Violations of this policy may lead to disciplinary action, including termination of employment. Policy violations may also result in arrest and prosecution.

## **700.12 Outside and Self Employment**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

City employees may engage in outside or self-employment provided they receive a prior written approval from the Department Director and City Manager on the City's Outside Employment Request Form.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City or conflicts in any way with the best interests of the City. Other outside activities, such as volunteer activities that might similarly distract from an employee's ability to perform the job with the City, are also prohibited.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence to engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the City Manager.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) that constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith-based activities, or similar activities where compensation is neither expected nor paid in the ordinary scope of operations.

### ***Procedure***

Employees engaged in outside employment or self-employment should complete the Outside and Self-Employment Request Form # IHR0003 in full and send it to their Department Director for recommendation. The Department Director or Employee should forward the form to the City Manager. The City Manager has the final approval authority on this form.

## **700.13 Conflict of Interests, Solicitation and Acceptance of Gifts**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

#### **Conflicts of Interests:**

No employee of the City may:

- Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale, or service to, for, with, or by the City.
- Use City employment, authority, or influence for personal betterment, financial or otherwise.
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies, or services.
- Have discussions or participate in decisions of any City agency, board, commission, or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision.
- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City or
- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting approval, investigation, or determination from the City.

#### **Solicitation and Acceptance of Gifts:**

- Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution, nor may an employee be penalized in any way concerning employment according to the employee's response to a solicitation.
- No employee shall accept or solicit any property, service, or other thing of value of over \$50.00 from a person, business entity, or other organization regulated by, contracting with, or having any other business relationship with the City Department of which the employee is a member.
- If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift in writing to the supervisor and the City Manager. A City employee is prohibited from accepting an honorarium or other thing of value in exchange for providing a speech or other service that the employee would not have been asked to provide but for the person's status as a City employee.

- No employee shall accept or solicit any property, service, or other thing of value of over \$50.00 for the benefit of the City, or any employee, or department of the City unless approved in advance by the City Council.
- Employees are prohibited from accepting anything of value, regardless of the value, in exchange for the performance of a duty for the City or for a decision or recommendation related to their job with the City.

Violations of this policy may result in disciplinary action. Certain violations may constitute criminal conduct under the Texas Penal Code. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, Human Resources Manager, or the City Manager.

## **700.14 Arrests, Confinements and Indictments**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

### ***Procedure***

#### **Employee Detained by Law Enforcement Authorities:**

An employee who is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee who fails to report to work at the employee’s regularly scheduled time and/or fails to provide timely notification to the supervisor will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities to report the detainment, arrest, confinement, or indictment and reason. If the employee cannot report to the supervisor because of detainment or confinement, the employee must have someone contact the supervisor for the employee no later than the beginning of the next scheduled work shift to report why the employee is unable to report to work.

#### **Violations of Law Discovered through Criminal History Check:**

The City may conduct criminal history checks on existing employees at any time during their employment. Conduct constituting an offense, arrest, or conviction that is discovered and unreported may result in disciplinary action, up to and including termination. The City will comply with all applicable laws regarding such use of criminal history and background information.

#### **Felonies and Misdemeanors:**

Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor or accused by information of official misconduct or other serious criminal violation may be placed on unpaid administrative leave until the charge, indictment, or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed, and all related administrative matters are concluded. The City Manager will make such a determination. An employee on administrative leave, in the City’s

sole discretion, may be reinstated to the position held before being placed on administrative leave if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Acquittal or dismissal of a criminal complaint or indictment against the employee does not necessarily mean that the employee did not violate applicable Departmental or City policy and, therefore, does not automatically relieve or immunize the employee from any administrative disciplinary charges that may be brought against the employee.

If the criminal charges are dropped or resolved in favor of the employee, and if it is determined that the employee did not violate City policies, the employee will receive back pay for the unpaid administrative leave period upon return to work.

#### Employee Status after Violation of Law:

At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with the Director of Operations and City Manager to determine available options, which may include, but are not limited to:

- Allowing the employee to return to regular duty with pay.
- Allowing the employee to return to restricted duty with pay.
- Placing the employee on paid administrative leave.
- Placing the employee on unpaid administrative leave.
- Terminating the employee's employment with the City.

#### Disciplinary Action:

Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

#### Other Policies:

This policy should not be construed to limit disciplinary action that may be taken in accordance with other personnel policies and procedures, department policies, or other city-wide policies.

## **700.15 Social Networking**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City, or violate any City policy. These standards intend to regulate the creation and distribution of information concerning the City, its employees, and citizens through electronic media, including, but not limited to, online forums, instant messaging, and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City not only reflects positively on the employee as an individual but also on the City.

Personal internet use is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the internet, including those from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the guidelines below when posting information on the internet, whether it is done during or after work hours. This policy encompasses Wikipedia, "X" (formerly known as "Twitter"), Facebook, Snapchat, Instagram, LinkedIn, TikTok, blogs, and other online journals and diaries; bulletin boards and chat rooms; microblogging and all other social networking sites; instant messaging apps such as WhatsApp, and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to policies prohibiting harassment, discrimination, offensive conduct, or inappropriate behavior and the City's Electronic Communications Policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "General Complaint and Grievance" policy or the Anonymous Ethics Hotline (see policy #702.01 *Ethics Reporting Hotline*) without resorting to social media.

### **Employee Guidelines:**

- Any blogging or posting information on the Internet must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging or posting information of a personal nature on the internet is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Employees are not permitted to share personal pages or personal posts directly on a City's social media sites.
- Never disclose any confidential information concerning another employee of the City in a blog or other online posting. Posting of confidential information may violate state law

and subject the user to criminal penalties. All requests for City documents must be processed through the Public Information Act.

- Employees must abide by all federal and state laws and policies of the City about the information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's own and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager to update or post on behalf of the City, and all content must be approved before posting. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of Wikipedia, "X" (former known as "Twitter", Facebook, Snapchat, Instagram, LinkedIn, Tik-Tok, blogs, and other journals and diaries; bulletin boards and chat rooms, microblogging, and all other social networking sites; instant messaging apps to include WhatsApp, and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor, and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty and to exercise sound judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures on the internet that may defame, embarrass, insult, demean, or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may violate the City's Harassment policy. Do not post any pornographic images of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment, or City work sites unless you post them on the City's official website as part of your job duties and with prior approval.
- Do not post information on the internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off-premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- Individual supervisors do not have the authority to make exceptions to these guidelines.



## **700.16 Electronic Communications and Systems Access Use**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City may provide computer networks, internet access, email, telephones, cell phones, digital cameras, voicemail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communication systems” or “systems.” These electronic communication systems are designed to support and enhance the communication, research, and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers, and other affiliates who use the City’s electronic communication systems. The City’s access to electronic communication systems must be used in a professional, responsible, efficient, ethical, and legal manner. Users must understand that use of any City-provided, publicly accessible computer network such as the internet or email is a privilege.

#### **General Use:**

Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication, and conducting City business in line with the user’s job responsibilities. Occasional, appropriate personal use of the computer or electronic system is permitted if the use does not (1) interfere with the Employee’s work performance; (2) interfere with any other Employee’s work performance; (3) compromise the integrity of the computer and electronic communications system; (4) violate any other provision of this policy or any other policy, guideline or standard of the City of South Padre Island.

Non-exempt employees are not allowed computer or email access on any personal device without prior approval from their Department Director. Reading and responding to Emails, etc., from a personal device is considered hours worked by the Fair Labor Standards Act and employees must be paid accordingly. If a Department Director approves such access, stipulations must be defined with the employee regarding time spent outside the workplace and after normal business hours on these tasks. The Director must edit the time clock to account for all after-hours work from a personal device. The Human Resources Division should be notified of the approval and all related details.

#### **Internet Use:**

The City has provided the Internet to aid an employee in conducting City business. Internet use during business work hours must be limited to that which is essential to one’s job duties.

Personal use is permitted during breaks and lunch-time, provided that it does not violate the provisions of acceptable use.

The Internet should not be used for sending, transmitting, receiving, copying, storing, or communicating of information that is unlawful or inappropriate, including, but not limited to, that which is fraudulent, harassing, racially offensive, sexually explicit, profane, or obscene. Internet use should not in any way compromise the integrity of the City or its business. In addition, the Internet may not be used for outside employment, personal political activity, non-work related instant messaging, public debate, transmitting materials violating copyright laws, chat rooms, or blogs. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive, or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding the management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

Responsibility:

The person in whose name a city-provided internet, email, or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur while conducting City business on the City's electronic communications systems will be considered communication of the City and held to the same standards as formal letters.

No Right to Privacy/Monitoring:

Users of City electronic communications systems may not assume they are provided any degree of anonymity, and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advanced notice, monitor and view usage, including but not limited to employee email, voice mail, instant messages, text messages, information, and material transmitted, received, or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Copyright Restriction:

Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author, or owner of the material. Prior written authorization from the Information Technology Director is required before introducing any software into the City's computer system. Employees may not download entertainment software, games, or any other software unrelated to their work.

***Procedure***

Internet and Email Access:

Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet or email account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

## **700.17 Religious Accommodation Policy**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on City business.

### ***Procedure***

An employee whose religious beliefs or practices conflict with their job, work schedule, the City's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to their immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The immediate supervisor will evaluate the request, considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available that is reasonable and that would not create an undue hardship on the City's business. An accommodation may be a job change, using paid leave or leave without pay, allowing an exception to the dress and appearance code, which does not impact safety or uniform requirements, or modifications of other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may need to confer with the Department Director and/or the Human Resources Manager.

The employee's supervisor will meet to discuss the request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, they may appeal following the City's #701.02 Grievance Procedure Policy.

## **700.18 Recordings in the Workplace**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

Employees are prohibited from possessing personal recording devices (including video, audio and other devices), in the workplace. However, the City may provide such equipment to employees for purposes of using it in the course and scope of their employment. When the City provides such equipment to employees (e.g., Police Personnel), employees are given guidelines for the use of the equipment. Unless specifically authorized to do so by the City Manager, employees are prohibited from making recordings of conversations and other activities by or with co-workers at the workplace.

## **700.19 Use of Voice Recording Devices**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

It is the policy of the City of South Padre Island that voice recorders are made available to all employees responsible for enforcement activities within the City.

1. Employees, while on duty, will have with them a voice recorder in good working condition to complete the shift.
2. The voice recorder will be activated by the employee before any contact is made with the public where an arrest, citation, or warning may occur.
3. The employee may use the voice recorder at any other time they contact the public if the employee believes it will benefit them in any future conflict.

An employee found violating this policy is subject to appropriate disciplinary action up to and including termination.

### ***Procedure***

Positions required to carry voice recorders and abide by this policy include:

Police Chief  
Police Captain  
Police Sergeant  
Police Officer  
Police Detective  
Environmental Health Director  
Code Enforcement Officer  
Chief Building Official  
Lead Building Inspector  
Building Inspector  
Fire Marshal  
Fire Inspector  
Chief Marshall  
Any other position as deemed necessary by the City Manager.

## **700.20 Rest Periods for Nursing Mothers**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

To assist the transition of women from maternity leave back to work following the birth of a child, and in accordance with Federal law and applicable state laws, the City provides lactation accommodation to all mothers who choose to continue breastfeeding after returning to work.

The City will provide reasonable break times for a mother to express breast milk each time such an employee has a need to express the milk, for as long as the mother continues to nurse her child.

A private and sanitary employee lactation room (not a bathroom) or other non-bathroom suitable space that is shielded from view and free from any intrusion by coworkers or the public will be provided for lactating employees to express their milk during work hours.

### ***Procedure***

Employees requiring the use of a nursing room should notify the Human Resources Manager so that an accommodation can be made. Employees will not be retaliated against for the exercise of their rights under this policy.

## **700.21 Use of Artificial Intelligence**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island acknowledges the potential benefits of employing Artificial Intelligence (“AI”) tools to enhance job performance for its employees. However, such utilization also entails inherent risks. To uphold the integrity of our operations and safeguard confidential information, the guidelines outlined below are to be adhered to. Any employee seeking to incorporate AI tools into their work must first obtain approval from their Department Director and the Information Technology Director and, if granted, adhere to the ensuing recommended protocols.

#### **Assessment of AI Tools:**

Prior to utilization, employees are required to assess the usefulness and security features of any AI tool. This entails a thorough examination of the tool’s security attributes, terms of service, and privacy policy. Moreover, employees should evaluate the reputation of the tool’s developer and any and any third-party services linked to the tool.

#### **Preservation of Sensitive Data:**

When utilizing AI Tools, employees are prohibited from uploading or sharing any confidential or safeguarded data unless explicit written authorization is granted by the City Manager. This prohibition encompasses data concerning staff members and the public. Correspondingly, employees are tasked with ensuring that AI tools do not incorporate confidential or copyrighted material from external parties.

#### **Control over Access:**

Employees are not permitted to extend access to City-sanctioned AI tools to external parties without prior written permission from the City Manager. Additionally, necessary measures must be enacted to fulfill security compliance requirements before any such access is granted. This prohibition extends to sharing login credentials or other sensitive information with third parties.

#### **Adherence to Security Protocols:**

Employees are expected to apply the same high standards of security that pertain to all company and customer data. This necessitates the implementation of robust passwords, regular software updates, and strict adherence to the City’s protocols for data retention and disposal.



## **700.22 Temporary Telecommuting Arrangements**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island may at times permit voluntary, temporary telecommuting arrangements for employees whose job duties are conducive to working from home but who do not regularly telecommute. Telecommuting is a work arrangement in which the employee works at home or elsewhere for part or all of their work schedule. When possible, employees will be given flexibility in either taking time from work or working remotely for legitimate reasons.

Employees should not assume any specified period of time for telework, and the City of South Padre Island may require employees to return to regular, in-office work at any time and for any reason; these arrangements are expected to be short-term.

### ***Eligibility***

Telecommuting is not appropriate for all employees and jobs, nor are all employees in the same or similar jobs. Telecommuting will be considered on a case-by-case basis.

Typically, positions at the City of South Padre Island that require the employee to be physically present in the workplace are defined as Emergency Essential, Public Safety personnel, or are positions performing job tasks that can only be performed in a city facility or on South Padre Island.

Emergency Essential personnel include the following positions:

Department Directors, Public Safety, Police, Fire Department personnel, and all other positions as assigned in their job description. Emergency Essential personnel are expected to report to work as scheduled unless otherwise notified. Regular leave policies and procedures should be followed for employees who are unable to report to work.

### ***Expectations for All Employees***

Employees should be proactive with department managers to ensure they have the resources necessary to work remotely.

Employees will fulfill the expectations agreed upon with their supervisor regarding the scope of their telecommuting assignment, such as:

- Duties and responsibilities: Employees authorized to telecommute are responsible for the performance of all essential functions of their job responsibilities.

- **Hours of work:** Employees are responsible for recording hours worked and requesting paid leave or other leave in accordance with City of South Padre Island leave policies. Time at home or elsewhere spent in activities other than work must not be submitted as time worked.
  - Non-exempt – employees will keep regular work hours assigned to them. Employees should not work more than the normal hours worked in one day. Employees may only work overtime when pre-approved by the supervisor.
  - Exempt – employees will only record full-day absences with the correct leave code.

*Please refer to Personnel Administration #700.02 Attendance and Work Hours, #700.03 Meal and Break Times, #700.04 Time Clock Procedures and Compensation #500.05 Overtime for details.*

- **Hours of availability:** Employees must be accessible via telephone, network access, and email to communicate regarding the City of South Padre Island business.
- **Respond to all e-mails and voicemails:** Employees must respond to e-mails indicating that they have received the message and that you will respond fully in a timely manner.
- **Communication of work assignments and personal needs:** Employees will communicate with their supervisor to receive assignments, review work progress or for items on which you seek supervisory approval and insight. The employee shall promptly notify his/her supervisor when unable to perform work assignments. Employees will report absences from work due to injury, illness, or caring for a family member no later than the beginning of their scheduled shift.
- **Equipment and materials:** Employees will use the equipment and materials provided for City business only unless authorized by the City Manager.
- **Safety:** Employees will maintain a safe environment in which to work. Employees are expected to maintain their workspace in a safe manner, free from safety hazards.

*Please refer to Standard Operating Procedures and Other Policies #1100.02 Employee Safety for details.*

- **Information security:** Employees will protect the City of South Padre Island's information by following the City of South Padre Island's policies governing information security, software licensing, and data protection; ensuring that unauthorized individuals do not access the City of South Padre Island's data, either in print or electronically; and not accessing restricted-level information in print or electronically unless approved by the supervisor. Work performed at the employee's off-site workplace is considered official City business.

### ***Expectations for Directors***

Directors, at their own discretion and taking into consideration the needs of the department, may allow some or all of their staff to telecommute on a short-term basis during the designated period of time. Directors are responsible for ensuring that their departments perform critical

work to care for the City of South Padre Island and maintain operations to the appropriate extent.

Supervisors should regularly communicate with their staff regarding the fluidity of such situations, as well as changing business needs.

Directors should communicate specific expectations to individual team members based on each person's needs and circumstances. To ensure that the telecommuting assignment is mutually beneficial to both the City of South Padre Island and employees, planning and communicating expectations in advance of the telecommuting is crucial.

### ***General Agreement***

The opportunity to work from home will be granted for a limited period of time. The opportunity to work from home may be withdrawn at any time.

Employees must comply with City of South Padre Island rules, policies, practices, and instructions and understand that violations may result in termination of telecommuting privileges and/or discipline up to and including termination from the City of South Padre Island.

Short-term telecommuting in extraordinary circumstances does not change the basic terms and conditions of employment with the City of South Padre Island. Telecommuting assignments do not change an employee's classification, status, compensation, or benefits. The accrual and use of leave time is subject to the same policies and procedures applicable to non-telecommuting staff members.

Telecommuting assignments are not contracts or promises of employment. Nothing in a telecommuting assignment guarantees employment for any specific term nor alters the "at-will" nature of employment.

## **701.01 Open Communication/Problem Solving**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island strives to maintain an approachable, open-minded, two-way communication at all levels between City employees and to improve the quality and efficiency of City services.

The City attempts to ensure employment that will be enjoyable and rewarding. Therefore, all employees are encouraged to participate in a free and uninhibited exchange of questions, suggestions, and information that may improve municipal service, safety, employee performance and morale, efficiency, cost-effectiveness, effective maintenance, or public relations: anything that will enable us to do a better job.

All City employees have the right to report a good faith violation of the law to the appropriate authority.

### ***Procedure***

Employees are strongly urged first to discuss the issue of concern with their immediate supervisor; however, when circumstances merit, the employee may disregard of the normal chain of command. Employees may contact anyone in the City organization, including the City Manager, Assistant City Manager, or Department Directors, to answer their questions or concerns.

Employees who wish to file a grievance should refer to policy #701.02 Grievance Procedure for further details.

## **701.02 Grievance Procedure**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

City employees are encouraged to speak out when they are witnesses to inappropriate behavior that violates the employee Core Value Statement or Citywide policies and procedures.

Before corrective action may be taken on a complaint or grievance against a City employee, the grievance must be documented.

- Definition of Grievance: Inconsistent and/or unlawful treatment, interpretation, and/or application of City or departmental policies, procedures, or practices; and retaliation.

No adverse action will be taken against an employee for the exercise of the employee's grievance rights under this policy.

### ***Procedure***

#### **I. Informal Grievances:**

The employee shall first attempt to resolve the grievance by an informal conference with their immediate supervisor. If the informal conference does not occur within 5 business days upon request by the employee, or if the informal conference with the supervisor does not result in a resolution of the problem that is satisfactory to the employee, they may file a Formal Grievance. A request for an informal conference must be made within 10 business days of the incident giving rise to the grievance

#### **II. Formal Grievances:**

Formal Grievance must be in writing, signed by the employee, and presented to the employee's immediate supervisor. Formal Grievances must be submitted within 20 business days of the incident giving rise to the grievance. A statement of the specific remedial action requested by the employee should be included in the written grievance. The employee can submit the formal grievance directly to the Human Resources Manager if they feel uncomfortable submitting it to their immediate supervisor.

After being presented with a written signed Grievance, the immediate supervisor shall:

1. Consult with their Department Director, following the appropriate chain of command.
2. Attempt to resolve the Grievance.

*Section VII: Personnel Administration*

3. Communicate the decision to the employee in writing within ten (10) working days after receipt of the Grievance.

III. Appeals:

An employee who does not receive a written resolution by the close of the tenth (10<sup>th</sup>) working day following the day the written grievance was presented or is not satisfied with the proposed resolution may, within the next ten (10) working days, appeal in writing to the Department Director, who will then have ten (10) working days to respond to the employee in writing.

If, after the ten (10) day period, the Department Director has not responded to the employee in writing or if the employee is not satisfied with the Department Director's resolution of the problem, then the employee may present the grievance to the Human Resources Manager, who will forward the written Grievance to the City Manager. The employee must notify the Human Resources Manager within five (5) working days of their desire to have the Grievance considered by the City Manager.

At the discretion of the City Manager, a special employee grievance committee or designee may be appointed to investigate any grievance and make a recommendation to the City Manager.

The City Manager shall respond in writing to the employee by the close of the fifteenth (15<sup>th</sup>) working day following the day the written appeal was received. The City Manager's decision is final.

If the employee does not appeal a decision within the allotted amount of time, the last decision made will stand.

## **702.01 Ethics Reporting Policy**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Purpose***

The City of South Padre Island is committed to the highest possible standards of ethical, moral and legal business conduct. In conjunction with this commitment and the City's commitment to open communication, this policy aims to provide an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for whistleblowing in good faith. However, if an employee feels that their anonymity is not required, then they should follow our existing grievance procedure.

### ***Policy***

The Ethics reporting policy is intended to cover serious concerns that could have a significant impact on the City of South Padre Island, such as actions that:

- May lead to incorrect financial reporting;
- Are unlawful;
- Are not in line with City policy or
- Otherwise, it amounts to serious improper conduct.

Regular business matters that do not require anonymity should be directed to the employee's supervisor or Human Resources and are not addressed by this policy.

### ***Safeguards***

#### Harassment or Victimization:

Harassment or victimization of individuals submitting reports will not be tolerated.

#### Confidentiality:

Every effort will be made to protect the reporter's identity. Please note that the information provided in a report may be the basis of an internal and/or external investigation by our company into the issue being reported. It is possible that as a result of the information provided in a report, the reporter's identity may become known to us during the course of our investigation.

#### Anonymous Allegations:

The policy allows employees to remain anonymous at their option. Concerns expressed anonymously will be investigated, but consideration will be given to:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Malicious Allegations:

Malicious allegations may result in disciplinary action.

***Procedure***

Reporting:

The Ethics reporting procedure is intended to be used for serious and sensitive issues. Serious concerns relating to financial reporting, unethical or illegal conduct, should be reported in either of the following ways:

Employees are responsible for reporting any unethical behavior. Reports or complaints can be reported to a supervisor, department director, City Manager, or the Human Resources Division.

The City of South Padre Island cannot guarantee anonymity for complaints submitted anonymously. A copy of your complaint form and any supporting documentation provided by you may be shared with the subject of the complaint. Using the online complaint form may help preserve your anonymity. If you wish to use an alternative method for filing a complaint (see below) and wish to remain anonymous, do not include any information on the complaint form, envelope, email address, body of email, or supplemental documents that reveal your identity.

Using this online form, a person can submit an anonymous complaint regarding suspicions of non-compliance with law or policy or unethical behavior related to City of South Padre Island employees.

<https://forms.gle/mmfgxrQRg1zwCq5>

Provide your name, address, and telephone number (unless filing anonymously)

1. Identify the employee you are reporting.
2. Provide a detailed summary of your concerns, including dates, times, or any other specific information, if applicable.
4. Return the completed information to the HR division by email to [wsaldana@myspi.org](mailto:wsaldana@myspi.org) or by mail to 4601 Padre Blvd., South Padre Island, TX 78597.

Employment-related concerns should continue to be reported through your normal channels, such as your supervisor, department director, HR representative, or City Manager.

Timing:

The earlier a concern is expressed, the easier it is for the City to take action.

Evidence:

Although you are not expected to prove the truth of an allegation, the employee submitting a report must demonstrate in the online or other anonymous report that there are sufficient grounds for concern.



### ***How the Report will be Handled***

The action taken will depend on the nature of the concern.

#### Initial Inquiries:

Initial inquiries will be made to determine whether an investigation is appropriate and the form it should take. Some concerns may be resolved by agreed-upon action without requiring an investigation.

#### Outcome of an Investigation:

At the discretion of the City and subject to legal and other constraints, the reporter may be entitled to receive information about the outcome of an investigation.

*The City of South Padre Island reserves the right to modify or amend this policy at any time as it may deem necessary.*

## **702.02 Internal Ethics and Compliance Program**

### ***Scope***

This policy applies to all regular part/full-time City of South Padre Island employees and City Council members.

### ***Purpose***

I. Statement of Purpose/Background:

As a sub-recipient of public transportation grant funds the City is required to have an internal ethics and compliance program that satisfies the requirements of Title 43 Texas Administrative Code § 10.51. (43 Tex. Admin. Code § 31.39)

II. Requirements of the Internal Ethics and Compliance Program:

The City of South Padre Island has developed an Internal Ethics and Compliance Program that establishes the following requirements of the City.

1. The City Manager, along with the Leadership Team, are responsible for being knowledgeable about the content and operation of the Internal Ethics and Compliance Program and will promote an organizational culture that encourages ethical conduct and commitment to compliance with the law. The human resources division will update the program and policy when required.
2. The City shall conduct, as appropriate, criminal background checks for future and current employees in high-level positions, that are involved in handling financial or highly confidential information, and/or who admit a prior felony conviction.
3. The City shall distribute the Internal Ethics and Compliance policy and any following amendments and require employees to annually sign a document acknowledging its receipt and their understanding of the policy's requirements. The HR division shall coordinate an annual training for all regular employees and the City Council on the policy and expected ethical behavior.
4. The City shall notify its partners doing business on their behalf of their expected ethical behavior through written or verbal communication.
5. The City shall maintain an anonymous reporting system and require employees to immediately report any suspicions of noncompliance with law, policy, or unethical behavior without fear of retaliation. The City shall effectively promote the reporting system to employees and business partners.

6. The City shall respond appropriately to any criminal conduct to remedy any harm, and the City shall act appropriately to prevent similar conduct by modifying the City's policies to ensure effective compliance.
7. The City shall train employees on the policy to prevent future offenses and periodically assess risks of criminal misconduct within the organization.
8. The Internal Compliance Program contains a written code of conduct that establishes the following:
  - Records Retention (Code of Ordinance, Chapter 2, Article II, Sections 2-50 through 2.54, and 1100.18 Records Management Policy)
  - Fraud
  - Equal Opportunity Employment (Policy 200.01)
  - Sexual Harassment and Misconduct (Policy 800.01)
  - Conflicts of Interest (Policy 700.13)
  - Personal use of the City's property (Policy 700.01)
  - Gifts and honoraria (Policy 700.13)

### III. Policy:

This policy prescribes the standards of ethical conduct for all employees of the City of South Padre Island. All employees must familiarize themselves with this policy. All employees must abide by applicable federal and state laws, administrative rules, and this ethics policy. An employee who violates any provision of this conduct policy is subject to disciplinary actions up to and including termination. An employee who violates any applicable federal and state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action.

All employees shall perform their official duties in a lawful, professional, and ethical manner, practice responsible stewardship of organizational resources, and report any conduct or activity that they believe to be in violation of this policy. Employees shall not knowingly make false or misleading statements, oral or written, while conducting City business. Employees shall not disclose confidential or sensitive City business information without prior written authorization.

#### 1. **Record Retention**

The City is committed to the proper maintenance and retention of records. Records are defined broadly to include almost any type of city information, and the required retention period varies with the type of record. Falsifying records, deliberately concealing records, destroying records in bad faith, exploiting confidential information, or otherwise mishandling records is not acceptable.

As a local government, the City of South Padre Island must adhere to the Texas Local Government Code, Chapters 202-204, addressing record management. Records management includes the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records to reduce the costs and improve the efficiency of recordkeeping (TX Local Government Code § 201.003(13)).

When a lawsuit is filed or is reasonably anticipated to be filed against the City of South Padre Island, or when an internal or governmental investigation is initiated, employees must ensure that all information potentially relevant to the suit or investigation is preserved. Employees may not alter, conceal, or in any way destroy information potentially relevant to a suit or investigation. Employees must take steps to ensure potentially relevant information is not inadvertently destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails. *(Please refer Code of Ordinance, Chapter 2, Article II, Sections 2-50 through 2.54 for more details.)*

## **2. Fraud**

Fraud is broadly defined and may include any intentional deception for the purpose of personal or business gain or damage to an individual or organization. Examples of fraud include lying on an employment application, falsifying records, or providing false receipts for reimbursement from the City of South Padre Island.

Employees must be good stewards of resources entrusted to them and exercise due diligence to prevent and detect criminal conduct and non-compliance with laws and policies. Employees must report suspected fraud, waste, abuse, or non-compliance to the appropriate supervisor or manager. Engaging in acts of fraud may result in civil or criminal liability.

## **3. Equal Opportunity Employment**

The City of South Padre Island is an equal-opportunity employer. It is the City of South Padre Island's policy to promote and ensure equal employment opportunity for all persons regardless of race, color, disability, religion, sex, national origin, genetic information, or age. Discrimination will not be tolerated. *(See Policy #200.01 for more details)*

## **4. Sexual Harassment and Sexual Misconduct**

The City of South Padre Island does not tolerate any form of sexual harassment in the workplace. Sexual harassment may include sexual advances, sexual solicitation, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Sexual misconduct includes behavior that is short of sexual harassment but nonetheless is unprofessional and inappropriate. Sexual misconduct is not permitted. All employees will treat one another and the general public with professionalism, respect, and fairness. Employees must conduct themselves with courtesy and restraint at all times on the job and whenever they may be perceived in any way as representing the City of South Padre Island.

If an employee feels they are being subjected to sexual harassment or sexual misconduct by any person in the workplace, or if an employee witnesses any incident that appears to be a violation of sexual harassment and sexual misconduct policies, the employee must report the incident to the appropriate supervisor or manager. Alternatively, if the subject of the employee's complaint is their supervisor or manager, they must report the complaint to the human resources division,

a higher level supervisor or manager, or to the City Manager. Employees who report harassment are protected against retaliation by state and federal laws.

Supervisors or managers who receive reports of sexual harassment or sexual misconduct must report the complaint(s) to the appropriate authorities, regardless of the form of the complaint (“formal” or “informal”) or whether it precisely follows the City of South Padre Island’s complaint procedures. Supervisors and managers must keep accurate records of complaints and are responsible for taking appropriate action that actually stops the harassment or misconduct. Ignoring a report of sexual harassment or sexual misconduct is unacceptable. *(See Policy 800.01 for more details)*

## 5. Conflicts of Interest

Conflicts of Interest is a situation in which an employee’s private interest (usually financial or economic in nature) conflicts with or raises a reasonable question of conflict with their job-related duties and responsibilities. An employee who violates a conflict of interest law may face civil and/or criminal charges resulting in monetary fines or jail time.

An employee shall not:

- have a personal or financial interest that could reasonably be expected to create a substantial conflict or even the appearance of a substantial conflict between the employee’s private interest and the City of South Padre Island’s interest.
- accept other employment or compensation or engage in a business or professional activity that could reasonably be expected to impair the employee’s independence of judgment in the performance of the employee’s official duties.

Local public officials (including a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district, including a transit authority), as well as certain other employees involved with contracting, are subject to the conflict of interest provisions in the Texas Local Government Code, Chapter 171. Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item.

Other state and federal laws may apply to officials and employees in particular situations. For example, Chapter 176 of the Local Government Code requires members of the governing body and executive officers of local government entities to file a conflicts disclosure statement relating to a person that the governmental entity has contracted with or is considering contracting with if the local officer or his or her family members have certain business relationships with that person. *(See Policy #700.13 for more details)*

## 6. Personal Use of the City’s Property

Property owned or leased by or provided to the City of South Padre Island may only be used for City purposes. Any misuse or unauthorized use of the City of South Padre Island’s property, including information system resources, is subject to disciplinary action. Misuse of City property may also result in criminal prosecution. *(See Policy #700.01 for more details)*

## 7. Gifts and Honoraria

Employees should always ask themselves whether it is appropriate to accept something from a person who wants, or may want, or may seem to want, an official favor within their authority. It is unethical to accept or give a gift meant to sway a decision in favor of the gift-giver.

Under Texas Local Government Code, Chapter 176, a local government officer must disclose a vendor's offer of gifts to the officer or to the officer's family member worth \$250 or more using the Conflict of Interest Form approved by the Texas Ethics Commission. The form requires disclosure even if the officer refuses the gift. An officer commits a Class C misdemeanor if the officer knowingly violates the disclosure requirements. (*See Policy #700.13 for more details*)

### IV. Required Training:

The City Council members and regular full/part-time employees must participate in an annual training regarding ethics as required as required by Title 43 Texas Administrative Code, Part 1, Chapter 31, Subchapter D, Rule §31.39. (43 TAC §10.51(b) (3)). The HR Division will coordinate this training. (*See Policy #600.03 for more details*)

### V. Responsibilities of departments

The department directors of the city are responsible for the communication of this policy to staff in their departments.

The City staff shall notify the organization's business partners doing business on their behalf of their policy and expected ethical behavior through written or verbal communications. Each department director is responsible for ensuring this responsibility is completed.

Each department director is responsible for ensuring their staff members attend the annual ethics training as required by this policy.

### VI. Reports or Complaints Regarding the Internal Ethics and Compliance Program

Employees are responsible for reporting any unethical behavior. Reports or complaints can be reported to a supervisor, department director, City Manager, or the Human Resources Division.

Using this online form, a person can submit an anonymous complaint regarding suspicions of non-compliance with law or policy or unethical behavior related to City of South Padre Island employees.

<https://forms.gle/mmfgxrQRg1zwCq5>

The City of South Padre Island cannot guarantee anonymity for complaints submitted anonymously. A copy of your complaint form and any supporting documentation provided by you may be shared with the subject of the complaint. Using the online complaint form may help

preserve your anonymity. If you wish to use an alternative method for filing a complaint (see below) and wish to remain anonymous, do not include any information on the complaint form, envelope, email address, body of email, or supplemental documents that reveal your identity.

Provide your name, address, and telephone number (unless filing anonymously)

1. Identify the employee you are reporting.
2. Provide a detailed summary of your concerns, including dates, times, or any other specific information if applicable.
4. Return the completed information to the HR division by email to [wsaldana@myspi.org](mailto:wsaldana@myspi.org) or by mail to 4601 Padre Blvd., South Padre Island, TX 78597.

## **800.01 Sexual and Other Unlawful Harassment**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

#### **Sexual Harassment:**

All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes, and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, or videos, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

#### **Other Prohibited Harassment:**

In addition to the City's prohibition against sexual harassment, harassment based on any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, marital or parental status, sexual orientation or sexual/gender identity, religion, color, national origin, age, disability, genetics, military or veteran status, citizenship, or any other characteristic protected by law is also prohibited.



*Section VIII: Harassment and Retaliation Free Workplace*

Prohibited conduct includes, but is not limited to, epithets, slurs, and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, or videos that single out, denigrate, or show hostility or aversion toward someone based on a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form inappropriate jokes, pictures, videos, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone, or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, based on race, religion, color, sex, pregnancy, national origin, age or disability, genetics, veteran status, citizenship, or any other characteristic protected by law, is prohibited and will not be tolerated.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

Mandatory Reporting:

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Director; or
- the Human Resources Manager
- the Director of Operations; or
- the City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and/or the Human Resources Manager. A complaint form is available on the shared drive or can be provided by the Human Resources Division.

Under this policy, an employee may report to and/or contact the Human Resources Manager, without regard to the employee's standard chain of command:

Human Resources Manager  
4601 Padre Blvd, South Padre Island, TX 78597  
Phone Number: 956-761-8140

Voice messages or e-mails may be left at any time.

Investigation:

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

Retaliation Prohibited:

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately, as set out above.

Responsive Action:

Misconduct constituting harassment or retaliation will be dealt with appropriately and immediately. Discipline, up to and including termination, will be imposed upon any employee found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed when claims of prohibited conduct were untruthful, fabricated, or exaggerated or when employees are untruthful during an investigation.

## **900.01 Drug and Alcohol Use**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

It is the desire of the City to provide an alcohol and 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 and safe manner.

#### **Prohibition Against Alcohol, Illegal and Unauthorized Drugs:**

While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, or illegal drugs, including drugs which are legally obtainable but which were not legally obtained and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

#### **Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia:**

This policy also prohibits the use, possession, distribution, and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing illegal or unauthorized drugs into the body.

#### **Permissive Use of Prescribed and Over-The-Counter Drugs:**

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty while conducting City-related business or other activities off premises while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of

the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees:

Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees:

Employees taking prescription medication and/or over-the-counter medication must report such use to the Human Resources Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees:

Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call and is called out is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must advise the appropriate supervisor on duty. The employee will not be required to report to work.

Off-Duty Conduct:

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance, or when such off-duty use involves criminal conduct.

Rehabilitation/Treatment:

It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

1. Employees with drug and alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence

to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion and in compliance with applicable law. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; the City's ability to provide such accommodation; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such leave of absence only once during the course of an employee's employment with the City.

2. The cost of any rehabilitation or treatment may be covered under the City's group health benefits coverage. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
3. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
4. If the employee successfully completes the prescribed rehabilitation or treatment, the City will comply with applicable law and will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
  - a. Initial negative test for drugs and/or alcohol before returning to work.
  - b. A written release to return to work from the City-approved rehabilitation or treatment facility/program.
  - c. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with City-approved rehabilitation or treatment program, if applicable;
  - d. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
  - e. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Administrative Services Director. The employee must meet with the Administrative Services Director to discuss the terms of continued employment and sign a formal agreement before returning to work.

#### Policy Violations:

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program.

Police and Fire Departments and other safety-sensitive positions may have stricter disciplinary rules regarding violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor, Department Director, or Human Resources Manager to receive assistance or referrals to appropriate resources.

Types of Testing:

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally accepted testing procedures.

Testing of Applicants:

Applicants for whom a conditional offer of employment has been made for a safety-sensitive position will be required to submit testing for illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test will render the applicant ineligible for consideration of employment or may influence future employment with the City.

Testing of Employees:

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs for the following:
  - a. after a workplace injury or “near miss;”
  - b. when reasonable suspicion exists;
  - c. in connection with any required treatment or rehabilitation;
  - d. the City may conduct random testing on employees holding safety-sensitive positions.
2. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
3. Certified Public Safety employees are considered safety-sensitive and are subject to random drug and alcohol testing. The City will use randomized software to administer random testing to ensure a true random selection for this purpose.
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.

5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City's Drug and Alcohol Use policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

## ***Procedure***

### Testing Procedures:

1. All testing must normally be authorized in advance by the Director of Operations or Human Resources Manager. If the Director of Operations or Human Resources Manager is unavailable within a reasonable amount of time, the Department Director may authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a workplace accident, injury, or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the HR division; supervisors and managers on a need-to-know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

## **1000.01 Disciplinary/Corrective Action**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City strives to set forth general supervisory guidelines for the enforcement of work rules and performance standards through disciplinary action, which is corrective in nature, in order to maintain a high standard of professionalism as well as a productive and safe work environment.

Employees are responsible for following City policies, procedures, and work rules, along with maintaining an acceptable level of job performance.

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Sub-standard work performance and violations of City, division, or department policies, procedures, guidelines, and other applicable requirements are grounds for disciplinary action.

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance, and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

#### **Corrective Action**

1. Verbal Warning

The supervisor communicates the verbal warning and documents the discussion on an Employee Discussion Record Form # IHR0013 located on the shared drive.

2. Written Reprimand

The supervisor communicates the written reprimand to the employee and documents the Written Reprimand on the City of South Padre Island Corrective Action/Discipline Form #IHR0029



located on the shared drive. A copy of the form should be provided to the employee for their records. The original form must be submitted to the Human Resources Division to be placed in the employee personnel file along with any related documentation.

### 3. Performance Improvement Plan

The performance improvement plan should be developed by the supervisor in consultation with the Human Resources Manager. All performance improvement plans must specify goals and deadlines. The supervisor should review the performance improvement plan with the employee and provide the employee with a copy. The original form must be submitted to the Human Resources Division to be placed in the employee personnel file.

### 4. Probation

Employees may be placed on a probationary period or have their initial probationary period extended. This must be communicated to the employee on the Corrective Action/Discipline Form #IHR0029 located on the shared drive. A copy of the form should be provided to the employee for their records. The original form must be submitted to the Human Resources Division to be placed in the employee personnel file along with any related documentation.

## Disciplinary Action

### 1. Suspension Without Pay

Suspension without pay must be communicated to the employee on the Corrective Action/Discipline Form #IHR0029 located on the shared drive. A copy of the form should be provided to the employee for their records. The supervisor must also submit a Personnel Action Form #IFI0006, located on the shared drive, to the Finance Department specifying the days of suspension without pay so the time clock can be edited correctly. The original forms must be submitted to the Human Resources Division to be placed in the employee personnel file along with any related documentation. All suspensions must be approved by the Department Director and City Manager before being communicated to the employee.

### 2. Demotion

Demotions must be communicated to the employee on the Corrective Action/Discipline Form #IHR0029 located on the shared drive. A copy of the form should be provided to the employee for their records. The supervisor must also submit a Personnel Action Form #IFI0006, located on the shared drive, to the Finance Department, specifying the new title and rate of pay. The original forms must be submitted to the Human Resources Division to be placed in the employee personnel file along with any related documentation. All demotions must be approved by the Department Director and City Manager before being communicated to the employee.

### 3. Involuntary Termination

Involuntary terminations must be communicated to the employee on the Corrective Action/Discipline Form #IHR0029 located on the shared drive. A copy of the form should be provided to the employee for their records. The supervisor must also submit a Personnel Action Form #IFI0006, located on the shared drive, to the Finance Department, specifying the last day of work, former title, and pay rate. The original forms must be submitted to the Human Resources Division to be placed in the employee personnel file along with any related documentation. All terminations must be approved by the Department Director and City Manager before being communicated to the employee.

#### 4. Other Actions

Other actions may be taken by the supervisor as deemed appropriate.

Any proposed disciplinary action in excess of a written warning must be reviewed by the Human Resources Manager prior to being given to the employee.

Supervisors are responsible for initiating the Personnel Action Form to execute suspensions, demotions and terminations.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases or other beneficial personnel action.

All original written notices and documentation of disciplinary actions are to be forwarded to the Human Resources Division for inclusion in the employee's personnel file.

The employee shall have the right to appeal only those disciplinary actions that result in suspension without pay, demotion, or other change in employment status (other than termination of employment) that results in a loss of benefits or compensation.

*See policy #1000.02 Disciplinary Action Appeal Procedures for additional details.*

## **1000.02 Disciplinary Action Appeals Procedure**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City has developed a procedure for employees to appeal disciplinary actions (other than termination of employment). The affected employee shall first be provided the opportunity to discuss the action with the employee's immediate supervisor. After such discussion, or attempted discussion, the affected employee may initiate this appeals procedure.

All City employees have the right to appeal adverse disciplinary actions to the next level supervisor, up to and including the City Manager. If a disciplinary action is overturned at any level, the employee shall be granted back pay or be re-instated to a previous position with back pay if the disciplinary action had resulted in a loss of pay or job status (other than termination of employment). The City Manager's decision shall be the final decision in the disciplinary appeal process.

The employee shall have the right to appeal only those disciplinary actions that result in suspension without pay, demotion, or other change in employment status (other than termination of employment) that results in a loss of benefits or compensation.

### ***Procedure***

#### **I. Appeals to the Department Director**

Employees have the right to appeal a disciplinary action taken by his or her supervisor to the Department Director:

1. Appeals must be submitted in writing to the Department Director within five (5) working days of the employee's receipt of the decision by his or her supervisor. A copy of the appeal must also be provided to the Human Resources Manager within this timeframe.
2. Department Directors shall render a written decision to:
  - a. Uphold the disciplinary action; or
  - b. Take a different disciplinary action. This decision requires a written explanation; or
  - c. Withdraw the disciplinary action. This decision requires a written explanation; or
    - Dismiss the appeal as untimely
3. Department Directors shall render a decision within ten (10) working days of receipt of the request to appeal and shall provide the employee with a copy of the written decision. The period allowed for making a decision may be extended by the mutual agreement of the Department Director, Human Resources Manager and the employee.

#### **II. Appeals to the City Manager**

1. If the disciplinary action is taken against an employee or the appeal decision taken by the Department Director is not satisfactory to the employee, the employee has the right to appeal the decision to the City Manager. A request to appeal to the City Manager must be submitted in writing within five (5) working days of the employee's receipt of the Department Director's decision. A copy of the appeal must also be provided to the Human Resources Manager within this timeframe.
2. The City Manager shall render a written decision within ten (10) working days of receipt of the appeal with the following:
  - a. Uphold the disciplinary action; or
  - b. Take a different disciplinary action. This decision requires a written explanation;  
or
  - c. Withdraw the disciplinary action. This decision requires a written explanation; or.
  - d. Dismiss the appeal to the City Manager as untimely.

The period allowed for making a decision may be extended by mutual agreement of the City Manager and the employee.

3. The City Manager shall provide a copy of such written decision to the affected employee, the Department Director, and the Human Resources Manager.

## **1000.03 Separations**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

It is the policy of the City to terminate employment because of an employee's resignation, release, death, incapacity, discharge, or retirement; or the expiration of an employment contract or a permanent reduction in or restructuring of the City's workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, an employee is free to resign at any time and for any reason, and the City reserves the right to terminate employment at any time and for any reason.

The City designates all employee separations as one of the following types:

#### **I. Resignation:**

An employee who intends to resign is requested to notify the supervisor and/or the Human Resources Manager in writing at least two (2) weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Human Resources Manager.

Department Directors are required to leave a thirty (30) day notice of resignation. Directors who fail to provide thirty (30) days' notice are typically not eligible for rehire.

Other forms of resignation include:

#### **Job Abandonment:**

If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will consider the employee to have abandoned employment, and the employee is deemed to have voluntarily resigned from employment with the City.

#### **II. Release:**

A separation is one in which the employee is not qualified for or for which an accommodation cannot be made for the type of work assigned and no other assignment is available. Release usually results from no fault of the employee.

#### **III. Death:**

If a City employee dies, the designated beneficiary, if applicable, or estate will be paid all earned pay and payable benefits.

IV. Incapacity:

An employee may be separated for incapacity due to medical reasons when the employee no longer meets the standards of fitness required for the position.

The Department Director shall make a finding of incapacity in consultation with the Human Resources Manager based on the employee being medically unable to work as determined by medical certification, the exhaustion of the employee's benefit time and time related to the Family Medical Leave Act, and under circumstances where the employee's continued absence creates a hardship to the effective operation of the City.

The City will comply with all applicable laws in enforcing this policy.

V. Retirement:

A voluntary separation usually includes qualification for benefits under the Texas Municipal Retirement System. An employee who intends to retire is requested to notify the Department Director, supervisor, and Human Resources Manager in writing at least two (2) weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office on the day of intended retirement to lock in the in-service date. Employees planning to retire are urged to contact the Human Resources division thirty days prior to review the retirement requirements.

VI. Involuntary Discharge:

The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures. City employees who are terminated or who resign in lieu of termination due to unsatisfactory performance, pending results of an investigation, or conduct and/or violation of City policies or procedures are not eligible for rehire.

Involuntary Discharge may also occur for the following:

Long-Term Absence:

Any employee who is absent from work for more than six months, for whatever reason, will be terminated. Brief appearances at work during an overall absence of six (6) months will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a light-duty capacity) but is unable to perform the essential functions of the actual position after a period of thirty (30) days will be returned to off-duty status. **Those on a leave of absence due to pregnancy, childbirth, or related medical conditions should review Section 200.08 and consult with the Human Resources Manager for additional information.** The City may elect to end the employee's employment before the expiration of six (6) months if it is unlikely that the employee will be able to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of six (6) months may, at the City's option, extend the leave using any available paid leave balance or be terminated and paid for accrued leave balances.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, the Family Medical Leave Act, and any other applicable law.

VII. Reductions-in-Force/Reorganization:

An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

***Procedure***

I. Personnel Action Forms:

The immediate supervisor of the separated employee is responsible for initiating the Personnel Action Form (PAF) and designating the appropriate separation reason. PAF forms should be provided to the Human Resources Division with all signatures as soon as practicable. All separations must be approved by the City Manager before being communicated to the employee.

II. Return of Equipment and Keys:

The supervisor shall complete an Exit Checklist, which includes obtaining all equipment and keys from the separated employee, and shall do so before the last day of work if possible.

III. Exit Interview:

Separated employees, whether voluntary or involuntary, will be referred to the Human Resources Division for an exit interview before their last day of work, if possible. *Please refer to policy # 1001.01 Exit Interview Procedures for more information.*

IV. Vacation and Sick Leave Accruals:

Full-time employees resigning on good terms before the fifteenth (15<sup>th</sup>) of the month will not be provided the vacation or sick leave accruals for the last month worked. Employees resigning on good terms on or after the fifteenth (15<sup>th</sup>) of the month will be credited the vacation and leave accruals for the last month of employment to be paid out as per policy on their last paycheck.

V. Vacation and Sick Leave Pay Out:

*See policy #400.02 Vacation Leave and #400.03 Sick Leave for leave pay out information upon termination of employment.*

VI. Final Paycheck:

Employees who voluntarily resign or retire from the City will be issued their paycheck with the next regular payroll after the effective date of separation.

Employees who are involuntarily discharged from employment will be issued their last paycheck within six (6) calendar days as per the Texas Payday Law.



## **1000.04 Investigation of Fire Fighters**

### ***Scope***

This policy applies to all City of South Padre Island certified fire fighters.

### ***Policy***

Pursuant to Chapter 614 Tex. Gov. Code, prior to taking any punitive action against a Fire Fighter for misconduct, the City is required to conduct an investigation. The investigation shall comply with the requirements in this policy.

#### Definitions

A. In this policy:

- (1) "Complainant" means a person claiming to be the victim of misconduct by a firefighter.
- (2) "Investigation" means an administrative investigation, conducted by the municipality, of alleged misconduct by a fire fighter that could result in punitive action against that person.
- (3) "Investigator" means an agent or employee of the municipality who is assigned to conduct an investigation.
- (4) "Punitive action" means a disciplinary suspension, indefinite suspension, demotion in rank, reprimand, or any combination of those actions.
- (5) "Normally assigned working hours" includes those hours during which a fire fighter is actually at work or at the person's assigned place of work, but does not include any time when the person is off duty on authorized leave, including sick leave.

#### Interrogations:

- B. An investigator may interrogate a firefighter who is the subject of an investigation only during the fire fighter's 's normally assigned working hours unless:
- (1) the seriousness of the investigation, as determined by the fire fighter's 's department head or the department head's designee, requires interrogation at another time; and
  - (2) the fire fighter is compensated for the interrogation time on an overtime basis.

C. The department head may not consider work time missed from regular duties by a firefighter due to participation in the conduct of an investigation in determining whether to impose a punitive action or in determining the severity of a punitive action.

D. An investigator may not interrogate a firefighter who is the subject of an investigation or conduct any part of the investigation at that person's home without that person's permission.

#### Investigator

E. A person may not be assigned to conduct an investigation if the person is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct. A firefighter who is the subject of an investigation has the right to inquire and, on inquiry, to be informed of the identities of each investigator participating in an interrogation of the fire fighter. Not later than the 30th day after the date that a complaint is received by an investigator, the investigator must inform the fire fighter in writing of the nature of the investigation and the name of each person who complained about the fire fighter, if known, concerning the matters under investigation unless:

- (1) a criminal investigation has been initiated as a result of the complaint; or
- (2) the disclosure of information concerning the name of the complainant or the matters under investigation would hinder a criminal investigation.

#### Complaints and Interrogations of Firefighters:

F. Before an investigator may interrogate a firefighter who is the subject of an investigation, the investigator must inform the fire fighter in writing of the nature of the investigation and the name of each person who complained about the fire fighter concerning the matters under investigation.

1. An investigator may not conduct an interrogation of a firefighter based on a complaint by a complainant who is not a peace officer unless the complainant verifies the complaint in writing before a public officer who is authorized by law to take statements under oath.
2. In an investigation authorized under this subsection, an investigator may interrogate a firefighter about events or conduct reported by a witness who is not a complainant without disclosing the name of the witness.

3. Not later than the 48th hour before the hour on which an investigator begins to interrogate a firefighter regarding an allegation based on a complaint, affidavit, or statement, the investigator shall give the fire fighter a copy of the affidavit, complaint, or statement.
4. An interrogation may be based on a complaint from an anonymous complainant if the departmental employee receiving the anonymous complaint certifies in writing, under oath, that the complaint was anonymous. This subsection does not apply to an on-the-scene investigation that occurs immediately after an incident being investigated if the limitations of this subsection would unreasonably hinder the essential purpose of the investigation or interrogation. If the limitation would hinder the investigation or interrogation, the firefighter under investigation must be furnished, as soon as practicable, a written statement of the nature of the investigation, the name of each complaining party, and the complaint, affidavit, or statement.

G. An interrogation session of a firefighter who is the subject of an investigation may not be unreasonably long. In determining reasonableness, the gravity and complexity of the investigation must be considered. The investigators shall allow reasonable interruptions to permit the fire fighter to attend to personal physical necessities.

H. An investigator may not threaten a firefighter who is the subject of an investigation with punitive action during an interrogation. However, an investigator may inform a fire fighter that failure to truthfully answer reasonable questions directly related to the investigation or to fully cooperate in the conduct of the investigation may result in punitive action.

I. If prior notification of intent to record an interrogation is given to the other party, either the investigator or the fire fighter who is the subject of an interrogation may record the interrogation.

#### Written Reprimands

J. If an investigation does not result in punitive action against a firefighter but does result in a reprimand recorded in writing or an adverse finding or determination regarding that person, the reprimand, finding, or determination may not be placed in that person's personnel file unless the fire fighter is first given an opportunity to read and sign the document. If the fire

fighter refuses to sign the reprimand, finding, or determination, it may be placed in the personnel file with a notation that the person refused to sign it. A firefighter may respond in writing to a reprimand, finding, or determination that is placed in the person's personnel file under this subsection by submitting a written response to the department head within 10 days after the date the fire fighter is asked to sign the document. The response shall be placed in the personnel file. A firefighter who receives a punitive action and who elects not to appeal the action may file a written response as prescribed by this subsection within 10 days after the date the person is given written notice of the punitive action from the department head.

K. If the department head or any investigator violates any of the provisions of this section while conducting an investigation, the municipality shall reverse any punitive action taken pursuant to the investigation including a reprimand, and any information obtained during the investigation shall be specifically excluded from introduction into evidence in any proceeding against the fire fighter.

## **1001.01 Exit Interview Procedures**

### ***Scope***

This policy applies to all full-time employees of the City.

### ***Policy***

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss reasons(s) for the separation, and solicit constructive feedback to improve the City. Information shared during the exit interview may be shared with the City Manager and acted upon as deemed appropriate by the City. The Department Director is responsible for promptly notifying the Human Resources Division of all separations, arranging for the exit interview, and providing documentation of receipt of all departmental and or City property from the exiting employee. Final payment of compensation may be withheld pending the return of City property, completion of necessary paperwork, and other requirements of separation.

## **1100.01 Travel, Training and Client Entertainment Policy**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The City of South Padre Island will pay reasonable expenses, which are incurred in the course of authorized City travel. The City has two objectives when paying travel-related expenses:

1. To provide employees sufficient funds to execute business on behalf of the City.
2. To safeguard City funds by paying only reasonable and necessary expenses.

This policy outlines what constitutes a reasonable and necessary expense.

Directors are ultimately responsible for ensuring that travel expenditures comply with this policy and for thoroughly reviewing and approving all documents necessary for the travel transaction. For purposes of this policy, the term “Director” refers to the Department Director or their designee.

Directors have the discretion to implement more restrictive procedures and/or guidelines for their individual departments. The purpose of the required documentation is to provide sufficient evidence to anyone who reviews the travel transaction that public funds were expended in compliance with this policy.

Employees traveling on behalf of the City of South Padre Island are expected to utilize services and accommodations appropriate for the business to be conducted. Employees are expected to travel and conduct business in reasonable comfort and exercise good judgment in distinguishing between comfort and extravagance.

All required travel forms can be found on the City’s shared drives.

#### **I. Approval Required for Travel on City Business**

The City will pay travel and registration fee expenses required for City business or to enhance the knowledge of the individual for the benefit of the City.

##### **A. Travel Authorization Form:**

Employees must obtain prior approval for travel from their Director by completing an electronic Travel Authorization Form #IFI0004. During an extended absence, the Director must notify the Finance Department and appoint a temporary designee for travel authorization. In the event

travel is conducted without prior approval, the employee will be held responsible for all expenses incurred.

**B. Check Requisition Form (Cash Advances):**

An advance for estimated travel expenses may be requested. The Check Requisition Form #IFI0001 must be signed by both the requesting employee and the Director. The form must include the purpose of the trip, the destination (city and state), and the departure/return dates. Check Requisition Forms should be submitted to the Finance Department along with a copy of the Travel Authorization Form #IFI0004 at least ten (10) calendar days prior to departure.

**C. Employee Expense Report Form:**

An Employee Expense Report Form #IFI0002 must be completed for all travel when the city-issued credit card is NOT used and/or the amount was not already paid in a cash advance. The form must include the purpose of the trip, the destination (city and state), and the departure/return dates. All receipts and supporting documents must be attached to the Employee Expense Report. Receipts should be affixed in date order to an 8 1/2 x 11 sheet of paper and attached to the Employee Expense Report, and then forwarded to the Finance Department after being reviewed and signed by the Director. Each employee traveling will be responsible for submitting his/her own receipts and Employee Expense Report. All Employee Expense Reports must be submitted within the timeframe as referenced in Section IB. Expense reports MUST include the line item in which expenses are to be charged.

**D. City-Issued Credit Card:**

When a city-issued credit card is used to pay for expenses, the monthly electronic expense report must be completed and filed with the Finance Department.

**E. Out-of-State/Country Travel:**

All out-of-state or out-of-country travel must be pre-approved by the City Manager. The per diem rate for out-of-state travel will be in accordance with the U.S. General Services Administration's published per diem rates for the specified destination. Out-of-State/Country travel is approved on a case by case basis depending on the business need or request for travel.

**F. Travel on Behalf of Other Agencies:**

With the approval of the Department Director, employees may be granted travel time on behalf of other organizations. In unusual circumstances, the City Manager is authorized to approve an advance of City funds for travel expenses incurred on such trips. The same guidelines outlined in this policy must be followed.

#### G. Compliance:

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

### II. Reimbursable Expenses – General Information

The City shall pay actual and necessary transportation and living expenses for an employee or City official traveling on City business. It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

#### A. Expenses Not Covered in Policy:

The City Manager's approval must be obtained prior to any expenditure of funds for items or charges which are not specifically addressed in this policy.

#### B. Credit Card for Travel Expenses:

Some employees may be issued City credit cards and these cards can be used for travel and other travel-related expenses that are typically paid by the City. Personal expenses are not to be placed on a City credit card. Misuse of the City's credit card or violation of this policy may result in card privileges being revoked or other disciplinary action being taken, as deemed appropriate.

### III. Meals

Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. If an employee is requesting to be reimbursed for actual costs, a detailed receipt (a credit card receipt listing the total amount due is not considered a detailed receipt) must accompany the request for reimbursement. In lieu of itemized receipts for meals, a per diem allowance of \$65 per day is authorized based on \$15 for breakfast, \$20 for lunch, and \$30 for dinner is approved

Even if supported by a receipt, reimbursement shall not exceed \$15 for breakfast, \$20 for lunch, and \$30 for dinner.

Employees are not required to attend events/socials/dinners/lunches provided by sponsors and on the event that take place and may be provided per diem if not attending.

Meals eligible for reimbursement include:

- If you depart City of South Padre Island before 8:00 a.m. and return after 10:00 a.m., breakfast is allowed.
- If you depart City of South Padre Island before 11:00 a.m. and return after 1:00 p.m., lunch is allowed.
- If you depart City of South Padre Island before 5:00 p.m. and return after 7:00 p.m., dinner is allowed.



The City of South Padre Island will reimburse in accordance with this policy for meals that are associated with business travel.

The per diem shall be adjusted for partial travel days. Travel-related meals will be reimbursed if an overnight stay is required or if multiple trips are required during two or more consecutive days.

The City will not pay for meals for individuals who are not employed by the City of South Padre Island except with the written approval of the Director stating the business purpose of the meal. If an exception is granted, an itemized meal receipt with attendees' names must be attached to the Employee Expense Report.

Meal-related tips are not included in the per diem rate total. The City will not pay for gratuity in excess of 20%

#### IV. Transportation

The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile, equivalent to the current rate paid by the State to its employees, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. Travel distances may be determined by the actual odometer reading or may be determined using online mapping services (e.g. mapquest, google maps, etc.).

In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. When possible, receipts should be provided for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation.

##### A. First-Class Accommodations:

Employees may choose to travel first-class, but the City will only pay coach class fares.

##### B. Commercial Airlines:

The City of South Padre Island will pay for coach roundtrip airfare. Employees are expected to take advantage of discounts whenever possible. However, employees are not required to fly at unusual times just to qualify for discounts. Employees may retain frequent flyer miles and similar travel awards; however, he/she shall not pay a higher price for the fare in order to obtain frequent flyer miles.

##### C. Private Air Carriers and Charters:

Employees shall not use private airplanes or charters without approval of the City Manager. Cost savings or emergency schedule requirements must be shown and included with the City Manager's written approval.

#### D. Vehicle Rental:

The City will not assure payment for rental cars without the prior written approval of the employee's Director. When renting vehicles, the employee's personal auto insurance is the primary source of coverage in the event of an accident. Appendix A is provided to help calculate the least expensive travel method, demonstrated need for the vehicle and justification why other transportation options were not utilized. The appropriate size of the rental vehicle should depend on such factors as the number of passengers, and the amount of luggage and/or equipment being carried.

#### E. Taxi/Uber/Rideshare:

The City will pay/reimburse employee's taxi/Uber/Rideshare fares for required transportation. When possible, a receipt must be attached to the Employee Expense Report.

#### F. Personal Vehicles:

With the approval of the Department Director, employees may use their personal vehicle for out-of-town travel. A mileage log or other supporting documentation must be attached to the Travel Authorization Form and/or Expense Report Form. The City of South Padre Island will pay the State of Texas mileage reimbursement rate in effect at the time of travel. When an employee has approval to use his or her personal car on a trip and the destination is more than 300 miles from the point of departure (one-way), the City will not reimburse the employee for expenses, such as lodging, meals and incidentals, while in transit, which exceed the cost of a 21-day advance round-trip coach airfare.

1. Those employees receiving a car allowance will not be paid mileage reimbursement for travel, which is within Cameron, Willacy or Hidalgo Counties.
2. Personal car travel reimbursement is limited to the lesser of either the cost of making the trip by 21-day advance coach airfare or mileage reimbursement. Appendix B is provided to help calculate the least expensive travel method, which is the amount that will be reimbursed.
3. The City will pay/reimburse for any additional work-related mileage at the destination. A mileage log or other supporting documentation must be attached to the Employee Expense Report.
4. The City will pay/reimburse for parking expenses, including airport parking (at the general or remote parking rate). For airport parking, supporting documentation must be attached to the Employee Expense Report and can be obtained from the airport's website. Mileage reimbursement to the airport will be calculated from the employee's

- office (workday destination) or from the employee's home to the airport, whichever is less.
5. If an employee is driving a personal vehicle outside of the City and has car failure, the City will pay the expense of towing the vehicle to the nearest garage, over and above the employee's personal towing insurance coverage. The employee must pay for all repairs. The towing invoice and insurance documentation, reflecting amount covered, must be attached to the Employee Expense Report.
  6. City vehicles should be used when available or at the discretion of the Director. Direct expenses associated with the use of a City vehicle, which are incurred by the employee, such as gasoline and oil, will be reimbursed.

#### V. Accommodations

The City will pay actual expenses for hotels, motels, or other lodging. Employees must request the reduced government rate or conference rate when making reservations. Most hotels will not accept claims to a government rate after check-in. City employees are not exempt from hotel taxes and will be reimbursed for such taxes. The City will pay no more than the cost of a single occupancy room. If an employee shares a room with someone who is not an employee of the City or who is not traveling on City business, and the room cost is higher than the single room rate, the bill must be adjusted for the difference in cost. An itemized hotel receipt must be provided including an itemization for any room service charges to be paid/reimbursed by the City. Meals ordered through room service or consumed in the hotel restaurant will be covered through the per diem rate and the bill must be adjusted for the difference in cost.

#### VI. Telephone

Reasonable and necessary long-distance business telephone calls and computer-related expenses for City business will be reimbursed.

#### VII. Incidental & Non-Allowable Expenses

Incidental expenses are covered as part of the per diem rate for meals. Incidental expenses include such items as fees and tips given to porters, baggage carriers, bellhops, hotel maids, and other miscellaneous service-related expenses as it pertains to conducting City business.

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies
- Magazines and books
- Tickets to the theater or sporting events
- Dry cleaning and laundry (If an employee is traveling on city-related business for more than five days, the Director may authorize the reimbursement of necessary dry cleaning and laundry service expenses)
- Health club and spas

- Expenses of a spouse or guest
- Personal long-distance telephone calls
- Other items of a personal nature
- Entertainment - The City of South Padre Island will not reimburse employees for entertainment unless it is necessary for the purpose of the trip. See Section VII Client Entertainment for additional clarification and guidance.
- Alcoholic Beverages - Under no circumstances will the cost of alcoholic beverages be reimbursed nor should they be charged on a City issued credit card. Employees are expected to pay for any alcoholic beverages separate from any eligible meal. See Section VII Client Entertainment for additional clarification and guidance.

#### VIII. Client Entertainment

Employees shall ensure that limited funds are available for the purpose of client entertainment are spent prudently. Client entertainment is a necessary marketing strategy to attract and retain customer bookings for conventions and special events. The purpose of this policy is to establish a client entertainment practice and related procedures that will ensure management and financial controls and allow proper, complete and timely payment and reimbursement for approved client entertainment related expenses. For the purpose of this policy, a client is considered an individual or groups identified as having the ability to book, or influence the booking of, new or repeat events at the Convention Centre, other venues within the city limits of South Padre Island or have a positive impact the South Padre Island economy.

If a City employee expects the client entertainment expense to exceed \$250 in total, the City employee shall submit a written request for client entertainment and obtain approval of such request before incurring such expenses. Regardless of the funding source, a written request for client entertainment must be approved by either the City Manager or the Convention and Visitors Bureau Director (CVB). Approval of client entertainment expenses must be deemed important to the effective solicitation or retention of bookings and that such booking is of sufficient importance and magnitude to warrant the anticipated expenditure. Upon conclusion of the client entertainment, the City employee shall submit a Client Entertainment Expense Report for approval.

Client entertainment funds from any source shall be expended in accordance with the following:

Alcohol may be purchased only at the client's request and in reasonable quantities. The purchase of alcohol is limited to no more than two drinks per person when entertaining clients at restaurants or other establishments serving alcohol and the City will not pay or reimburse for expensive alcohol products (such as rare brandies, wines, etc. that cost more than \$50 per person). City employees shall make all reasonable efforts to ensure that persons in attendance do not drink to excess. Additionally, no alcohol will be purchased by the City for individuals to take with them to their lodging room.

The purchase of alcohol for special events catered by a third party vendor shall be limited to an amount not to exceed \$20 per person. For boat cruises or other instances where the vendor does not provide alcohol beverage service, city employees may purchase alcohol at the request of the

client in an amount not to exceed \$20 per person. A head count of the number of attendees must be provided prior to the event and approved by the City Manager and/or CVB Director. A list of attendees must be provided after the event. All unopened bottles must be returned for credit and itemized receipts must be provided as back up for reimbursement.

City employees engaged in client entertainment activities are representatives of the City. In any interaction with clients, City employees shall ensure that their behavior continuously reflects positively on the City and they shall seek to avoid the appearance of impropriety at all times.

All choices for client entertainment shall be tailored to the expectations of the client, with due regard to the value of the business as well as the type and level of client entertainment offered by our competitors. Those decisions shall also have due regard for our goal of minimizing expenses as to maximize the impact of our sales and marketing dollars.

City employees shall make every reasonable effort to direct such client entertainment in support of business entities that are located within the City of South Padre Island. Location selection should also be considered a place where costs can be minimized and we can ensure the maintenance of a suitable environment in which to conduct business.

In the event that client entertainment is held outside of the City, the City employee must consider a location in which the food is reasonably priced while also taking into consideration the expectations of the client, the value of the business and the type and value of the entertainment offered by competitors. In addition, the City employee shall attempt to arrange for a breakfast or lunch meeting to minimize the cost.

Client entertainment expenses shall not exceed the normal cost range of such goods, services and fees for the locale in which they are provided or performed.

Expenses will not be reimbursed if the City employee is incurring entertainment expenses in the Employee's private residence, unless approved in advance by the City Manager.

Client entertainment expenses shall not be reimbursed from any source for the cost of solely entertaining other City employees. In addition, no costs associated with the entertainment of City employee's spouses, family members or other non-client persons or for spouses or companions of clients, unless specifically indicated by the nature of the event and pre-approved by the City Manager.

In addition, no funding shall be used for the following:

1. Gifts or other expenses associated with employee or associate retirements, birthdays or other celebratory events;
2. Goods and services which are illegal or illicit;
3. Goods and services which may reasonably be deemed to be extravagant or those that materially exceed the normal cost range for the locale in which they are provided or performed;
4. Goods and services associated with a lack of moral turpitude;

5. Disbursements to clients of any cash, check, or any other form of credit;
6. Loans to clients of any cash, check or any other form of credit; or,
7. Merchandise for use or possession by City employees

Client entertainment may be expensed through the travel and training accounts within a specific City Department's budget. The City Manager and the CVB Director shall establish a list of employees who are eligible to perform client entertainment activities based on their job duties. The list of such persons shall be submitted to the City Council for approval as well as approval of any additions thereto.

The following positions are authorized to engage in client entertainment on behalf of the City of South Padre Island:

- CVB Director
- Sales Director
- Sales Manager
- Director of Marketing
- Senior Sales Manager
- Special Events Manager

#### IX. Travel Writer Policy

The City of South Padre Island welcomes travel media and often provides assistance to writers regarding itineraries and expenses to create a positive experience.

All travel writers must receive pre-authorization from the CVB Director and the following guidelines are applicable to travel writers in order to receive financial assistance from the City.

Travel writers must provide:

- A brief bio and samples of published stories.
- Letter of assignment (if working for a specific publication).
- Name of publications to which the writer plans to submit articles and their circulation. *(Please note that targeted publications must have a minimum circulation of 25,000 unless otherwise approved.)*
- Two editorial references (name, publications, phone numbers).
- Writers must give the CVB at least two business weeks' notice before their arrival (unless special circumstances arise - to be approved by the CVB). Every effort will be made to accommodate the writer's date preferences; however, it is not guaranteed.
- All transportation costs to get here will be the responsibility of the writer. Some transportation may be provided by CVB staff if needed, but prior arrangements will be required.
- Contact information, including mailing address, phone number, and email address.
- Types of activities regarding special interest/focus of story/special requests.
- Arrival date, length of visit, departure date.

Notes:

*Notes:*

*The City recommends that working media professionals consider travel Sunday through Thursday as weekends typically have the highest occupancy demand for area accommodations.*

*The CVB strives to make the most of each writer's time on the Island. We develop full itineraries that allow working media to experience as much as they can each day they are here.*

*The City will not pay for expenses incurred by anyone traveling with the writer.*

*Tear sheets on any subsequent stories on South Padre Island are to be provided to the CVB in a timely manner upon publication.*

The CVB will provide:

- Press Access:

The CVB will work with the writer to develop a customized itinerary of attractions, cultural venues and other points of interest based on the interests and story angles of the writer. The CVB will arrange for the writer's admission to the attractions, activities and events included in the itinerary, and will provide assistance with meals included on the itinerary. A guide from the CVB will accompany journalists during their visit.

- Lodging:

The CVB will provide complimentary rooms for up to two nights for writers who have received preauthorization from the CVB Director. If the writer has not been preauthorized, then it is up to the individual property to decide if services will be complimentary or provided at a reduced rate. Accommodations are subject to availability.

- Ground Transportation:

Writers are responsible for their own transportation while in South Padre Island. Rental cars are the responsibility of the writer, but the CVB can supply a list of local rental companies. However, in most cases, a CVB staff member will accompany the writer and can provide transportation to locations and amenities identified on the official itinerary.

- Photos:

The CVB maintains a photo library on its website should the writer need pictures to accompany a story.

APPENDIX A – Vehicle Rental

RENTAL VEHICLE		OTHER MODES OF TRANSPORTATION	
Vehicle*	_____	Mode of Transportation	_____
Fuel	_____	Cost of Transportation	_____
Destination Parking	_____	Other:	_____
Other:	_____	Other:	_____
Total Cost	_____	Total Cost	_____

The lesser of the above columns is the maximum reimbursement when choosing to rent a vehicle versus other modes of transportation.

\* The appropriate size of the rental vehicle should depend on factors such as the number of passengers and the amount of luggage and/or equipment being carried. A brief explanation of these circumstances must be provided below.



APPENDIX B – Mode of Travel

AIRLINES

PERSONAL VEHICLE

Airfare\* \_\_\_\_\_

\_\_\_\_\_ miles @ \_\_\_\_\_ cents = \_\_\_\_\_

Airport Parking \_\_\_\_\_

Destination Parking \_\_\_\_\_

Transportation  
To/From Airport \_\_\_\_\_

Additional Lodging \_\_\_\_\_

Other \_\_\_\_\_

Additional Meals \_\_\_\_\_

Total Cost \_\_\_\_\_

Total Cost \_\_\_\_\_

Lesser of above columns is the maximum reimbursement when choosing to drive to a destination versus flying.

\*A 21-day advance shall be used for airfare cost unless there are extenuating circumstances. A brief explanation of these circumstances must be provided below. A price quote must be attached to this form in order to obtain reimbursement. This quote may be obtained via the Internet web page of the appropriate major airline.

## **1100.02 Employee Safety**

### ***Scope:***

This policy applies to all City of South Padre Island employees.

### ***Policy:***

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time, employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying safety rules of their job, by remaining alert, and by thinking safety at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee must immediately report it to a supervisor or management.

The following safety rules apply at all times, and some specific departments may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc., when those items are appropriate to the task being performed.
- Smoke only during designated times and in authorized areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition, and with enclosed toes. Do not wear sandals or sneakers on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy or difficult-to-handle items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) – You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire- Be alert for causes and report smoke, heat, or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use a proper portable extinguisher for small fires.
- Do not put fingers, hands, feet, or clothing in or near moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.

- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.

## ***Procedures***

### Accident Reporting:

All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor or the Human Resources Division. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, including termination of employment. Such reports are necessary so that the City can comply with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

### Accidents Involving City Equipment or Vehicles:

Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and the proper law enforcement agency. The employee must immediately complete an Accident/Incident Investigation Report #IHR0019, no matter how minor the damage is to the vehicle, and submit to the supervisor and to the Human Resources Division.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of eighteen (18) may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or, through carelessness or recklessness, contributed to the cause of the accident.

Employees involved in a vehicle or equipment accident are subject to drug and alcohol testing as per the Drug and Alcohol Use policy.

*Please refer to policy #2000.03 Vehicle/Fleet Management for more details regarding vehicle accidents.*

## **1100.03 Vehicle/Fleet Management**

### ***Scope***

This policy applies to all employees and job applicants of the City.

### ***Purpose***

To establish a policy for the City of South Padre Island employees that are required to operate City vehicles, motorized equipment or required to use their personal vehicle while on City business; to effectively manage the City's loss exposure, liability and manage risk; and, to establish consistent, standardized, objective, procedures for qualifying and assuring continued qualifications of employee's subject by law or liability coverage by-laws to acceptable driving behavior.

### ***Policy***

#### **1. Definitions**

- a. Fleet Maintenance Manager – The designated individual responsible for planning, directing, managing, coordinating, and supervising programs for the acquisition, assignment, utilization, maintenance and repair, replacement, and disposal of City fleet.
- b. Department Director – The appointed individual listed on the inventory records as property custodian.
- c. Vehicle Operator – The individual who operates the City Vehicle.
- d. City Vehicle – Any owned, leased, or rented passenger car, pick-up, truck, ATV, boat, wave runner, tractor, or other similar type vehicle in or by which a person or property is or may be transported or drawn on a public beach, public highway as defined by Texas Transportation Code § 502.001 or navigable waterway as defined in the Federal Code of Regulations 33 CFR 2, 2.36.
- e. Pool Vehicle – Any City Vehicle that is not specifically assigned to a department but is available for check out and use for non-routine official city business.
- f. Personal Vehicle – Any vehicle operated on behalf of the City in the conduct of official City business or for which the Employee receives a mileage reimbursement or monthly allowance.
- g. Motorized Equipment – Any motor-driven or propelled vehicle required to be registered under the laws of the State of Texas.
- h. Habitual Violator – A person with four or more convictions that arise out of different transactions in twelve (12) consecutive months or seven (7) or more convictions that arise out of different transactions in twenty-four (24) months. (§ TRC 521.294).
- i. Motor Vehicle Accident – Any accident reported on the individual's motor vehicle record (MVR) resulting in bodily injury and/or property damage to any individual in

- which the employee is deemed to be at fault. Injury and property damage can be to either party involved in the accident.
- j. Authorized Passenger – Any individual whom the employees would have reason to be transporting in the course and scope of normally assigned work duties when approved in writing by the City Manager.
  - k. Unauthorized Passenger – Is any individual, not an employee of the City, whom the employees would not have reason to be transporting in the course and scope of normally assigned work duties.
  - l. Take-Home Vehicle – Take Home Vehicles are vehicles owned, leased, or otherwise under the care and control of the City of South Padre Island, Texas, and are taken home by the employee after regular working hours. Using a City take-home vehicle for the sole purpose of conducting personal business is prohibited.
  - m. Safety Committee – A committee consisting of City employees that reviews all vehicle/equipment accidents to determine whether or not the accident is preventable or non-preventable. This committee will also provide safety recommendations to reduce accidents in the future.
  - n. Vehicle Committee – A committee appointed by the City Manager, usually consisting of the Director of Operations, Finance Director, Fleet Manager, and Public Works Director. This committee will review all aspects of Fleet/Vehicle Management.

## 2. Driver Authorization

The vast majority of property damage, personal injury, and death from motor vehicle collisions are directly attributable to driver error. It is a serious responsibility to operate a City vehicle, particularly when passengers are involved. For this reason, the City reserves the right to be highly selective in approving staff drivers of City Vehicles.

All employees of the City will be initially appraised pursuant to the “Driver Evaluation Form”. Employees with a point value totaling five (5) or more will be required to take an approved Defensive Driving Course to reduce their score to or below five (5) points within thirty (30) days of notice by the Human Resources Division. Upon implementation of this policy, no employee will be authorized to drive with an evaluation over four (4) points.

Employees may complete an approved Defensive Driving Course, at their expense, once per calendar year in order to reduce their evaluation total by two (2) points.

## 3. Driver Qualifications

The City of South Padre Island will require all employees with driving responsibilities to have the appropriate driver’s license required by the State. Failure to obtain and maintain the proper license and/or insurability shall be grounds for disciplinary action up to and including termination.

- a. Qualifications for drivers of all City Vehicles are as follows:

- 1) Possess a valid State Driver License in the appropriate classification as established in the City's position description.
- 2) Must be eighteen (18) years of age to operate a City Vehicle or any other motorized equipment covered under this policy.
- 3) Must not be a Habitual Violator of traffic laws as defined by the Texas Motor Vehicle Laws.
- 4) Must be authorized to drive by the Human Resources Division.

b. Qualifications for CDL Bus Drivers for the Wave transit system:

- 1) Must be at least eighteen (18) years of age.
- 2) Must successfully pass a U.S. Department of Transportation (USDOT) qualified physical for commercial transportation operators within the previous twenty-four (24) month period.
- 3) Must pass an initial and continue to pass random FTA-approved drug and alcohol tests.
- 4) Must have a high school diploma or equivalent.
- 5) Must have a Commercial Driver's License (CDL A or B).
- 6) Must not have more than (2) moving violations or accidents within the last three years.

4. Operator Conduct

Those who operate a City vehicle represent the City to the general public. The image conveyed does affect the City; therefore:

- a. City vehicles are not to be used for the sole purpose of conducting personal business or used for personal transportation.
- b. Alcoholic beverages or drugs are not to be consumed in any City vehicle.
- c. Use of tobacco products is not permitted in any City vehicle.
- d. All City vehicles used on the beach shall be washed thoroughly at the end of the work day. No exceptions. Salt and sand left on a vehicle accelerate the deterioration after only twenty-four (24) hours.
- e. The number of passengers shall not exceed the authorized capacity of the vehicle. (The vehicle's capacity can typically be determined by counting the number of available seat belts.)
- f. Vehicles shall not be operated unless all occupants are wearing the appropriate restraints.
- g. Text messaging, reading or composing emails, or using a handheld cell phone while operating the vehicle is prohibited. A Bluetooth or other hands-free device is acceptable.
- h. Vehicle operators must observe all traffic rules and regulations.
- i. Vehicle operators must drive carefully, safely, and courteously.
- j. Vehicles with obstructed or limited rearward vision will not be operated in reverse gear without the aid of a spotter or visibly verifying outside the cab before backing.

- k. Any radio, stereo, or other device utilizing earphones shall not be worn by any driver while operating a City Vehicle, except in Public Safety vehicles where the employees are required to wear authorized communication devices.
- l. In those cases where it is absolutely necessary to transport workers in the rear bed of the truck, the workers must sit on the bed of the truck with their backs against the truck cab or headboard. In no case will workers be allowed to ride in a standing position in the back of a truck, sitting on the wheel wells, or with any part of their body extending over the side or rear of the truck body.
- m. Vehicle Operators must develop awareness and understanding of the City Vehicle Fleet Management policy and develop skills to promote safe operations.
- n. Employees must observe and report unsafe occurrences involving City vehicles or privately owned vehicles on City business to their supervisors.
- o. Employees are responsible for the safe operation of the vehicle, the safe condition of any auxiliary equipment attached to the vehicle, and the cargo placed in or on the vehicle.
- p. Employees must notify their supervisor and the Human Resources Division whenever their license is rescinded permanently or for a limited period of time.
- q. Citations for all parking and traffic violations will be the personal responsibility of the operator.
- r. An employee must inform the Human Resources Division within two working days if involved in a vehicular accident, convicted of a moving violation, DWI, or DUI on the job or off the job. Off-the-job accidents and citations may affect an employee's on-the-job driving authorization if it creates an increase in points based on the Driver Evaluation Form.
- s. All employees for the City shall consent to have their Driver's License record maintained by any governmental agency disclosed to the City, and the employee is required to sign any required consent to have his or her driving record accessed and reviewed by the City.
- t. An employee may be liable for damage resulting from a motor vehicle or equipment accident or vehicle/equipment abuse. The Director shall take the appropriate disciplinary action. Vehicle/equipment abuse includes but is not limited to the following:
  - 1) Excessively racing the engine.
  - 2) Abusing a clutch or transmission.
  - 3) Continuing to operate a vehicle or item of equipment when engine instruments or warning lights indicate malfunctions such as low oil pressure, engine overheating, low air pressure, etc.
  - 4) Continuing to operate a vehicle that is producing unusual or abnormal noises.
  - 5) Overloading a vehicle or item of equipment, or using the vehicle or equipment for purposes other than those for which it is designed.
  - 6) Towing a vehicle without securing the appropriate towing connections.

## 5. Training

City staff authorized to drive City vehicles will be appropriately trained for the equipment they operate in accordance with the Vehicle Operation and Maintenance Procedures (*PW.2013.01*).

New employees required to operate City vehicles will be required to complete a driving training provided by the Texas Municipal League Intergovernmental Risk Pool within the first thirty (30) days of employment. This training will be coordinated by the Human Resources Division.

## 6. Collision Reporting

The following procedures, in addition to those found in Vehicle Operation and Maintenance Procedures (*PW.2013.01*), should be followed whenever a City vehicle is involved in a collision, regardless of the extent of the damage:

- a. Report the accident in accordance with the City's accident reporting guidelines.
- b. Complete an Accident/Incident Investigation Form #IHR0019. This form must be signed by the Department Director and submitted within three business days to the Claims Coordinator.
- c. If damage occurs to the vehicle, a TML Claim form should be completed if needed by the Fleet Maintenance Manager and returned to the Claims Coordinator so that the City can move forward with any applicable insurance claims. The police report should be attached.
- d. Employees involved in a vehicle or equipment accident may be required to submit to drug and alcohol testing.
- e. The City Manager has authorized the Human Resources Manager and/or Director of Operations in consultation with the affected Department Director to decide if a drug and alcohol screening will take place when no damage occurs, damage is of minimal value, or when there is no chance of increased liability for the City. If there is a disagreement between the two Directors, the City Manager will decide if testing is necessary.

## 7. Travel outside the Continental United States

Travel outside the Continental United States is prohibited in City Vehicles.

## 8. Take Home Vehicle Use

Take-Home Vehicle: Are vehicles owned, leased, or otherwise under the care and control of the City and are taken home by the employee after regular working hours in order to respond to City Emergencies. It is understood that use of a City take-home vehicle for City purposes is unavoidably linked to a reasonable and limited amount of personal use for commuting to and from work; however, using a City take-home vehicle for the sole purpose of conducting personal business is prohibited.

- a. General Provisions



- 1) Generally, take-home vehicles shall only be authorized for use by personnel subject to regular or routine emergency callbacks or to ensure timely provision of City services during off-duty hours.
- 2) Vehicles must be equipped with tools and/or equipment necessary for emergency callback.
- 3) Take-home vehicles will only be assigned to personnel that can respond back to the city within a reasonable period of time, generally considered thirty (30) minutes or as otherwise determined by the City Manager.
- 4) Use of the take-home vehicle should normally be limited to City business.
- 5) Take-home vehicles are not to be taken outside the Cameron, Hidalgo, and Willacy County areas. Trips outside that area should be made using the employee's personal vehicle or a rental vehicle, whichever is less costly.
- 6) Take home vehicles may be authorized by the City Manager for special circumstances.

b. Authorization

- 1) Employees may drive City vehicles home when certain criteria are met and those employees have been pre-approved for vehicle take-home privileges. This take-home authority must be reviewed by the Department Director, Vehicle Committee, and approved annually by the City Manager. An employee who drives a City vehicle home must be able to respond to the City within a reasonable amount of time, generally considered thirty (30) minutes or as otherwise approved by the City Manager.
- 2) Positions authorized for Take-Home Vehicles include:
  1. Fire Chief
  2. Police Chief
  3. EMS Lieutenant or Captain
  4. Police Captain
  5. Court Marshal
  6. Lead Detective
  7. Transit Director
  8. Transit Supervisor
  9. Canine Police Officer
  10. Lieutenants and Detectives who live within a twenty (20) mile driving distance from City Hall may be authorized a take-home vehicle at the discretion of the Police Chief.
- 3) Additional employees may be authorized to take home vehicles during peak periods or events with the approval in writing of the Vehicle Committee and the City Manager.
- 4) Current Take-Home vehicles will be evaluated at the end of their useful life, and those employees driving them may be offered a vehicle allowance.
- 5) The employee's Department Director shall submit a report to the City Manager each year during the budget process listing the Department's take-home vehicles and the assigned employees.

c. Revocation of Take Home Vehicle Privileges

- 1) Application of this directive shall coincide with the “reasonable person” theory. All actions associated with the use of the take-home vehicle must be reasonable and appropriate, given the nature of the concerned employee’s assignment and unique responsibilities.
- 2) Any violation of this policy may result in immediate suspension of take-home vehicle privileges and disciplinary action up to and including termination.

*\*Seized vehicles do not fall under this policy and are the responsibility of the Police Department.*

Approved by City Manager, Joni Clarke on August 28th, 2013

Revised by Interim City Manager, Darla Jones on October 16<sup>th</sup>, 2013

## **1100.04 Purchasing Policy**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### **Table of Contents**

- I. Purpose:..... 4
- II. Purchasing Ethics:..... 4
- III. Delegation of Purchasing Authority: Any purchase made under this section shall comply with the appropriations requirements of the City Charter, including but not limited to Sections 5.06 and 5.07 thereof..... 4
- IV. Purchasing Process: ..... 4
  - A. Contact the purchasing representative in the department, who is appointed by the Department Director. .... 5
  - B. Purchases less than \$750 ..... 5
  - C. Purchases over \$750 but less than \$3,000..... 5
  - D. Purchases of \$3,000 but less than \$10,000 ..... 5
  - E. Purchases of \$10,000 but less than \$50,000..... 6
  - F. Purchases of \$50,000 and greater ..... 6
  - G. Technology Related Purchases ..... 7
  - H. Federally Funded Purchases..... 8
  - I. Local Preference Option..... 8
  - J. State Purchasing Debarred and Vendor List ..... 10
  - K. Requisition to Purchase Order Process..... 10
  - L. Formal Bid Procedure for City Departments ..... 10

*Section XI: Standard Operating Procedures*

M. Advertising and Advertising Time Requirements ..... 11

N. Competitive Bidding and Proposals ..... 11

O. Bid Specifications..... 11

P. Sealed Bid Administration ..... 12

Q. Sealed Bid Opening and Pre-Bid Meeting Procedures .....12

R. Competitive Proposals ..... 12

S. Texas Government Code Chapter 2269. .... 13

T. Prohibition against contracting with a vendor who boycotts Israel. .... 13

U. Best Value. ....13

V. Change Orders ..... 14

W. Cooperative Purchasing .....14

X. Sole Source Purchases .....15

Y. Emergency Purchases ..... 16

Z. Other Exemptions from Competitive Bidding ..... 16

AA. Procurement of Professional Services. ....17

BB. Performance and Payment Bonds Required. .... 22

CC. Blanket Purchase Order ..... 24

DD. Tax Exempt Status ..... 24

EE. Vendor Credit Applications ..... 24

FF. Important Information for the using departments ..... 25

GG. Selection Procedures on Purchases ..... 25

V. Purchasing Card Policy..... 26

VI. City Contract Administering Policy..... 27

VII. Transit Department.....30

I. Purpose:

The purpose of the purchasing procedures is to provide the City staff with a guideline for the procurement of material, services, and equipment. The City of South Padre Island is committed to ensuring that all purchases are in compliance with State and Federal law, the City Charter and City ordinances and policies when procuring the highest quality material and services at the best value for the citizens of South Padre Island. Any City of South Padre Island Department conducting a formal bid should notify the Finance Department and City Secretary to ensure compliance with State law

II. Purchasing Ethics:

No employee or city council member of the City may have any financial interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City.

City employees shall spend City funds in an ethical way that avoids any appearance of impropriety. If an employee has a family relationship with a vendor, the employee should not make the choice to use the vendor without the written approval of the City Manager.

III. Delegation of Purchasing Authority: Any purchase made under this section shall comply with the appropriations requirements of the City Charter, including but not limited to Sections 5.06 and 5.07 thereof.

- a. Department Directors have authorized certain City employees to be the purchasing representative for the department. All purchasing request should be sent through the authorized department representative who will work with the Finance Department on certain purchases.
- b. Typically, those with signature authority are department heads, supervisors, and or managers, (anyone in charge of a budget) and Administrative Assistants.
- c. Administrative Assistants are responsible for keeping their Department's signature authorization current.
- d. If you have questions on signature authority contact the City Manager's Office or the Finance Department.

IV. Purchasing Process:

*Section XI: Standard Operating Procedures*

- A. Contact the purchasing representative in the department, who is appointed by the Department Director.
- B. Purchases less than \$750
  - 1. If the purchase is less than \$750, the department representative can place the order. A purchase order is not necessary.
- C. Purchases over \$750 but less than \$3,000 require the following before the purchase is made:
  - 1. If the purchase is over \$750 but less than \$3,000, the department representative must complete a requisition and have it approved by the Department Director or approving authority and submit it to the Finance Department for review of requirements. The approving authority must agree to the current authorization on file in the Finance Department before the purchase is made.
  - 2. In addition, if the purchase is over \$999 but less than \$3,000, the department representative must have the requisition approved by the CFO.
  - 3. Any single procurement with a total value of not more than \$3,000 can be made directly by each Department Director or the Director's authorized representative once the purchase order is approved.
- D. Purchases of \$3,000 but less than \$10,000 require the following before the purchase is made:
  - 1. The department representative must complete a requisition to be approved by the Department Director and submit it to the Finance Department for review of requirements.
  - 2. In addition, the department representative must have the requisition approved by the CFO.
  - 3. Expenditures \$3,000 or more require three (3) quotes including pricing and contact information must be noted on a Quote Tabulation form or attached to the purchase order.
  - 4. For expenditures over \$3,000 but less than \$50,000, the City must contact at least two (2) Historically Underutilized Business (HUB) vendors in the Cameron County.
  - 5. For transportation purchases from fund 30 over \$3,000 the City must show that they have attempted to contact at least three Disadvantaged Business Enterprise (DBE).

*Section XI: Standard Operating Procedures*

- E. Purchases of \$10,000 but less than \$50,000 require the following before the purchase is made:
1. The department representative must complete a purchase order with the three (3) quotes attached and obtain the Department Director's approval.
  2. Two (2) Historically Underutilized Business (HUB) located in the Cameron County must be notified.
  3. The purchase order must be submitted to the Finance Department for review of requirements before obtaining the approval of the CFO and the City Manager.
  4. For transportation purchases from fund 30 of \$10,000 but less than \$50,000 the City must show that they have attempted to contact at least three Disadvantaged Business Enterprise (DBE)
- F. Purchases of \$50,000 and greater require the following before the purchase is made:
1. Purchases must be accomplished through the formal request for bid or the request for proposal process with detailed written specifications. In instances when the use of the request for proposal procurement methodology is permitted by law, the City Manager, or the City Manager designee, is authorized to determine whether the formal request for bid, or the request for proposal, process will best serve the interest of the City. The development of the written specifications will be prepared by the requesting Department.
  2. All purchases of over \$50,000 must be submitted to City Council for approval. This includes any purchases exempt from the bidding procedure. It is the responsibility of the requesting Department to present the request to City Council.
  3. No purchase orders will be issued prior to City Council approval. City Council approval date and bid/RFP/RFQ number must be noted on the purchase order.
  4. A copy of all awarded contracts shall be attached to the original purchase order or in bid packet.
  5. The purchase order must be submitted to the Finance Department for review of requirements before obtaining the approval of the CFO and the City Manager.

See section W. for guidance on cooperative purchasing. Cooperative purchasing is one of the methods that local governments can save time and money in their purchasing programs.



*Section XI: Standard Operating Procedures*

Approval Requirement for Purchases

Dollar Figure	Supervisor /Manager or Director Designee	Department Director	Finance Department	City Manager	City Council
Less than \$750 NO Purchase Order Required	X OR	X			
\$750 to less than \$3,000 Purchase Order Required	X OR	X	X (if more than \$999)		
\$3,000 to less than \$10,000 Purchase Order Required Three Quotes Required After \$3,000.		X	X		
\$10,000 to less than \$50,000 Purchase Order and Three Quotes Required		X	X	X	
\$50,000 Formal Bids Required*		X	X	X	X

\*Unless exempt under state law.

G. Technology Related Purchases

1. All computer equipment, software, printers, wireless cards, monitors, cell phones, GIS related products or any items that will be used on the City network, or items related to the telephone system or require access to the City network must be approved through the Information Technology Director or his designee.
2. The requesting Department will place the request of purchase with the Information Technology Director. The Information Technology Department will approve the item to be purchased and ensure the City is receiving the lowest

*Section XI: Standard Operating Procedures*

and best price. Then the Information Technology Department will approve the purchase and create a requisition, if required.

3. It will be the responsibility of the Information Technology Department to have the appropriate approvals on the requisition/purchase order and then place the order.
4. Upon receiving, items must be documented by the Information Technology Department before given to department for use.

H. Federally Funded Purchases

1. Solicitation efforts by the City of South Padre Island utilizing Federal funding are subject to additional procurement standards contained in Appendix 2 of this policy.

I. Local Preference Option.

1. Local Bid within three percent of Lowest Qualified Bid.

a. In purchasing under Title 8 of the Texas Local Government Code of any real property, personal property that is not affixed to real property, or services, if the City receives one or more competitive sealed bids from a bidder, or bidders, whose principal place of business is within the corporate limits of the City and whose bid is within three percent of the lowest bid price received by the City from a bidder who is not a resident of the City, the City may enter into a contract with:

(i) the lowest bidder; or

(ii) the bidder whose principal place of business is in the City if City Council determines, by resolution or ordinance, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City, created by the contract award, including the employment of residents of the City and increased tax revenues to the City.

2. Local Bid more than three percent but within five percent of Lowest Qualified Bid.

a. Purchases required to comply with Title 8 of the Texas Local Government Code. In purchasing under Title 8 of the Texas Local Government Code of any real property, personal property that is not affixed to real property, or services, if the City receives one or more competitive sealed bids from a bidder, or bidders, whose principal place of business is

*Section XI: Standard Operating Procedures*

within the corporate limits of the City and whose bid is within five percent of the lowest bid price received by the City from a bidder who is not a resident of the City, the City may enter into a contract for construction services in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000 with:

- (i) the lowest bidder; or
- (ii) the bidder whose principal place of business is in the City if City Council determines, by resolution or ordinance, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City, created by the contract award, including the employment of residents of the City and increased tax revenues to the City.

3. Purchases that are not required to comply with Title 8 of the Texas Local Government Code.

a. In purchasing that is exempt from Title 8 of the Texas Local Government Code of any real property, personal property that is not affixed to real property, or services, if the City receives one or more competitive sealed bids from a bidder, or bidders, whose principal place of business is within the corporate limits of the City and whose bid is within five percent of the lowest bid price received by the City from a bidder who is not a resident of the City, the City may enter into a contract.

- i. the lowest bidder; or
- ii. the bidder whose principal place of business is in the City if the City employee responsible for awarding the contract determines: (i) the local bidder's bid is within 5% of the lowest bid price received by the City from a non-local bidder; and (ii) the award would provide the City the best combination of price and additional economic benefits; and (iii) the determination is in writing.

Note: The local preference option does not apply to: (i) to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153; or (ii) transportation purchases from fund 30. For all transportation related purchases from fund 30 the City must show that they have attempted to contact at least three Disadvantaged Business (DBE) found on the website at:

<http://www.txdot.gov/business/tucp/default.htm>

#### J. State Purchasing Debarred and Vendor List

The City of South Padre Island prohibits conducting city business with vendors who have failed to comply with their state contracts and have been debarred from doing business with the state of Texas.

#### K. Requisition to Purchase Order Process

1. Departments will create a requisition in Incode through their purchasing representative.
2. After 4pm, the Finance Department will generate a purchase order for each requisition.
3. The purchasing representative of each department will print the purchase order, sign it, and submit it to the Finance Department
4. The purchase order can be viewed or printed from Incode at any time by the requesting department.

#### L. Formal Bid Procedure for City Departments

In order to assist the City departments in complying with all purchasing laws, policies, and procedures, Finance requests that each department soliciting formal bids abide by the following procedures:

5. Every formal bid, Request For Qualifications (RFQ), or Request For Proposal (RFP) should be assigned a bid number. Bid numbers can be obtained from the City Secretary. The department will need to provide the bid name, opening dates and time, and the location of the bid opening. For RFQ's and RFP's, the bid name, due date, and time will be required. This enables the City Secretary to easily identify each bid and also provides the information necessary to advertise the bid on the City's website.
6. The Finance Department maintains a vendor list registering all vendors requesting to receive bid solicitations from the City of South Padre Island. The Finance Department will be able to provide vendor information when you secure a bid number.
7. A Finance or a City Manager Office representative will attend all bid openings. This is to protect the using departments against any claims of impropriety.
8. If only one bid is received, the Finance Department may choose to call all other vendors receiving a bid package and confirm that they did not submit a bid. This

is to protect the City and its departments from accusations of favoritism or soliciting bids that are proprietary.

The Finance Department is available to assist with soliciting bids. It is the intent of the Finance Department to support and protect the departments without increasing their work load.

#### M. Advertising and Advertising Time Requirements

Section 252.041 of Chapter 252 of the Local Government Code requires that the sealed bid be advertised publicly with notice of the time and place at which the bids will be publicly opened and read aloud. The public notice must be published at least once a week for two (2) consecutive weeks in a newspaper published in the municipality. The date of the first publications must be before the 14<sup>th</sup> day before the date set to publicly open the bids. All bid notices will be posted in cooperation with the City Secretary, to ensure they are posted with the correct newspaper and for the correct period of time.

#### N. Competitive Bidding and Proposals

Invitations for Bid, Request for Proposals (RFP), and Request for Qualifications (RFQ) are means for notifying the vendors that the government has specific requirements for goods and/or services and that they are being offered an opportunity to fulfill those requirements.

1. Competitive bidding provides a means for the available vendors to compete with each other to provide goods and/or services.
  - a. The purpose of the competitive bidding is to ensure that public monies are spent properly, legally, and that the best possible value is received for the money. It is also to give qualified and responsible vendors a fair and equitable opportunity to do business with the City.

#### O. Bid Specifications

1. The creation and submission of specifications is the responsibility of the user department.
2. Vendors can be used as a source for specifications as long as they are advised that a sealed bid procedure will be used and the vendor cannot be treated with any type favoritism.
3. In order to ensure fair and competitive bids, brand names should not be used in specifications unless it is made clear to each bidder that the brand name is being used for reference only, by adding a “or equal”.

**P. Sealed Bid Administration**

1. All sealed bids and proposals will be administered by the City Secretary. A bid number will be assigned and advertising dates, pre-bid meeting dates and the bid opening date set. The City Secretary or designee will be responsible for the bid opening and reading of the bids received. Once opened, a bid tabulation will be created and all bids will be reviewed. When all bids have been reviewed, the user department will be responsible for submitting a written recommendation of bid award to the City Council.

**Q. Sealed Bid Opening and Pre-Bid Meeting Procedures**

In order to establish a standardized format of bid openings and pre-bid meetings, the following procedures should be followed:

1. The City Secretary of the City of South Padre Island or designee shall conduct all bid openings and pre-bid meetings.
2. In addition to the City Secretary or the City Secretary's representative, there will be at least one representative from the Finance Department or the City Manager Office, and a City employee from the department who submitted the purchase request at all bid openings and pre-bid meetings. This employee should be knowledgeable of the bid specifications and at pre-bid meetings should be prepared to answer all questions that pertain to the specifications. At bid openings the City Secretary's representative will act as the recorder of all information that is read at the bid opening and will publicly confirm that all information was read completely and truthfully.

**R. Competitive Proposals**

Competitive sealed proposals may be used for goods or services, including high technology items and insurance. Proposals are also used to procure professional or personal services. The Professional Services Procurement Act prohibits using competitive bids to procure professional or personal services.

1. Specifications are written using performance standards rather than the description of the good or service.
2. Vendors submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.
3. The City will not hold proposal openings, unless requested by the Department Director, City Manager, or City Council.

*Section XI: Standard Operating Procedures*

- S. Texas Government Code Chapter 2269. Notwithstanding Sections K through Q above, procurement of public works contracts may be sought as follows: Competitive Bid (Texas Government Code Chapter 2269 Subchapter C); Competitive Sealed Proposal (Texas Government Code Chapter 2269 Subchapter D); Construction Manager – Agent Method (Subchapter E); Construction Manager at Risk (Subchapter F); Building Using Design –Build Method (Subchapter G); Design Build (Subchapter H); and Job Order (Subchapter I). Pursuant to Texas Government Code Section 2269.053, the City Manager is designated to determine if an alternative procurement process for any specific project serves the best interest of the City.
  
- T. Prohibition against contracting with a vendor who boycotts Israel. Contracts falling under the purview of Texas Government Code Section 2270.002, shall contain a written verification from the contractor or vendor that the contractor or vendor:
  - 1. does not boycott Israel; and
  - 2. will not boycott Israel during the term of the contract.
  
- U. Best Value.

Pursuant to Texas Local Government Code Section 252.043, if the competitive sealed bidding requirement applies to a contract for goods or services, in lieu of awarding a contract to the lowest responsible bidder the contract may be awarded to the bidder who provides goods or services at the best value for the City.

- 1. In determining the best value for the City, consideration shall be given to one or more of the following:
  - a. the purchase price;
  - b. the reputation of the bidder and of the bidder's goods or services;
  - c. the quality of the bidder's goods or services;
  - d. the extent to which the goods or services meet the City's needs;
  - e. the bidder's past relationship with the City;
  - f. the impact on the ability of the City to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;

*Section XI: Standard Operating Procedures*

- h. the total long-term cost to the City to acquire the bidder's goods or services; and
    - i. any relevant criteria specifically listed in the request for bids or proposals.
  2. Before awarding a contract under this section, the bid specifications and requirements must provide that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the City.
  3. The use of this “Best Value” selection methodology is limited by Texas Local Government Code Section 252.043 subsections (d), (d-1), (e), (h) and (i).

V. Change Orders

If changes in plans or specifications are necessary after the performance of the contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, City Council may approve change orders making the changes.

The total contract price may not be increased because of the changes unless additional money for increased costs is appropriated for that purpose. If a change order involves a decrease or an increase of \$50,000 or less, City Council may grant general authority to the City Manager to approve the change orders.

The original contract price may not be increased by more than 25 percent. The original contract price may not be decreased under this section by more than 25 percent without the consent of the contractor.

W. Cooperative Purchasing

Cooperative Purchasing is one of the ways that local governments can save time and money in their purchasing programs. It occurs when two or more entities (state, federal or local governments) coordinate some or all of their purchasing needs so that they can join in purchases to the mutual benefit of all the entities concerned (e.g. fuel, radio equipment, vehicles). A local government cooperative purchasing agreement must be developed and approved by the City Council.

1. The benefits are:
  - a. Lower costs through increased volume.
  - b. Lower (shared) administrative costs.
  - c. Improved response from vendors.
  - d. Shared experience leading to better product specifications.



*Section XI: Standard Operating Procedures*

- e. Better compliance with state statutes on purchasing.
2. There are several ways cooperative purchasing can be done:
  - a. Entering into a cooperative agreement with another government entity for a bid.
  - b. Two or more governments may join to purchase one or more goods/services jointly.
  - c. Buying from state contracts.
  - d. Purchasing through a third party (e.g. Houston-Galveston Area Council).
3. Legal Constraints:

There are different statutes for different types of government. When purchasing cooperatively, the strictest statute should apply.

**X. Sole Source Purchases**

Competitive bids cannot be obtained on items that are only available from one source.

1. The following are available from only one source and are exempt from bidding:
  - a. Items that are available from only one source because of patents, copyrights, secret processes or natural monopolies;
  - b. Films, manuscripts, or books;
  - c. Gas, water, or other utility services;
  - d. Captive replacement parts or components for equipment;
  - e. Books, papers and other library materials for a public library that are available only from the person holding exclusive distribution rights to the material.
  - f. Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.
2. Any items not listed that are considered sole source will need to be supported by the following:
  - a. Statement on how the determination was made that the item(s) requested is/are only available from one source. The statement must include why a functional equivalent is not available from any other source.
  - b. Information concerning previous attempts to obtain competitive bids on the items(s) requested.
  - c. Names of those contacted in an effort to find other sources.

3. Sole source determination will need to be approved by the Finance Department before purchase is made.

Y. Emergency Purchases

The following purchases are exempt from competitive bidding:

1. Items purchased in case of public calamity to relieve the needs of the citizens or to preserve City/County property.
2. Items to preserve or protect the public health or safety of the residents of the City/County.
3. Items necessary because of unforeseen damage to public property. This includes damage which would stop the productivity of the department or which would cause a safety issue for the City or its citizens.

Z. Other Exemptions from Competitive Bidding

These items are exempt from competitive bidding. However, any use of City funds over \$50,000 must be approved by City Council.

1. Personal, professional or planning services

Chapter 2254 of the Texas Government Code defines professional services:

A) within the scope of the practice, as defined by state law, of:

- (i) accounting;
- (ii) architecture;
- (iii) landscape architecture;
- (iv) land surveying;
- (v) medicine;
- (vi) optometry;
- (vii) professional engineering;
- (viii) real estate appraising; or
- (ix) professional nursing; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (i) a certified public accountant;
  - (ii) an architect;
  - (iii) a landscape architect;
  - (iv) a land surveyor;
  - (v) a physician, including a surgeon;
  - (vi) an optometrist;
  - (vii) a professional engineer;
  - (viii) a state certified or state licensed real estate appraiser; or
  - (ix) a registered nurse.
- 2. Work performed and paid for on a daily basis (day labor)
  - 3. Land or right of way
  - 4. Electricity
  - 5. Personal property sold at an auction by a state licensed auctioneer
  - 6. Advertising, other than legal notices
  - 7. Purchases when using authorized cooperative purchasing (Buyboard, TxSmartBuy, etc.)
  - 8. Certain other items pursuant to Sec. 252.022 of the Texas Local Government Code.

**AA. Procurement of Professional Services.**

This section applies to personal, professional and planning services. It is the intent to establish fairness and consistency in the selection process while obtaining the best value (quality services at a reasonable price) for the City in accordance with the applicable legal requirements.

- 1. Definitions
  - a. Consulting Services. The service of studying or advising the City under a contract that does not involve the traditional relationship of employer and employee.

*Section XI: Standard Operating Procedures*

- b. Personal Services. Services provided to the City personally by a particular individual. Any contribution of machinery and equipment compared to total cost must be substantially less than the contribution of wages.
- c. Planning Services. Services primarily intended to guide the City to ensure the orderly and coordinated development of land areas.
- d. Professional Services. Services rendered by a person or firm that requires years of education and service for one to attain competence and which calls for high order of intelligence, skill and learning. (Mental or intellectual skills, rather than physical or manual).
- e. Request for Proposal. A formal written document requesting that potential contractors make an offer proposal for goods or services to the City. Price is an essential evaluation criteria, but the RFP may stipulate other criteria and their relative importance.
- f. Request for Qualifications. A formal written document used when soliciting providers of architectural, engineering or land surveying services. The City shall comply with Government Code 2254.004 in the procurement of these services. The City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. After a firm has been selected based on qualifications and experience, then a fair and reasonable fee shall be negotiated. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the City shall formally end negotiations with that firm and select the next most highly qualified firm and begin negotiations with that provider for a fair and reasonable price.
- g. Statement of Qualifications. A Statement of Qualifications is a Firm's response to the City's Request for Qualifications.

2. General Information

Professional Services are exempt from competitive bidding (Texas Local Government Code § 252.022 (4)). The Professional Service Procurement Act (Texas Government Code § 2254) governs the procurement of professional and consulting services.

The Professional Services Procurement Act does not address all professional services. If unsure whether a procurement is considered a Professional Service

subject to this chapter, or which process to use, consultation with the City Attorney may be necessary.

The method used to procure these services will vary according to the nature of the services, this chapter, and state law requirements. Generally, the Request for Proposal(s) (RFP) or the Request for Qualification(s) (RFQ) process will be used as described in this chapter.

3. Procurement of Architectural, Engineering or Surveyor Services.

When procuring architectural, engineering, or land surveying services, or when any portion of the project includes these services, the City shall:

- i) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
  - ii) then attempt to negotiate with that a contract for a fair and reasonable price.
- a. A contractor with a Licensed Professional Engineer (with project approval reflected with the use of a Licensed Professional Engineering Seal) is required for Public Works Projects:

If Electrical or Mechanical Engineering is involved; and

If the completed project exceeds \$8,000

- b. A contractor who is a Registered Architect with a Registered Architect's Seal is required for Public Works Projects:

If the Project is an Institutional residential facility; or

If the Project is a Public Building; and

The Public Building is to be used for education, assembly or office occupancy; and

The Public Building is new and construction cost exceed \$100,000; or

If the Public Building is an alteration or addition to an existing building and construction costs exceed \$50,000 and the alteration or addition requires

removal, relocation, or addition of walls or partitions or alteration or addition of an exit.

c. A RFQ must be used when:

The work involves a construction project that is valued at \$1,000,000 or more;

or

Any portion of work includes architectural, engineering, or land surveying services, where the total contract is valued at \$50,000 or more.

d. Architectural, engineering or land surveying services where the total contract is valued under \$50,000 may be procured by evaluation of qualifications by City staff utilizing firm Statement of Qualifications (SOQ) on file and updated at least biannually.

e. A RFQ is not required when:

The proposed project is the extension or expansion of a previous project; however, in all instances, the ultimate selection of a provider of one or more of these services must be made to the most highly qualified provider.

#### 4. Other Professional Services.

When procuring all “other professional services”, the City shall make the selection and award:

- i) on the basis of demonstrated competence and qualifications to perform the services, and
- ii) for a fair and reasonable price.

a. A RFP must be used when the work includes planning, analysis, studies, or personal services and is valued at \$50,000 or more.

b. A RFP is not required when:

*Section XI: Standard Operating Procedures*

The proposed project is the extension or expansion of a previous project; however, in all instances, the ultimate selection of a provider of one or more of these services must be made to the most competent and qualified provider.

5. Procedure.

a. Request for Qualification Procedure for Architects, Engineers and Surveyors.

A RFQ sets forth criteria by which the selection of these types of Professional Services will be made. Below are some of the evaluation criteria commonly used. The criteria may be customized to each RFQ solicited and need not include every listed criterion. Criteria - weighting factors may be utilized to identify the relative importance placed upon these items:

- Summary of prospective provider administration, organization and staffing;
- Demonstrated competence and qualifications of the individuals who will be directly responsible for the management and delivery of the proposed work;
- Demonstrated technical adequacy of the personnel and sub - consultants to be utilized for the proposed work;
- Demonstrated experience of the service provider based upon previous work similar to that of the type considered;
- Demonstrated success of the service provider based upon the record of performance on other projects (both City of South Padre Island and projects for other entities);
- Demonstrated history of provider's accuracy of cost estimates and ability to perform within budget constraints;
- Workload capacity and history of performing work within a specified schedule; and
- Proposed approach for the design project or study.

In response to the RFQ, the prospective provider of these Professional Services is asked to submit a sealed Statement of Qualifications.

b. Request for Proposal Procedure for certain other Professional Services.

*Section XI: Standard Operating Procedures*

A Request for Proposal(s) must be used when the RFP work includes planning, analysis, studies, or personal services. Weighted criteria must be used in the RFP process. The same criteria as set forth in the RFQ process may be used in the RFP process with the addition of pricing. Types of criteria regarding pricing include asking about the total proposed price, pricing methodology, estimated number of hours and hourly rate(s) and similar pricing information. For personal services and planning services, the RFP must specify the relative importance of price and other evaluation factors. Like the RFQ, each RFP may be customized based on the unique circumstances of each solicitation. In response to the RFP, the prospective provider submits Sealed Proposals. Sealed Proposals will be evaluated using the following methodology:

- Proposals will be evaluated based on the weighted criteria published in the RFP;
- Proposals will be ranked in order based on the weighted scores; and
- Contract negotiations will begin with the top ranked firm.
- Should negotiations with the highest ranked firm fail to yield a contract, negotiations will formally end and will commence with the next highest ranked firm until an agreement is reached.

**BB. Performance and Payment Bonds Required.**

1. Pursuant to Texas Government Code Chapter 2253 Subchapter B, a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the City:
  - a. a performance bond if the contract is in excess of \$100,000; and
  - b. a payment bond if the contract is in excess of \$50,000.
2. The performance bond is:
  - a. solely for the protection of the City;
  - b. in the amount of the contract; and



*Section XI: Standard Operating Procedures*

- c. conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents.
3. The payment bond is:
  - a. solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material; and
  - b. in the amount of the contract.
4. A bond must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code).
5. A bond must be payable to the City, and its form must be approved by the City Attorney.
6. A bond must clearly and prominently display on the bond or on an attachment to the bond:
  - a. the name, mailing address, physical address, and telephone number, including the area code, of the surety company to which any notice of claim should be sent; or
  - b. the toll-free telephone number maintained by the Texas Department of Insurance under Subchapter B, Chapter 521, Insurance Code, and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll-free telephone number.
7. A contractor for any public building or other construction contract shall not be required to obtain a surety bond from any specific insurance or surety company, agent, or broker.
8. A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under this section. In this subsection, "reverse auction procedure" has the meaning assigned by Section 2155.062 or a procedure similar to that described by Section 2155.062.
9. Bonds for Non-Public Works Projects

*Section XI: Standard Operating Procedures*

There are no State requirements for bonds to cover contracts for goods and services that are not defined as public works projects; it is the City's option. Good business practice would dictate that whenever the City enters into a contract for the purchase of a product system or service in which the system or service will be a little value to the City until it is complete and progress payments are made, then performance and payment bonds should be required.

**CC. Blanket Purchase Order**

1. A blanket purchase order will be issued for the contracts full amount when the contract is signed.
2. If the contract will have several different invoices, the department will reference the purchase order number on all the invoices and NOT complete a different purchase order for each invoice.
3. A blanket purchase order may also be used for a department to set a side funding for the year to purchase a specific item with one vendor, for example asphalt or uniforms. This allows the department to set aside funds to purchase the one item over the year without having to issue a new purchase order every time a purchase is made.
4. A blanket purchase order may not be used for purchases such as office supplies or miscellaneous equipment from one vendor.

**DD. Tax Exempt Status**

The City of South Padre Island is exempt from Federal, State, and Local taxes except in certain prescribed cases. An exemption certificate is available from the Finance Department and will be furnished to any of the City's suppliers upon request.

The Finance Department will also be responsible for the issuance of the necessary documentation to employees with purchasing authority to support the City's tax exempt status. However, it is the responsibility of each employee with purchasing authority to ensure that the purchase price does not include exempt taxes. Failure to do so may result in disciplinary action.

**EE. Vendor Credit Applications**

1. It is the policy of the City of South Padre Island to not fill out credit applications submitted to the City to establish credit. The City has developed a credit information reference form, which may be submitted to any vendor requiring credit information. The form will supply the necessary information for the City to be considered for credit. The form is available through the Finance Department.

*Section XI: Standard Operating Procedures*

2. Any accounts that are created with a vendor should be reported to Accounts Payable with the credit limit amount.

**FF. Important Information for the using departments**

1. The using departments should plan their work so that “rush order” and emergencies will be held to a minimum. The using department shall avoid additional expenses for rush orders that are due to poor planning.
2. Department Heads may not “split” desired purchases in order to circumvent formal bidding requirements. Such action may subject the employee to disciplinary action.
3. The using department should suggest the names of vendors that may be able to provide particular items or services being requested, especially items of a technical nature.
4. Department Heads should not request or write specifications which are considered “closed bids” (written around one specific brand). Brand name, catalogue number, etc. may be submitted as a guide to the vendor as to the type and quality of merchandise desired. However, the wording “or approved equal” will always be added as we do not want to discriminate against any vendor’s merchandise. Competition must be kept in mind throughout the writing of specifications. Without competition, specifications are not needed. Vendors must be given an equal opportunity to submit a quotation on their merchandise.

**GG. Selection Procedures on Purchases**

The City will use the following criteria or combination of criteria when choosing between vendors. Criteria are attributes that a buying organization values in its arrangements with suppliers. There are eight common supplier selection criteria, in no formal order:

1. Cost
2. Quality & Safety
3. Delivery
4. Service
5. Social Responsibility
6. Convenience/Simplicity
7. Risk
8. Agility

Depending on the situation, you may use them as-is, use more or fewer, or use a different combination of eight.

V. Purchasing Card Policy

This policy establishes the basis for the City's purchasing card program. The purchasing card program is designed to improve efficiency in processing purchases from any authorized vendor that accepts the MasterCard credit card. This program will allow the cardholder to purchase approved supplies and services directly from vendors. This program will allow the cardholder to purchase approved supplies and services directly from vendors.

The complete Purchasing Card Policy is contained in Appendix 3 of this policy.

▪ **Lost or Stolen Cards:**

If a card is lost or stolen, immediately contact Citi Bank at 1-800-248-4553.

▪ **Annual Purchasing Card Inventory:**

An annual Purchasing Card Inventory will be conducted by each department. A list of all department cardholders will be provided to the departments by an Accountant of the Finance department. User departments are responsible for reviewing, approving and returning the inventory listing to the Accountant.

▪ **Record Keeping/Receipts:**

It is the responsibility of the cardholder to obtain transaction receipts for all purchases. Sales receipts and/or packing slips must be obtained whether a purchase is made in person or via telephone, fax, mail, or over the Internet. It is the employee's responsibility to assure that the description on the sales receipt or packing slip is legible and clearly describes the purchase. These receipts will be used by the Department Representative (typically the administrative assistant) to balance the monthly Department MasterCard Reconciliation and be part of the documentation kept on file to substantiate the payment process. Documentation maintained must be accurate, accessible and complete, as it not only records the transaction, but also supports the legitimate business purpose of the purchase. In addition to sales receipts and packing slips, the following are additional examples of supporting documentation:

- Copies of internal order forms
- Subscription or dues forms
- Conference registration forms
- Statement of service report from vendor performing on-site repairs
- Cash register receipts

In the event all efforts to obtain documentation of a transaction have failed, the cardholder must attach a written description of the purchase along with a signed certification that the purchase was made in accordance with City policy. Failure to provide certification may result in disciplinary action and the employee may be required to pay the City for the undocumented expense. Three or more incidents of missing documentation may result in the cancellation of the employee's purchasing card.

The cardholder is responsible for submitting all documentation to their department representative (typically the department administrative assistant) as soon as possible after final processing in the Citi/State of Texas Purchasing Card Website at [www.citimanager.com](http://www.citimanager.com). It is essential that the established time frames and documentation requirements be followed to ensure timely payments to MasterCard.

- **Billing Statements/Monthly Department MasterCard Reconciliation:**

Cardholders and Department Representatives will be given access to the Citi/State of Texas Purchasing card website in order to download billing statements, review transactions and reconcile. The City of South Padre Island's monthly billing cycle runs from the 4<sup>th</sup> of the month through the 3<sup>rd</sup> of the following month. Monthly billing statements can be downloaded from the State of Texas purchasing card website at [www.citimanager.com](http://www.citimanager.com) after the 5<sup>th</sup> of each month.

## VI. City Contract Administering Policy

Overview: The Purchasing Policies and Procedures sets forth the guidelines for procurement of material, services and equipment but is silent with respect to signing authority of contracts that legally bind the City into contractual obligations relating to expenditures of city resources.

Due to the increasing number of contracts and leases generated by the various City departments, it is necessary to establish a policy to provide effective procedures to more efficiently monitor and administer certain contracts and leases. This policy provides for the creation and maintenance of a system to assist the City in meeting its objectives, and that contracts are timely reviewed and renewed as appropriate.

“Contract” as used herein means any lease or agreement wherein the City is to receive or expend funds for goods or services. This policy shall apply to all contracts except those specifically exempted.

This policy does not apply to:

*Section XI: Standard Operating Procedures*

- a. Convention Center contracts for rental space in the building.
- b. Convention Center contracts for caterers, exhibition decorators, trade shows and local advertising.

I. Statement of Purpose:

The purpose of this policy is to:

- 1. Provide a uniform system to monitor and administer certain City contracts and leases to ensure that all contracts undergo authorized review and approval prior to execution.
- 2. Provide clarity of roles and responsibilities so Department Directors and others can manage their respective areas of responsibilities in an effective, efficient and transparent manner.
- 3. To ensure that the City complies with all reasonable requirements from external agencies such as granting agencies.
- 4. To ensure sound stewardship of all resources and assets and that processes are in place to provide for consistent accountability and reporting throughout the City.

II. Policy:

The City Manager is hereby designated the sole signor for all City contracts except those that specifically require the Mayor's signature such as, but not exclusively limited to, banking contracts, inter-local agreements, etc. The City Manager is authorized to sign contract up to \$50,000 providing funds are budgeted to cover the contract.

Department Directors are responsible to ensure that the Contract Approval Form (attachment A) is filled out for each new or renewal contract that falls within the scope of this policy. The contract is to be routed first through the City Attorney for approval, then to Finance to ensure that funds are available for the contract, then to Council for approval if it is required by the purchasing policy spending authority guidelines and then to the City Manager for approval and signing.

Specific procedures are as follows:

*Section XI: Standard Operating Procedures*

1. If a new contract is to be prepared, the Department Director will notify the City Attorney, who will coordinate and assist the Department Director in preparing the new contract.
  - a. After a final draft contract has been approved by the City Attorney's office, the Department Director will discuss and review the terms and conditions with the contracting party. The Department Director will, thereafter, notify the City Attorney of any changes to the previously approved contract document.
  - b. The Department Director will complete the Contract Approval Form and send it to Finance for verification that funding is available and once approved, attach the form to the agenda item.
  - c. The City Attorney's Office or the Department, as appropriate, will finalize the contract.
  - d. The Department Director will forward the contract to the contracting party for signature prior to Council's action.
  - e. The Department Director will prepare the agenda item coversheet.
  - f. Upon approval of the contract by City Council, the City Secretary will forward the contract and Contract Approval Form to the Mayor or City Manager for execution.
  - g. An original signed copy of each contract will be filed with the City Secretary with a copy provided to Finance.
2. If a contract has been provided by the party that will be providing or receiving the goods and services or a contract already exists and needs to be renewed, the procedure will follow those outlined above except the Department Director will forward the existing contract to the City's Attorney with the Contract Approval Form for review and authorization. The steps b through g will remain the same.
3. The Department Directors are responsible for ensuring that certain events specified in contracts are timely met, such as release of maintenance/performance bonds, release of lien on certain properties, release of temporary easements, contract performance dates, and contract renewals or extensions as necessary.

4. Whenever possible, contracts will be for a timeframe that coincides with the City's fiscal year.

## VII. Transit Department

### Written Protest Procedure

*(This internal process applies only to the Transit Department)*

#### A. Disputes:

Disputes arising in the performance of a contract which are not resolved by agreement of the parties shall be decided in writing by the City of South Padre Island's Legal Department. This decision shall be final and conclusive unless within [ten (10)] days from the date of receipt of its copy, the contractor mails or otherwise furnishes a written appeal to the Legal Department's decision. In connection with any such appeal, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the Legal Department shall be binding upon the contractor and the contractor shall abide by the decision.

#### B. Performance During Dispute:

Unless otherwise directed by The City of South Padre Island Transit Department, contractor shall continue performance under this contract while matters in dispute are being resolved.

#### C. Claims for Damages:

Should either party to the contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents, or others for whose acts he is legally liable, a claim for damages therefor shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

#### D. Remedies:

Unless stipulated otherwise, all claims, counterclaims, disputes and other matters in question between the City of South Padre Island Transit Department and the contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the City of South Padre Island Transit Department is located.

#### E. Rights and Remedies:



*Section XI: Standard Operating Procedures*

The duties and obligations imposed by the contract documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the City of South Padre Island Transit Department or Contractor shall constitute a waiver of any right or duty afforded any of them under the contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

F. Written Procurement History:

The City of South Padre Island Transit Department will prepare a written procurement history for purchases conducted with TxDOT/FTA funds.

## **Appendix 2 - FEDERALLY FUNDED PROCUREMENT STANDARDS**

### **General Procurement Standards**

Depending on the specific funding source of the procurement request, solicitation efforts by the City of South Padre Island utilizing Federal funding are subject to additional procurement standards. 2 CFR PART 200 - UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS. These standards affect or may affect procurement requirements and mandate various contract terms. The foregoing listing is not exhaustive.

In addition, federally funded solicitations must include all required Federal clauses and language.

**Sections 2 C.F.R. §§ 200.318- 200.327** impose requirements for federally funded contracts across a broad range of granting agencies. The City, a non-Federal entity and generally a subrecipient in these grant programs, must comply with currently applicable Federal requirements, including all currently applicable Federal clauses and language. These procedures consist of the Federal Procurement Standards (2 C.F.R. secs. 200.318 - 327), with additional commentary in blue text explaining how the City will comply with those requirements, and any subsequent revisions to the extent the commentary remains applicable. These procedures apply in addition to all applicable requirements in the remainder of the City's policies and procedures. In the event of a conflict between these procedures and any provision in the remainder of the City's policies and procedures, these procedures will apply to the maximum extent permitted by applicable law.

#### **2 C.F.R. §200.318. General procurement standards.**

(a) The non-Federal entity must use its own documented procurement procedures , consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

#### Quality Assurance:

Project management duties include oversight of contractors to ensure compliance with the specifications, statement of work, and terms/conditions of contracts.

To ensure a project is done in accordance with specifications, statement of work, and terms/conditions of the contract, submittals shall be given to the City. Submittals are shop drawings, material data, samples, and product data. Submittals are required to verify that the correct products will be installed on the project. A City representative shall review the proposed submittals with the item(s) specified. Once approved, a City representative will ensure on a daily basis that the construction is being done in accordance with the approved specifications, statement of work, and terms/conditions of the contract. The City inspector shall on a daily basis provide a report of the status of the project and record his findings in a daily project manual. In addition, the City shall contract a material testing lab that will follow a schedule of minimal testing as provided by the project engineer.

It is imperative to document, in writing, all instances of performance issues and to document communication with the contractor. The project manager should work with the vendor to correct any problems that arise with contractor performance. If contractor fails to correct performance issues, the project manager may contact the City Manager to take corrective action, including contract termination.

#### Purchase Orders:

Any commitment to acquire goods or services without an authorized purchase order, when required, is prohibited. Purchase orders may not be issued after the fact.

The Accounting and Purchasing Analyst performs procedures to verify purchase requisitions and purchase orders adhere to the City's purchasing policies and procedures.

During the accounts payable process, the Accounts Payable Coordinator verifies invoices being processed which require purchase orders are in accordance with their respective purchase orders.

Issues arising from the review procedures noted above are communicated to the Chief Financial Officer. Resolutions are discussed and executed with assistance of the related departments' purchasing agent and the Chief Financial Officer.

(c)

(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a

*Section XI: Standard Operating Procedures*

tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

Purchasing Ethics:

The City of South Padre Island is committed to ensuring that all purchases are in compliance with State and Federal law, the City Charter and City ordinances and policies when procuring the highest quality material and services at the best value for the citizens of South Padre Island. Any City of South Padre Island Department conducting a formal bid should notify the Finance Department and City Secretary to ensure compliance with State and Federal law. City employees shall spend City funds in an ethical way that avoids any appearance of impropriety.

No employee or City Council Member of the City may have, either for themselves or those with whom they have family or business ties, any financial interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City.

All City personnel must keep themselves free from the image of conflict of interest by not accepting favors, gifts, or entertainment offered by any vendor. Even nominal value gifts from vendors on contracts involving federal funds are prohibited and shall not be allowed.

It is the responsibility of the purchasing agent to maintain all Certificate of Interested Parties Form 1295 for all contracts that require approval of City Council.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

Procurement Review:

All procurements should be reviewed for:

- Unnecessary or duplicative items, giving consideration to consolidating or breaking out procurements to obtain a more economical purchase and ensure costs are reasonable.
- Opportunities to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- The most economical approach between lease and purchase alternatives. An analysis will be made of lease versus purchase alternatives.
- Opportunities to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- Opportunities to use value engineering clauses in contracts for construction projects, where applicable.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

Procurement Review:

All procurements should be reviewed for:

Opportunities to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Procurement Review:

All procurements should be reviewed for:

Opportunities to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214 Suspension and debarment.

#### Best Value:

In determining the best value for the City, consideration shall be given to one or more of the following:

1. the purchase price;
  2. the reputation of the bidder and of the bidder's goods or services;
  3. the quality of the bidder's goods or services;
  4. the extent to which the goods or services meet the City's needs; and
  5. the bidder's past relationship with the City.
- (i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

#### Records Management:

The City must maintain records that are detailed enough to show the history of each procurement and that the selection process was carried out in an open, fair, uniform, and thorough manner. At a minimum, records must demonstrate the City:

- Executed price sampling for small purchases, or established [published] RFP solicitation;
- Selected method of procurement and the type of contract to be used;
- Solicitation/response; HUB compliance
- Evaluation and selection criteria;
- Determined the bids or proposals to accept and the ones to reject/contractor selection or rejection; and
- Computed the basis for the contract cost or price.

(j)

(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

#### Contract Type:

The solicitation should state the type of contract that will be awarded.

#### *Fixed Price:*

A fixed price contract provides for a firm price that remains irrespective of the contractor's actual cost of performing the scope of work under the contract. The risk of performing the work, at the fixed price, is borne by the contractor.

#### *Cost Reimbursement:*

Cost-reimbursement type contracts provide for payment of certain incurred costs to the extent provided in the contract. They normally provide for the reimbursement of the contractor for its reasonable, allocable, actual, and allowable costs, with an agreed-upon fee. There is a limit to the costs that a contractor may incur at the time of contract award, and the contractor may not exceed those costs without City Council's prior approval. Cost allowability is determined by Federal regulations. There are many varieties of cost-reimbursement contracts, such as cost-plus-fixed-fee, cost-plus-incentive-fee, and cost-plus-award-fee. Due to the fact the City incurs more risk in a cost reimbursement contract, these types of contracts should only be entered into after a careful analysis of the benefits compared to other contract types and prior approval of the federal/state agency.

*Time-and-Materials Contracts:*

A time-and-materials type contract is a contract whose cost to the City is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. This type of contract is used if no other contract is suitable, if the contract includes a ceiling price that the contractor exceeds at its own risk, and prior approval is obtained from the awarding State or Federal agency.

*Cost-Plus-Percentage of Cost or Percentage of Cost:*

The use of cost-plus-percentage of cost, cost plus a percentage of construction cost, and percentage of cost methods of contracting are prohibited.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

The City of South Padre Island is responsible for the settlement of all procurement-related disputes, protests, and claims. The pass-through entity and the Federal awarding agency is not responsible for such settlements. Cases in which violations of law have occurred will be referred to the local, state, or Federal authority having proper jurisdiction.

**2 C.F.R. § 200.319. Competition.**

- (a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.
- (b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
  - (1) Placing unreasonable requirements on firms in order for them to qualify to do business;



*Section XI: Standard Operating Procedures*

- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

Prohibitions:

In order to preserve full and open competition, contractors that develop or draft statements of work, requirements, specifications, or invitations for bids or requests for proposals must be excluded from competing for those procurements. Such prohibition will be clearly stated on the solicitation of a contractor to assist with the development or drafting of statements of work, requirements, specifications, or invitations for bids or requests for proposals. Further, unwarranted restrictions on full and open competition must be avoided, such as:

- Requiring excessive or unnecessary qualifications.
- Requiring unnecessary experience.
- Requiring excessive or unnecessary bonding.
- Noncompetitive pricing practices between firms or between affiliated companies.
- Making a noncompetitive solicitation only to a person or firm on retainer contract where that award is not for property or services specified for delivery under the scope of work of the retainer contract.
- Organizational conflict of interest.
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered.
- Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its

application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Prohibitions:

- The use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except where expressly encouraged by applicable Federal law.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Solicitation Requirements:

Procurements subject to this policy will be made on the basis of a written solicitation, as provided herein, after careful consideration of the needs of the City and available resources. The written procedures in this policy are intended to ensure that all solicitations meet Federal/State requirements as well as contracting best practices. Solicitations must include the following:

*Clear Description*

The solicitation must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. This description should include a written statement of work.

### *Nonrestrictive Specification*

The description of the technical requirements must not contain features that unduly restrict competition.

### *Qualitative Requirements*

The description of the technical requirements may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Product specifications should be limited to essential specifications only.

### *Brand Name or Equal*

When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the property or services to be acquired, “brand name or equal” descriptions may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors must be clearly stated. The need for a “brand name or equal” specification should be documented.

### *Preference for Performance Specifications*

Product or service specifications based on performance, rather than designed specifications, are preferred. A performance specification describes an end result, an objective, or standard to be achieved, and leaves the determination of how to reach the result to the contractor. Performance specifications describe what the product should be able to do or the services to accomplish, without imposing unnecessarily detailed requirements on how to accomplish the tasks.

### *Requirements Offerors must fulfill*

The solicitation must identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. All solicitations for competitive proposals must notify offerors that the City reserves the right to award to other than the lowest-priced offeror.

### *Type of Federal Funding*

The solicitation must acknowledge the source of the Federal funding for the contract, in compliance with the terms of its financial assistance award. The solicitation should inform prospective contractors that they will need to comply with all applicable Federal Laws, regulations, Executive Orders and requirements affecting the procurement (a sample list

should be attached to the solicitation). As appropriate, specific flow-down requirements may be included in the solicitation itself, in any resulting contract, or incorporated by reference.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

#### Prequalified Vendor Lists:

The City does not use prequalified vendor lists. The sealed bid process allows vendors who learn about the procurement during the solicitation period to submit responses.

(f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

#### Noncompetitive Procurements:

The City will award noncompetitive procurements in accordance with § 200.320(c). See the following section of this document which relates to § 200.320(c).

#### **2 C.F.R. § 200.320. Methods of procurement to be followed.**

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold (SAT), as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

##### (1) **Micro-purchases -**

(i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of micro-purchase in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
- (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- (C) For public institutions, a higher threshold consistent with State law.

(v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved

Micro-Purchases – Simplified Acquisition Purchases for Purchase Below Micro-Purchase Threshold (\$10,000):

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§ 200.67 Micro-purchase). The following procedures must be followed regarding micro-purchases:

1. To the extent practicable, the City will distribute micro-purchases equitably among qualified suppliers.
2. Micro-purchases may be awarded without soliciting competitive quotations if the City considers the price to be reasonable. In such cases, proper documentation must be maintained by the purchasing agent to demonstrate that the price was reasonable.
3. The City must still verify the contractor/service provider is not debarred or suspended under the System for Award Management ([www.SAM.gov](http://www.SAM.gov)).
4. Purchases over \$750 but less than \$3,000:
  - a) If the purchase is over \$750 but less than \$3,000, the department representative must complete a requisition and have it approved by the Department Director or approving authority as provided by the current authorization on file in the Finance Department before the purchase is made.
  - b) Any single procurement with a total value of not more than \$3,000 can be made directly by each Department Director or the Director's authorized representative once the purchase order is created.
5. Purchases of \$3,000 but less than \$10,000
  - a) The department representative must complete a requisition to be approved by the Department Director.
  - b) Expenditures \$3,000 or more require three (3) quotes including pricing and contact information must be noted on a Quote Tabulation form or attached to the purchase order.
  - c) For expenditures over \$3,000 but less than \$50,000, the City must contact at least two (2) Historically Underutilized Business (HUB) vendors in the Cameron County.
  - d) For transportation purchases from fund 30 over \$3,000 the City must show that they have attempted to contact at least three Disadvantaged Business Enterprise (DBE).

Procurements may not be purposefully divided with the intent to have the purchase fall below the Micro-Purchase threshold.

**(2) Small purchases –**

(i) Small purchase procedures. The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) **Simplified acquisition thresholds.** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(iii)

Small Purchases – Purchases Below Simplified Acquisition Threshold (\$250,000):

The Small Purchase procurement method uses relatively simple and informal procurement methods to secure equipment, non-professional/non-administrative services, supplies, or other property that cost, in the aggregate, greater than \$10,000 and less than or equal to \$250,000 in accordance with state law (Simplified Acquisition Threshold).

For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of the Local Government Code, the City may receive quotes and award the contract to any reasonable and responsible bidder. In such cases, the following procedures must be fulfilled:

1. Purchases of \$3,000 but less than \$10,000
  - a) The department representative must complete a requisition to be approved by the Department Director.
  - b) Expenditures \$3,000 or more require three (3) quotes including pricing and contact information must be noted on a Quote Tabulation form or attached to the purchase order.
  - c) For expenditures over \$3,000 but less than \$50,000, the City must contact at least two (2) Historically Underutilized Business (HUB) vendors in the Cameron County.

*Section XI: Standard Operating Procedures*

- d) For transportation purchases from fund 30 over \$3,000 the City must show that they have attempted to contact at least three Disadvantaged Business Enterprise (DBE).
2. Purchases of \$10,000 but less than \$50,000:
- a) The department representative must complete a purchase order with the three (3) quotes attached and obtain the Department Director's approval.
  - b) Two (2) Historically Underutilized Business (HUB) located in the Cameron County must be notified.
  - c) The purchase order must also be approved by the Finance Department and the City Manager.
  - d) For transportation purchases from fund 30 of \$10,000 but less than \$50,000 the City must show that they have attempted to contact at least three Disadvantaged Business Enterprise (DBE).

(b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and



*Section XI: Standard Operating Procedures*

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

Purchases of \$50,000 and Greater:

Purchases must be accomplished through the formal request for bid or the request for proposal process with detailed written specifications. In instances when the use of the request for proposal procurement methodology is permitted by law, the City Manager, or the City Manager designee, is authorized to determine whether the formal request for bid, or the request for proposal, process will best serve the interest of the City.

1. The development of the written specifications will be prepared by the requesting Department.
2. All purchases of over \$50,000 must be submitted to City Council for approval. This includes any purchases exempt from the bidding procedure. . It is the responsibility of the requesting Department to present the request to City Council.

3. No purchase orders will be issued prior to City Council approval. City Council approval date and number must be noted on purchase order.

4. A copy of all professional service contracts shall be attached to the original purchase order or in bid packet.

#### A. Formal Bid Procedure for City Departments

In order to assist the City departments in complying with all purchasing laws, policies, and procedures, Finance requests that each department soliciting formal bids abide by the following procedures:

1. Every formal bid, Request For Qualifications (RFQ), or Request For Proposal (RFP) should be assigned a bid number. Bid numbers can be obtained from the City Secretary.
  - I. The department will need to provide the bid name, opening dates and time, and the location of the bid opening.
  - II. For RFQ's and RFP's, the bid name, due date, and time will be required. This enables the City Secretary to easily identify each bid and also provides the information necessary to advertise the bid on the City's website.
2. The Finance Department maintains a vendor list registering all vendors requesting to receive bid solicitations from the City of South Padre Island. The Finance Department will be able to provide vendor information when you secure a bid number.
3. Two (2) Historically Underutilized Business (HUB) located in the Cameron County must be notified.
4. A Finance or a City Manager Office representative will attend all bid openings. This is to protect the using departments against any claims of impropriety.
5. If only one bid is received, the Finance Department may choose to call all other vendors receiving a bid package and confirm that they did not submit a bid. This is to protect the City and its departments from accusations of favoritism or soliciting bids that are proprietary. The Finance Department is available to assist with soliciting bids. It is the intent of the Finance Department to support and protect the departments without increasing their work load.
6. The City may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of the City. Bidders will be notified in writing of such cancellation or rejection. The City may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened. Bids which do not accept all terms and conditions of the Invitation for Bid shall be deemed to be non-responsive and will be rejected. Any changes to the bidding terms and conditions shall be communicated to

all bidders, and all bidders will have an equal chance to submit a bid responsive to those changed terms and conditions.

#### B. Advertising and Advertising Time Requirements

Section 252.041 of Chapter 252 of the Local Government Code requires that the sealed bid be advertised publicly with notice of the time and place at which the bids will be publicly opened and read aloud. The public notice must be published at least once a week for two (2) consecutive weeks in a newspaper published in the municipality. The date of the first publications must be before the 14th day before the date set to publicly open the bids. All bid notices will be posted in cooperation with the City Secretary, to ensure they are posted with the correct newspaper and for the correct period of time.

#### C. Competitive Bidding and Proposals

Invitations for Bid, Request for Proposals (RFP), and Request for Qualifications (RFQ) are means for notifying the vendors that the government has specific requirements for goods and/or services and that they are being offered an opportunity to fulfill those requirements.

1. Competitive bidding provides a means for the available vendors to compete with each other to provide goods and/or services.
  - a. The purpose of the competitive bidding is to ensure that public monies are spent properly, legally, and that the best possible value is received for the money. It is also to give qualified and responsible vendors a fair and equitable opportunity to do business with the City.
  - b. Competitive proposals require:
    - i. A request for proposals that identifies all evaluation factors and their relative importance.
    - ii. An adequate number of qualified sources
    - iii. A written method for conducting technical evaluations
    - iv. Award of a contract to the responsible firm whose proposal is most advantageous considering price and other factors.

#### D. Sealed Bids

Procurements by sealed bids are usually for construction and price is a major factor in awarding these contracts.

1. Procurements of equipment, non-professional services, non-administrative services, materials, and construction contracts whose total cost is more than \$50,000 must formally advertise for sealed bids in a newspaper of general circulation and hold a public bid opening, unless an alternative procurement method (such as Construction Manager At Risk) is specifically authorized by the state/federal agency.

*Section XI: Standard Operating Procedures*

2. Sealed bids are publicly solicited and a firm, fixed-price contract (lump sum or unit price) is awarded to the responsible respondent whose bid, conforming with all the material terms/conditions of the invitation for bids, is lowest and best in price.
3. All sealed bids and proposals will be administered by the City Secretary. A bid number will be assigned and advertising dates, pre-bid meeting dates and the bid opening date set. The City Secretary or designee will be responsible for the bid opening and reading of the bids received. Once opened, a bid tabulation will be created and all bids will be reviewed. When all bids have been reviewed, the user department will be responsible for submitting a written recommendation of bid award to the City Council.
4. Sealed bids require an adequate number of suppliers resulting in at least two bids from willing and able responsible bidders.
5. Sealed Bid Opening and Pre-Bid Meeting Procedures:
  - i. The City Secretary of the City of South Padre Island or designee shall conduct all bid openings and pre-bid meetings.
  - ii. In addition to the City Secretary or the City Secretary's representative, there will be at least one representative from the Finance Department or the City Manager Office, and a City employee from the department who submitted the purchase request at all bid openings and pre-bid meetings. This employee should be knowledgeable of the bid specifications and at pre-bid meetings should be prepared to answer all questions that pertain to the specifications. At bid openings the City Secretary's representative will act as the recorder of all information that is read at the bid opening and will publicly confirm that all information was read completely and truthfully.

**E. Competitive Proposals:**

Competitive sealed proposals may be used for goods or services, including high technology items and insurance. Proposals are also used to procure professional or personal services. The Professional Services Procurement Act prohibits using competitive bids to procure professional or personal services.

1. Specifications are written using performance standards rather than the description of the good or service.
2. Vendors submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.
3. The City will not hold proposal openings, unless requested by the Department Director, City Manager, or City Council.

F. Texas Government Code Chapter 2269. Notwithstanding Sections A through E above, procurement of public works contracts may be sought as follows: Competitive Bid (Texas

Government Code Chapter 2269 Subchapter C); Competitive Sealed Proposal (Texas Government Code Chapter 2269 Subchapter D); Construction Manager - Agent Method (Subchapter E); Construction Manager at Risk (Subchapter F); Building Using Design -Build Method (Subchapter G); Design Build (Subchapter H); and Job Order Subchapter I). Pursuant to Texas Government Code Section 2269.053, the City Manager is designated to determine if an alternative procurement process for any specific project serves the best interest of the City.

#### G. Bid Specifications:

The creation and submission of specifications is the responsibility of the user department. The user department must prepare a bid package detailing the specific goods or services to be provided by the contractor. This package should provide sufficient technical information for potential bidders to submit a competitive bid.

#### H. Solicitation Requirements:

- a. *Clear Description:* The solicitation must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. This description should include a written statement of work.
- b. *Nonrestrictive Specification:* The description of the technical requirements must not contain features that unduly restrict competition.
- c. *Qualitative Requirements:* The description of the technical requirements may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Product specifications should be limited to essential specifications only.
- d. *Brand Name or Equal:* When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the property or services to be acquired, “brand name or equal” descriptions may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors must be clearly stated. The need for a “brand name or equal” specification should be documented.
- e. *Preference for Performance Specifications:* Product or service specifications based on performance, rather than designed specifications, are preferred. A performance specification describes an end result, an objective, or standard to be achieved, and leaves the determination of how to reach the result to the contractor. Performance specifications describe what the product should be able to do or the services to accomplish, without imposing unnecessarily detailed requirements on how to accomplish the tasks.

*Section XI: Standard Operating Procedures*

- f. *Requirements Offerors must fulfill:* The solicitation must identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. All solicitations for competitive proposals must notify offerors that the City reserves the right to award to other than the lowest-priced offeror.
- g. *Type of Federal Funding:* The solicitation must acknowledge the source of the Federal funding for the contract, in compliance with the terms of its financial assistance award. The solicitation should inform prospective contractors that they will need to comply with all applicable Federal Laws, regulations, Executive Orders and requirements affecting the procurement (a sample list should be attached to the solicitation). As appropriate, specific flow-down requirements may be included in the solicitation itself, in any resulting contract, or incorporated by reference.

I. Solicitation Prohibitions:

- a. In order to preserve full and open competition, contractors that develop or draft statements of work, requirements, specifications, or invitations for bids or requests for proposals must be excluded from competing for those procurements. Such prohibition will be clearly stated on the solicitation of a contractor to assist with the development or drafting of statements of work, requirements, specifications, or invitations for bids or requests for proposals.
- b. Further, unwarranted restrictions on full and open competition must be avoided, such as:
  - Requiring excessive or unnecessary qualifications.
  - Requiring unnecessary experience.
  - Requiring excessive or unnecessary bonding.
  - Noncompetitive pricing practices between firms or between affiliated companies.
  - Making a noncompetitive solicitation only to a person or firm on retainer contract where that award is not for property or services specified for delivery under the scope of work of the retainer contract.
  - Organizational conflict of interest.
  - Specifying only a “brand name” product instead of allowing “an equal” product to be offered.
  - Any arbitrary action in the procurement process.
  - The use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except where expressly encouraged by applicable Federal law.

(2) Proposals. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
- (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
- (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

### Procurement of Professional Services.

This section applies to personal, professional, and planning services. It is the intent to establish fairness and consistency in the selection process while obtaining the best value (quality services at a reasonable price) for the City in accordance with the applicable legal requirements.

#### Request for Qualifications (RFQ) Defined:

A formal written document used when soliciting providers of architectural, engineering, or land surveying services. The City shall comply with Government Code 2254.004 in the procurement of these services. The City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. After a firm has been selected based on qualifications and experience, then a fair and reasonable fee shall be negotiated. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the City shall formally end negotiations with that firm and select the next most highly qualified firm and begin negotiations with that provider for a fair and reasonable price.

*1. Procurement of Architectural, Engineering or Surveyor Services:*

When procuring architectural, engineering, or land surveying services, or when any portion of the project includes these services, the City shall:

- i) First, select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
- ii) Then, attempt to negotiate with that a contract for a fair and reasonable price.
  - a. A contractor with a Licensed Professional Engineer (with project approval reflected with the use of a Licensed Professional Engineering Seal) is required for Public Works Project:

If Electrical or Mechanical Engineering is involved; and

If the completed project exceeds \$8,000

b. A contractor who is a Registered Architect with a Registered Architect's Seal is required for Public Works Projects:

- If the Project is an Institutional residential facility; or
- If the Project is a Public Building; and
- The Public Building is to be used for education, assembly or office occupancy; and
- The Public Building is new and construction cost exceed \$100,000; or
- If the Public Building is an alteration or addition to an existing building and construction costs exceed \$50,000 and the alteration or addition requires removal, relocation, or addition of walls or partitions or alteration or addition of an exit.

c. A RFQ must be used when:

- The work involves a construction project that is valued at \$1,000,000 or more; or
- Any portion of work includes architectural, engineering, or land surveying service, where the total contract is valued at \$50,000 or more.

d. Architectural, engineering, or land surveying services where the total contract is valued under \$50,000 may be procured by evaluation of qualifications by City staff utilizing firm Statement of Qualifications (SOQ) on file and updated at least biannually.

e. A RFQ is not required when:



*Section XI: Standard Operating Procedures*

- The proposed project is the extension or expansion of a previous project; however, in all instances, the ultimate selection of a provider of one or more of these services must be made to the most highly qualified provider.

*2. Procedure:*

a. Request for Qualification (RFQ) Procedure for Architects, Engineers, and Surveyors.

A RFQ sets forth criteria by which the selection of these types of Professional Services will be made. Below are some of the evaluation criteria commonly used. The criteria may be customized to each RFQ solicited and need not include every listed criterion. Criteria - weighting factors may be utilized to identify the relative importance placed upon these items:

- Summary of prospective provider administration, organization, and staffing;
- Demonstrated competence and qualifications of the individuals who will be directly responsible for the management and delivery of the proposed work;
- Demonstrated technical adequacy of the personnel and sub – consultants to be utilized for the proposed work;
- Demonstrated experience of the service provider based upon previous work similar to that of the type considered;
- Demonstrated success of the service provider based upon the record of performance on other projects (both City of South Padre Island and projects for other entities);
- Demonstrated history of provider's accuracy of cost estimates and ability to perform within budget constraints;
- Workload capacity and history of performing work within a specified schedule; and
- Proposed approach for the design project or study.

In response to the RFQ, the prospective provider of these Professional Services is asked to submit a sealed Statement of Qualifications.

b. Request for Proposal Procedure for certain other Professional Services.

A Request for Proposal(s) (RFP) must be used when the RFP work includes planning, analysis, studies, or personal services. Weighted criteria must be used in the RFP process. The same criteria as set forth in the RFQ process may be used in the RFP process with the addition of pricing. Types of criteria regarding pricing include asking about the total proposed price, pricing methodology, estimated number of hours and hourly rate(s) and similar pricing information. For personal services and planning services, the RFP must specify the relative importance of price and other evaluation factors. Like the RFQ, each RFP may be customized based on the unique circumstances

of each solicitation. In response to the RFP, the prospective provider submits Sealed Proposals. Sealed Proposals will be evaluated using the following methodology:

- Proposals will be evaluated based on the weighted criteria published in the RFP;
- Proposals will be ranked in order based on the weighted scores; and
- Contract negotiations will begin with the top ranked firm.
- Should negotiations with the highest ranked firm fail to yield a contract, negotiations will formally end and will commence with the next highest ranked firm until an agreement is reached.

(C) Noncompetitive procurement. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

#### Procurement by Noncompetitive Proposals:

##### *1. Sole Source:*

Under this circumstance procurement through solicitation of a proposal from only one source is allowed when the item or service is only available from a single source. The following are available from only one source and are exempt from bidding:

- Items that are available from only one source because of patents, copyrights, secret processes or natural monopolies;
- Films, manuscripts, or books;
- Gas, water, or other utility services;
- Captive replacement parts or components for equipment;

*Section XI: Standard Operating Procedures*

- Books, papers and other library materials for a public library that are available only from the person holding exclusive distribution rights to the material.
- Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.

Any items not listed that are considered sole source will need to be supported by the following:

- Statement on how the determination was made that the item(s) requested is/are only available from one source. The statement must include why a functional equivalent is not available from any other source.
- Information concerning previous attempts to obtain competitive bids on the items(s) requested.
- Names of those contacted in an effort to find other sources.

*2. Emergency Situation:*

State laws generally allow noncompetitive negotiations in such cases where the urgency for carrying out the project will not permit delays caused by competitive advertising/solicitation. The following purchases are exempt from competitive:

- Items purchased in case of public calamity to relieve the needs of the citizens or to preserve City/County property.
- Items to preserve or protect the public health or safety of the residents of the City/County.
- Items necessary because of unforeseen damage to public property. This includes damage which would stop the productivity of the department or which would cause a safety issue for the City or its citizens.

*3. Noncompetitive Proposals Expressly Authorized by Federal Awarding or Pass-through Entity:*

- Under this circumstance procurement by noncompetitive proposals is allowed only when the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.

*4. Inadequate Competition*

- Under this circumstance procurement by noncompetitive proposals is allowed only after solicitation of a number of sources, competition is determined

inadequate. The condition of bids being over budget alone does not create a qualifying condition (inadequate competition) or justification for non-competitive procurement.

**2 C.F.R. §200.321. Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

Historically Underutilized Business (HUB):

A Historically Underutilized Business (HUB) is a corporation, sole proprietorship, partnership or a joint venture formed for the purpose of making a profit in which at least 51 percent ownership of the business is by a woman, minority and/or service-disabled veteran.

Two Historically Underutilized Business (HUB) located in the Cameron County must be notified during the solicitation of goods or services. Outreach of HUB vendors may require the services and assistance of such organizations as the Small Business Administration and the Minority

Business Development Agency of the Department of Commerce. When possible, HUBs should be used for the procurement of such goods and services.

The City will ensure that, in following the HUB procedures, the City will integrate the first 5 specified affirmative steps into the process whenever the contract is over the Simplified Acquisition Threshold.

Prime Contractors and Affirmative Steps:

Prime contractors, if subcontracts are to be let, are required to take affirmative steps listed in section (b) paragraphs (1) through (5) of 2 C.F.R. §200.321.

**§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

The City supports the purchase of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). This is a preference factor, not a mandatory or disqualification factor.

While still maintaining maximum cost savings, performance, safety and availability, the City and its contractors will make efforts to find ways to purchase, acquire, or use of goods, products, or materials produced in the United States. Purchases utilizing federal funds will comply with 2 CFR 200.322.

The City will include a statement of the preference in solicitations, contracts, and subcontracts. When faced with responses from vendors offering both domestic and foreign goods, products and materials, may consider whether the domestic products are more expensive, readily available, other evaluation factors.

**2 C.F.R. §200.323. Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

The City supports the purchase of recycled products as well as to recycle City-owned surplus products for reuse when practical and possible. The City recognizes that purchasing recycled products not only reduces waste, but can also generate cost savings to the City. The City must specify and choose maximum-content recycled products whenever it is practicable to do so, and when doing so will not add cost or detract from the quality. In addition, the City will procure solid waste management services in a means that maximizes energy and resource recovery. While still maintaining maximum cost savings, performance, safety and availability, the City and its contractors will make efforts to find ways to reuse and recycle surplus, reduce waste, and to procure recycled products in order to minimize environmental impacts. The City will work with vendors and provide staff with information to facilitate their purchase of environmental friendly products when feasible. Purchases utilizing federal funds will comply with 2 CFR 200.323.

**2 C.F.R. § 200.324. Contract cost and price.**

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past

performance, and industry profit rates in the surrounding geographical area for similar work

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

Cost- Price Analysis:

1. The City must perform a Cost or Price Analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (i.e., >\$150,000) including contract, amendment, or change order modifications.
2. The City must make independent estimates before receiving bids or proposals.
3. The City will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. The City will consider the following:
  - The complexity of the work to be performed;
  - the risk borne by the contractor;
  - the contractor's investment;
  - the amount of subcontract;
  - the quality of its record of past performance; and
  - industry profit rates in the surrounding geographical area for similar work.
4. Any actual costs being reimbursed under contract or any price that was negotiated on the basis of estimated costs is required to be allowable under the Uniform Grant Guidance Cost Principles (2 CFR part 200, subpart E).
5. The cost plus a percentage of cost and percentage of construction cost methods of contracting are prohibited.

**2 C.F.R. § 200.325. Federal awarding agency or pass-through entity review.**

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review

accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

- (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
- (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
- (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
- (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

- (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
- (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.



## **2 C.F.R. § 200.326. Bonding requirements.**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

### [Bid Guarantees, Performance Bonds, and Payment Bonds Requirements:](#)

Pursuant to Government Code Chapter 2253, for construction or facility improvement contracts or subcontracts, the minimum bonding requirements includes a bid guarantee, a performance bond, and a payment bond (if applicable) are as follows:

- A bid guarantee from each bidder equivalent to five percent of the bid price for contracts that is greater than \$100,000. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified cashier's check, U.S. Savings bond or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
- A performance bond on the part of the contractor for 100 percent of the contract price for contracts that is greater than \$100,000. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- The only forms of surety acceptable as a performance bond are: Cashier's Check, Certified Check, Certificate of Deposit, Irrevocable Letter of Credit issued by a financial

institution subject to the laws of Texas, or Surety or Blanket Bond from a company chartered or authorized to do business in Texas.

- A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and/or material in the execution of the work provided for in the contract. Required payment bond(s) must be filed within 30 days from the date of the Notice of Award.
  - Municipalities: If the contract is in excess of \$50,000, a payment bond is required. Government Code 2253.021(a)(2)(B)

## **2 C.F.R. § 200.327. Contract provisions.**

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to Part 200-Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

### Required Contract Provisions:

In addition to other Federal and State provisions required, all contracts must address, if applicable, the following provisions.

- Debarment and Suspension (Executive orders 12549 and 12689) – A contract award must not be made to parties listed on the government wide exclusions list in the System for Award Management (SAM).
- For contracts greater than \$10,000, provisions for termination by the City, including the manner by which termination shall be effected and the basis for settlement.
- All contracts will contain language which allows the City the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker’s compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to the City (on request) or any other documented matter which could cause a hardship for the City if a claim should arise or the work not be completed on schedule at the specified cost.
- All contracts will contain a termination for convenience provision, which allows the City to cancel the contract without fault on the part of the contractor. In the event of a termination for convenience, the contractor will receive reimbursement and/or pro-rate payment for costs and work done until the point of termination, but not anticipated profits on the work that was cancelled. The termination provision will specify the procedures for the contractor to submit a claim for termination costs.

- Except as otherwise provided under 41 C.F.R. Part 60, all contracts that meet the definition of “Federally assisted construction contract” in 41 C.F.R. § 60-1.3 must contain the applicable contract clauses described in Appendix II to the Uniform Guidance (Contract Provisions for non-Federal Entity Contracts Under Federal Awards), which are set forth in 2 C.F.R. §200.327. These provisions will be provided to all bidders.
- Access to Records
- Retainage of Records
- For contracts greater than \$50,000, provisions for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- For those contracts associated with construction including administration and/or engineering (see also below under construction), the inclusion of the equal opportunity clause provided under 41 CFR 60-1.4(b).

In addition to the preceding, Construction Contracts must also address the following:

- For construction contracts greater than \$2,000, compliance with the Davis-Bacon Act (40 U.S.C. 3141 -3148) as supplemented by Department of Labor regulations (29 CFR part 5)(satisfied by inserting HUD 4010 in construction contract).
- For construction contracts greater than \$2,000, compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145) as supplemented in Department of Labor regulations (29 CFR part 3) (satisfied by inserting HUD 4010 in construction contract).
- Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the Equal Opportunity clause provided under 41 CFR 60-1.4(b).
- For construction contracts greater than or equal to \$100,000, compliance with the Byrd Anti-Lobbying Amendment (31 U.S. C. 1352) (satisfied by certification regarding lobbying signed by contractor bidder and by inclusion of language in construction contract).
- For construction contracts greater than \$100,000, compliance with Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708), including work week requirements and safety conditions for workers (satisfied by inserting HUD 4010 in construction contract).
- Where federal funding exceeds \$200,000 and the contract or subcontract exceeds \$100,000, include Section 3 clause. (24 CFR § 135.38 and 24 CFR § 135.3).
- For contracts greater than \$150,000, the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.

**2 C.F.R. Part 200, Appendix II:**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold [currently set at \$250,000], which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

The following is included in formal procurement solicitations:

If the bidder/vendor fails to comply with the terms and conditions of this Agreement, the City of South Padre Island may take one or more of the following actions, as appropriate to the circumstance:

- (a) Temporarily withhold payments pending the bidder/vendor commencing in good-faith corrective action to cure the deficiency;
- (b) Permanently withhold payments; and/or
- (c) Take any and all other remedies that may be legally available.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

The following is included in formal procurement solicitations:

Termination with Cause:

Upon written notice to the Contractor of a defect or breach of this Agreement, Contractor has five (5) business days to cure any defect(s) or breach(es) cited in said notice. If Contractor fails to cure the defect(s) or breach(es) within the five (5) business days allowed, the City of South Padre Island may terminate this Agreement. Nevertheless, the City of South Padre Island reserves the right to provide written notice to the Contractor that this Agreement shall continue if Contractor has in good-faith commenced efforts to cure said defect(s) or breach(es) and Contractor agrees, in writing, to continue to act without undue delay to cure said defect(s) or breach(es).

#### Termination Without Cause:

This contract may be terminated by either the City of South Padre Island or the Contractor at any time, without cause, by providing the other Party at least thirty (30) calendar days' prior written notice.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

#### Key Definitions.

##### (1) Federally Assisted Construction Contract.

The regulation at 41 C.F.R. § 60-1.3 defines a "federally assisted construction contract" as any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

##### (2) Construction Work.

The regulation at 41 C.F.R. § 60-1.3 defines "construction work" as the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

The regulation at 41 C.F.R. Part 60-1.4(b) requires the insertion of the following contract clause:

*Section XI: Standard Operating Procedures*

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided*, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction").

In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week.

The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract

or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

The regulation at 29 C.F.R. § 5.5(a) does provide the required contract clause that applies to compliance with both the Davis-Bacon and Copeland Acts. In situations where the Davis-Bacon Act does not apply (for example FEMA Public Assistance recipients and subrecipients), the following contract clause is required:

**Compliance with the Copeland "Anti-Kickback" Act.**

(1) Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.

(2) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the FEMA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.

(3) Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12.

(E) Contract Work Hours and Safety Standards Act (see 40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in



excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week.

The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

The regulation at 29 C.F.R. § 5.5(b) provides the required contract clause concerning compliance with the Contract Work Hours and Safety Standards Act:

### **Compliance with the Contract Work Hours and Safety Standards Act**

**(1) Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours in excess of forty hours in such workweek.

**(2) Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$29 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

**(3) Withholding for unpaid wages and liquidated damages.** The (write in the name of the Federal agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be

necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) **Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

(F) **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251- 1387) as amended -** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the contractor to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

The following provides sample contract clauses concerning compliance for contracts of amounts in excess of \$150,000:

### **Clean Air Act**

(1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

(2) The contractor agrees to report each violation to the (name of the state agency or local or Indian tribal government) and understands and agrees that the (name of the state agency or local or Indian tribal government) will, in turn, report each violation as required to assure notification to the (name of recipient), Federal

Awarding Agency, and the appropriate Environmental Protection Agency Regional Office.

(3) The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by the Federal Awarding Agency.

### **Federal Water Pollution Control Act**

(1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

(2) The contractor agrees to report each violation to the (name of the state agency or local or Indian tribal government) and understands and agrees that the (name of the state agency or local or Indian tribal government) will, in turn, report each violation as required to assure notification to the (name of recipient), Federal Awarding Agency, and the appropriate Environmental Protection Agency Regional Office.

(3) The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by the Federal Awarding Agency.

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

The following provides a debarment and suspension clause. It incorporates an optional method of assurances that contractors are not excluded or disqualified:

### **Suspension and Debarment**

(1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

*Section XI: Standard Operating Procedures*

(2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by (insert name of subrecipient). If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to (name of state agency serving as recipient and name of subrecipient), the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

(i) Byrd Anti-Lobbying Amendment (31U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31U.S.C. 1352. Each tier must also disclose any lobbying with non- Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

The following provides a Byrd Anti-Lobbying contract clause:

**Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended)**

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31U.S.C. §1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

The City shall require the following to be submitted with each bid or offer exceeding \$100,000.00:

## CERTIFICATION REGARDING LOBBYING

Certifications For Contracts, Grants, Loans, And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed within this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Signature/Authorized Certifying Official

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Applicant / Organization

\_\_\_\_\_  
Date Signed

(J) Procurement of Recovered Materials - A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

The following provides the clause that a state agency or agency of a political subdivision of a state and its contractors can include in contracts meeting the above contract thresholds:

### **Procurement of Recovered Materials**

(1) In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA designated items unless the product cannot be acquired-

- (i) Competitively within a timeframe providing for compliance with the contract performance schedule;
- (ii) Meeting contract performance requirements; or
- (iii) At a reasonable price.

(2) Information about this requirement, along with the list of EPA designate items, is available at EPA's Comprehensive Procurement Guidelines.

(k) Prohibition on certain telecommunications and video surveillance services or equipment –

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential

*Section XI: Standard Operating Procedures*

component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

The following provides the clause that a state agency or agency of a political subdivision of a state and its contractors can include in contracts meeting the above:

**Prohibition on certain telecommunications and video surveillance services or equipment**

(a) Definitions. As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or

*Section XI: Standard Operating Procedures*

services have the meaning as defined in FEMA Policy 405-143-1, Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim), as used in this clause—

(b) Prohibitions.

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug.13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:

(i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system;  
or

(iv) Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) Exceptions.

(1) This clause does not prohibit contractors from providing—

(i) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or



(ii) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to:

(i) Covered telecommunications equipment or services that:

i. Are not used as a substantial or essential component of any system; and

ii. Are not used as critical technology of any system.

(ii) Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

(d) Reporting requirement.

(1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.

(2) The Contractor shall report the following information pursuant to paragraph

(d)(1) of this clause:

(i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall

describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments.”

(l) Domestic Preference for Procurements –

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

The following provides the clause that a state agency or agency of a political subdivision of a state and its contractors can include in contracts meeting the above:

**Domestic Preference for Procurements**

As appropriate, and to the extent consistent with law, the contractor should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes, but is not limited to iron, aluminum, steel, cement, and other manufactured products.

For purposes of this clause:

Produced in the United States means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

Manufactured products mean items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

### **Appendix 3 -Purchasing Card Policy**

#### **PURPOSE**

This policy establishes the basis for the City’s purchasing card program. The purchasing card program is designed to improve efficiency in processing purchases from any authorized vendor that accepts the MasterCard credit card.

The City has adopted a procedure to simplify the purchasing process for obtaining supplies, materials, services, travel and equipment by granting certain employees the authority to make purchases directly through the City’s purchasing card program.

This program will allow the Cardholder to purchase approved supplies and services directly from vendors. Each purchasing card is issued in the name of the employee who is responsible for its use, and the “City of South Padre Island” is clearly shown on the card as the governmental buyer of the supplies/services.

The card may be used to purchase non-restricted commodities in person at the vendor site and over the internet.

#### **OBJECTIVES**

- To provide an efficient method of purchasing and paying for supplies/services.
- To reduce accounts payable edits and petty cash whenever possible.
- To ensure card purchases are in accordance with the City’s Purchasing and Travel Policies.
- To reduce staff time involved in processing transactions.
- To ensure that the City bears no legal liability from inappropriate use.
- To provide for disciplinary action if the purchasing card is misused.

#### **AUTHORIZATION**

All requests for purchasing cards must be approved by the employee’s supervisor and the City Manager. The Purchasing Card User Request form (attached as Exhibit “A”) needs to be submitted to the Purchasing Card Administrator (Accountant in the Finance Department) and only the respective Department Director and City Manager can authorize issuance of a purchasing card.

The City Manager or designee will sign the Purchasing Card Request form for all new card request and monthly payment authorizations for department directors.

Before a Purchasing Card is issued, employee must read and sign the Purchasing Card Agreement (attached as Exhibit “B”).

By signing the Purchasing Card Agreement, the employee affirms that he/she has read and is familiar with the rules, regulations, and procedures as stated in the City of South Padre Island

Purchasing Policies and the City of South Padre Island Travel Policies. Employees who misuse or abuse card usage will be subject to disciplinary action up to and including termination of employment.

The unique purchasing card that the Cardholder receives will have his/her name embossed on it and shall only be used by the Cardholder. NO OTHER PERSON IS AUTHORIZED to use that card. The Cardholder may make transactions on behalf of others in their department with the approval of a supervisor authorized to approve such purchases. However, the Cardholder is responsible for all use of his/her card.

### **RESPONSIBILITIES**

The following are the responsibilities of:

A. Cardholder:

- Hold and secure purchasing card
- Comply with all purchasing card and travel policies
- Determine availability of budgeted funds before ordering
- Order materials and services
- Collect and save all sales receipts/invoices
- Match receipts with monthly card statement
- Identify disputed charges
- Make sure vendor is aware of the City's tax exemption
- Turn in purchasing card to Human Resources if employment ends or employee is transferred to another department with the City

B. Department Purchasing Card Representative:

- Review & reconcile monthly statement with Cardholder
- Assign and/or verify the appropriate accounting codes
- Assist Cardholders with disputed item
- Obtain Department Director's signature to authorize payment
- Forward statements, receipts, and supporting paperwork to Purchasing Analyst by the 10<sup>th</sup> of each month
- Notify the purchasing card administrator immediately if lost or stolen

C. Department Director or Designee

- Request purchasing cards for authorized employees
- Set departmental and Cardholder spending limits within established guidelines and budgets
- Designate department purchasing card representative
- Sign to authorize payment for all departments Cardholder's statements

D. Purchasing Card Administrator

- Coordinate issuance and cancellation of cards
- Provide training to all new Cardholders and periodic refresher training classes, as needed
- Participate in billing dispute resolution
- Maintain procedures and Cardholder guides/manuals
- Conduct annual inventory of purchasing cards
- Process requests for purchasing cards submitted by Department Director
- Resolve issues regarding purchasing card transactions
- Review Purchasing Analyst's monthly Incode input for purchasing cards activity
- Coordinate program policy issues
- Coordinate and maintain internal controls

E. Purchasing Analyst

- Receive approved monthly statements from all Cardholders
- Receive consolidated statement from the financial service provider
- Confirm that all charges are authorized by Department Director
- Notify department purchasing card representative when approved monthly statements are not received
- Pay all monthly charges from consolidated statement
- Process accounting data
- File and store relevant paperwork
- Administer 1099 reporting

**LIMITS AND RESTRICTIONS**

The purchasing card is for official City business only. The purchase of goods or services for the employee's personal use is strictly prohibited. The purchase of tobacco products, alcohol, gasoline\* or obtaining a cash advance is strictly prohibited.

All items paid for with the purchasing card must be shipped to the city and are property of the City of South Padre Island.

**The City Manager and City Financial Officer must approve all capital purchases.**

It is the responsibility of the user department to have adequate funding available prior to making purchases.

**Credit Limits**

All Purchasing Cards will have Cardholder tier limits as approved by the Department Director/Supervisor and City Manager.

\*gasoline can be purchased with gas cards or through a Per Diem request

Purchases in excess of these limits will be denied at point of sale.

- **Billing Cycle Limit** – the dollar amounts available toward purchases during a statement billing cycle. This limit will be selected by the supervisor on the request form and approved by City Manager.
  
- **Single Transaction Limit** – will limit the dollar amount toward a single purchase.

	<b>Tier</b>	<b>Billing Cycle Limit</b>	<b>Single Transaction Limit</b>
I-	High Usage	\$ 15,000	\$ 2,999.99
II-	Medium Usage	\$ 10,000	\$ 2,999.99
III-	Low Usage	\$ 5,000	\$ 749.99

The billing cycle limit can be increased with separate written permission from the department head or designee. The single purchase limit may only be raised in emergency situations with appropriate documentation and authorization from the City Manager.

Multiple items may be purchased from one transaction, but the total cannot exceed the single transaction limit. Deliberately splitting a purchase to circumvent this policy may result in purchasing card suspension, or termination.

**EMPLOYEE REIMBURSABLE TRAVEL EXPENSE**

Expenditures for the following travel expenses are prohibited from being charged on the purchasing card if that item was already accounted for in Per Diem:

- Per Diem meal reimbursement
- Road, bridge, and tunnel toll charges
- Taxi, ferry, and airport limousine/shuttle fares

Purchases for conference registrations/classes, airline tickets, hotels, and parking charges are permissible.

The department traveler needs to submit the appropriate Travel Authorization form to the Department Director or designee for prior approval. Please note that a copy of the completed Travel Authorization form and copies of any trip-related receipts charged to the purchasing card must be submitted with the monthly department MasterCard reconciliation. The submission of a copy of the Travel Authorization form is required even though some travel items are authorized to be placed on the purchasing card while others are handled through the regular purchase order and reimbursement process. See policy 1100.01 of the employee handbook for further information regarding Travel, Training and Client Entertainment.

If a gift card is issued to Cardholder for a qualifying purchasing event, said gift card must be submitted to the Department Purchasing Card Representative so that card may be applied to the next department purchase.

### **TAXES**

Most purchases are exempt from sales tax. The tax identification number is listed on the face of the purchasing card. Cardholders must assure that sales tax has not been added to the receipt or request that a credit be processed. Some internet purchases will require the Cardholder to call a customer service number on the company's website in order to not have taxes applied to the order; it is the Cardholder's responsibility to ensure that this occurs. Cardholders using a purchasing card out of state may be subject to that state's tax law.

### **LOST OR STOLEN CARDS**

If a card is lost or stolen, immediately contact Client Account Services at 1-800-248-4553 and the Purchasing Card Administrator at 956-761-8128. Verbal reports of a lost or stolen card must be confirmed by e-mail to the Purchasing Card Administrator.

### **CREDITS/RETURNS**

Merchandise returned must be credited to the City's account to which the transaction was charged. Cardholders are not authorized to receive a cash payment or store credit for returned merchandise. It is the responsibility of the user department to ensure that credits for returned merchandise are properly applied to the monthly account statement.

### **DISPUTE/ERRONEOUS CHARGES**

It is the responsibility of the Cardholder to document and resolve disputes and erroneous charges directly with the vendor. In most cases, disputes can be resolved in this manner. If a dispute cannot be resolved, a Statement of Disputed Item must be submitted to MasterCard Services no later than 60 days after the billing cycle in which the dispute first appears.

### **SUSPENSION POLICY**

The Suspension Policy is a progressive step policy, and may be put into effect by a Cardholder's failure to submit proper documentation to the Purchasing Card Administrator or Department Representative by the established deadlines or misuse of card privileges by making inappropriate purchases of items or services not in compliance with this Purchasing Card Program policy.

First Offense: The Purchasing Card Administrator will notify the employee's violation to the Department Supervisor by issuing a written warning.

Second Offense: The Purchasing Card Administrator will recommend to the Department Supervisor the suspension of card privileges for a period of one to three months.



Third Offense: The Purchasing Card Administrator will recommend to the Department Supervisor the permanent revocation of card privileges with City Manager's approval.

### **ANNUAL PURCHASING CARD INVENTORY**

An annual Purchasing Card Inventory will be conducted by the Purchasing Card Administrator. A list of all department Cardholders will be provided to the Department Director for review. The Department Director is responsible for reviewing, approving and returning the inventory listing to the Purchasing Card Administrator.

In conjunction with the annual Purchasing Card Inventory, department directors or designee will be asked to justify keeping low usage purchasing cards. A card is considered to have low usage if the card has 12 or fewer transactions in the previous fiscal year. A list of all department low usage cards will be provided to the department director. Director justification is requested in the form of a memorandum/e-mail addressed to the Purchasing Card Administrator.

### **RECORD KEEPING/RECEIPTS**

It is the responsibility of the Cardholder to obtain transaction receipts for all purchases. Sales receipts and/or packing slips must be obtained whether a purchase is made in person, or via telephone, fax, mail or over the internet. It is the employee's responsibility to assure that the description on the sales receipt or packing slip is legible and clearly describes the purchase. These receipts will be used by the Department Representative to balance the monthly Department MasterCard Reconciliation and be part of the documentation kept on file to substantiate the payment process. Documentation maintained must be accurate, accessible, and complete, as it not only records the transaction, but also supports the legitimate business purpose of the purchase. In addition to sales receipts and packing slips, the following are additional examples of supporting documentation:

- Copies of internal order forms
- Subscription or dues forms
- Conference registration forms
- Statement of service report from vendor performing on-site repairs
- Cash register receipts
- Invoices

In the event all efforts to obtain documentation of a transaction have failed, the Cardholder must attach a written description of the purchase along with a signed certification that the purchase was made in accordance with City policy. Failure to provide certification may result in disciplinary action and the employee may be required to pay the City for the undocumented expense. Three or more incidents of missing documentation may result in the cancellation of the employee's purchasing card.

The Cardholder is responsible for submitting all documentation to their Department Representative as soon as possible after final processing in the Citi/State of Texas Purchasing Card Website at [www.citimanager.com](http://www.citimanager.com). It is essential that the established time frames and documentation requirements be followed to insure timely payments to MasterCard.

**BILLING STATEMENTS/ MONTHLY DEPARTMENT MASTERCARD RECONCILIATION:**

Cardholders and Department Representatives will be given access to Citi/State of Texas Purchasing Card website in order to download billing statements, review transactions and reconcile. Transactions are available for viewing within 24 hours of posting to the MasterCard system. The City of South Padre Island's monthly billing cycle runs from the 4<sup>th</sup> of the month through the 3<sup>rd</sup> of the following month. Monthly billing statements can be downloaded from the Citi/State of Texas Purchasing Card website at [www.citimanager.com](http://www.citimanager.com) after the 5<sup>th</sup> of each month.

**EXCEPTIONS**

The City Manager or designee may authorize exceptions to this policy.



**Exhibit "A"**

**City of South Padre Island  
 Policies, Procedures and Administrative Regulation**

**Purchasing Card User Request Form**

Employee Name: \_\_\_\_\_

Employee Number: \_\_\_\_\_ Employee Email: \_\_\_\_\_

Business Phone: \_\_\_\_\_ 4 Digit Access Code: \_\_\_\_\_

Billing Cycle Purchase Limit: \_\_\_\_\_ Single Purchase Limit: \_\_\_\_\_

<b>Tier</b>	<b>Billing Cycle Limit</b>	<b>Single Transaction Limit</b>
I- High Usage	\$ 15,000	\$ 2,999.99
II- Medium Usage	\$ 10,000	\$ 2,999.99
III- Low Usage	\$ 5,000	\$ 749.99

- Commodity Codes:  Lodging \_\_\_\_\_  Government Services \_\_\_\_\_  Prof Serv. Memberships \_\_\_\_\_  
 Please pick 10 max  Airlines \_\_\_\_\_  Automotive \_\_\_\_\_  Amusement & Entertainment \_\_\_\_\_  
 Vehicle Rental \_\_\_\_\_  Retail, Clothing & Accessories \_\_\_\_\_  Service Providers \_\_\_\_\_  
 Transportation \_\_\_\_\_  Food & Grocery \_\_\_\_\_  Miscellaneous Stores \_\_\_\_\_  
 Contracted Services \_\_\_\_\_  Restaurants \_\_\_\_\_  
 Electronics \_\_\_\_\_  Direct Marketing \_\_\_\_\_  
 Health Care \_\_\_\_\_  Whole Sales Distributors & Manufacturers \_\_\_\_\_

Department Director Requesting Card: \_\_\_\_\_

Department Director's Signature: \_\_\_\_\_

City Manager's Signature \_\_\_\_\_

**For Finance Department Use Only:**

Date Card Issued: \_\_\_\_\_

Card Number: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_



## Exhibit “B”

### Finance Department Purchasing Card Agreement

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I, (print your name) \_\_\_\_\_, agree to the following regarding the use of the City of South Padre Island Purchasing Card:

1. I understand that I am being entrusted with a purchasing card and will be making financial commitments on behalf of the City of South Padre Island and will strive to obtain the best value in any purchase that I may make.
2. I will follow the established procedures for using the purchasing card. Failure to do so may result in the revocation of my privileges or other disciplinary actions. Additionally, I will follow all City of South Padre Island Purchasing Procedures.
3. I understand that under no circumstances will I use the purchasing card to make personal purchases, either for myself or for others. Willful intent to use the purchasing card for personal reasons may result in disciplinary actions, including termination of employment.
4. I have been given a copy of the Purchasing Procedures regarding the use of Purchasing Cards and understand the requirements for its use, including the payment and invoice processing procedures.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager’s Signature

\_\_\_\_\_  
Date

## **1100.05 Fiscal and Budgetary Policy**

### ***Scope:***

This policy applies to the City of South Padre Island

### ***Policy:***

#### **OVERVIEW AND STATEMENT OF PURPOSE**

The City of South Padre Island assumes an important responsibility to its citizens and customers to carefully account for public funds, to manage City finances wisely and to plan for the adequate funding of services desired by the public.

The broad purpose of the Fiscal and Budgetary Policy is to enable the City to achieve and maintain a long-term stable and positive financial condition, and provide guidelines for the day-to-day planning and operations of the City's financial affairs. The City's financial management, as directed by this Policy, is based upon the foundation of integrity, prudent stewardship, planning, accountability and full disclosure.

Policy scope generally spans areas of accounting and financial reporting, internal controls, operating and capital budgeting, revenue management, cash and investment management, expenditure control, asset management, debt management and planning and forecasting concepts. This is done in order to:

- A. Demonstrate to the citizens of the City of South Padre Island, the City's bond holders and other creditors and the bond rating agencies that the City is committed to a strong fiscal operation;
- B. Provide a common vision for financial goals and strategies for current and future policy-makers and staff;
- C. Fairly present and fully disclose the financial position of the City in conformity to Generally Accepted Accounting Principles (GAAP); and
- D. Demonstrate compliance with finance-related legal and contractual issues in accordance with the Texas Local Government Code and other legal mandates.

#### **FIVE YEAR FINANCIAL PLAN**

Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. Multi-year budgeting provides a means to identify the impact of implementing new programs and projects on future budgets. The Five Year Financial Plan is the City's long range operations and capital plan. The plan includes all of the operating departments of the General Fund as well as the capital improvement funds of the City. The plan is reviewed and updated annually.

- A. **Capital Improvement Plan** – The CIP plan outlines the major utility infrastructure, streets and drainage, facilities, parks and other improvements needed to serve the citizens, meet growth related needs and comply with state and federal regulations
1. **Preparation** – The Assistant City Manager coordinates the annual update and adoption of the five-year Capital Improvement Plan (CIP) as a part of the annual budget process. The Assistant City Manager will lead an administrative committee established to review and prioritize capital projects. This committee shall prioritize and rank projects according to the criteria listed in Project Criteria Section. The CIP includes all costs associated with the design, rights of way, acquisition and construction of a project, as well as the estimated operating and maintenance costs, which impacts future operating budgets. The following guidelines will be utilized in developing the CIP:
    - Needed capital improvements and major maintenance projects are identified through system models, repair and maintenance records and growth demands.
    - A team approach will be used to prioritize CIP projects, whereby City staff from all operational areas provide input and ideas relating to each project and its effect on operations.
    - Citizen involvement and participation will be solicited in formulating the capital budget.
  2. **Financing Programs** – Where applicable, impact fees, assessments, pro-rata charges or other fees should be used to fund capital projects which have a primary benefit to specific, identifiable property owners. Recognizing that long-term debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives which equal or exceed the average life of the debt issue.
  3. **Control** – All capital project expenditures must be appropriated in the capital budget. The Finance Director or City Manager must certify the availability of resources before any capital project contract is presented to the City Council for approval.
  4. **Reporting** – Periodic financial reports will be prepared to enable the Department Directors to manage their capital budgets and to enable the Finance Department to monitor and control the budget as authorized. Capital project status reports will be presented to City Council.
- B. **Operations Plan** – Each Department Director will provide a plan for each division in the department for each of the upcoming five years. The plan will include estimated operating expenses, the cost of new programs being contemplated and staffing needs for the five year period.
- C. **Revenues and Financing Plan** - The Finance Department will develop conservative, revenue forecasts based upon current and known future revenue streams. The Plan will illustrate the impact of the Capital and Operations Plan on the property tax rate and other fees.
- D. **Performance Measures** - Department Directors will develop program performance measures to evaluate the impact of new programs and growth on the departments. Existing programs will also be evaluated as a part of the five year planning process and

annual budget process to determine whether certain programs should continue to be funded.

## ANNUAL OPERATING BUDGET

Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. The “operating budget” is the City’s annual financial operating plan. The annual budget includes all of the operating departments of the general fund, hotel/motel fund, convention centre fund, police forfeiture fund, street improvement fund, debt service fund, transportation grant fund, construction-in-progress fund, capital replacement fund, bay access fund, beach maintenance fund, municipal court technology fund, municipal court security fund, beach access fund, beach nourishment fund, and economic development corporation fund.

- A. **Planning** – The budget process will include City Council participation in the identification of major policy issues. The budget process will be a part of an overall strategic planning process for the City. The process will also allow for citizen input.
- B. **Preparation** – The *Charter (Section 5.02)* requires “On or before sixty (60) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year. The budget shall be adopted not later than the last day of the last month of the fiscal year currently ending per Charter Section 5.05(c).
  1. **Proposed Budget** – A proposed budget shall be prepared by the City Manager with participation of all the City’s Department Directors within the provision of the *Charter*.
    - a) In accordance with the *Charter (Section 5.03.)* the budget shall provide a complete financial plan for the ensuing fiscal year, in a form as the City Manager or City Council deems desirable, and the budget shall include goals and objectives, staff plan, methods to measure outcomes and performance and appropriations.
    - b) In accordance with the *Charter Section 5.05(d)*, the City will publish, in the contemporary means of information sharing including the city’s website if available, a general summary of the budget, as well as the times and places that the budget is available for public inspection; and after the publication, the time and place for a public hearing on the budget.
    - c) A copy of the proposed budget will be filed with the City Secretary when it is submitted to the City Council.
  2. **Adoption** – Upon finalization of the budget appropriations, the City Council will hold a public hearing, and subsequently adopt by ordinance the final budget. The budget will be effective for the fiscal year beginning October 1<sup>st</sup>.
  3. **Standards for publication** - The City will utilize the criteria outlined in the Government Finance Officers Association (GFOA) Distinguished Budget Program for the presentation of the budget document. The budget document will be submitted annually to the Government Finance Officers Association (GFOA) for evaluation and consideration for the Distinguished Budget Presentation Award.
- C. **Revenue Estimates** – In order to maintain a stable level of services, the City shall use a conservative, objective and analytical approach when preparing revenue estimates. The process shall include the analysis of probable economic changes and their impacts on revenues, historical collection rates and trends in revenues. This approach should reduce the likelihood of actual revenues falling short of budget estimates during the year, which could otherwise result in mid-year service reductions.

*Section XI: Standard Operating Procedures*

- D. **Balanced Budget** – The goal of the City is to balance the operating budget with current revenues, whereby, current revenues match and fund on-going expenditures/expenses. Excess balances in the operating funds from previous years may be used for non-recurring expenditures/expenses or as capital funds.
- E. **Reporting** – Summary financial reports will be presented to the City Council monthly, at a minimum. These reports will be in a format appropriate to enable the City Council to understand the overall budget and financial status. The City Manager will also present a mid-year report to the City Council within 60 days following the end of the second fiscal quarter which updates the status of projects and related financial goals set forth in the budget.
- F. **Control and Accountability** – Each Department Director, appointed by the City Manager, will be responsible for the administration of his/her departmental budget. This includes accomplishing the Goals and Objectives adopted as part of the budget and monitoring each department budget for compliance with spending limitations. Department Directors may request a transfer of funds within a department budget. All transfers of appropriation or budget amendments require City Manager approval as outlined in Section V.C. The City Manager shall report such transfers to City Council in writing per Charter Section 5.07(d). Further expenditure control guidance is located in Section V of this policy.
- G. **Budget Amendments** – The *Charter (Section 5.07)* provides a method to amend appropriations. The City Council may authorize:
1. **Supplemental Appropriations** – If the City Manager certifies that revenues are available in excess of those estimated in the budget, an amendment ordinance may be prepared for City Council approval. In general, the supplemental appropriations will be evaluated using the following criteria:
    - Is the request of such an emergency nature that it must be done immediately?
    - Why was the item not budgeted in the normal budget process?
    - Why can't a transfer be done within the Department to remedy the condition?
  2. **Emergency Appropriations** – To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt an emergency appropriation in accordance with Section 5.047(b) of the Home Rule Charter.
  3. **Reduction of Appropriations** – If at any time during the fiscal year it appears probable that expected revenues will be insufficient to finance expenditures for which appropriations have been authorized, the City Council may adopt an ordinance to reduce appropriations.
- H. **Contingency Appropriations** – The budget may include contingency appropriations within designated operating department budgets. These funds are used to offset expenditures for unexpected maintenance or other unanticipated expenses that might occur during the year, including insurance deductibles, unexpected legal expenses and equipment repairs.
- I. **Outside Agency Funding** – The City Council may fund a number of outside agencies and organizations that provide core services for the citizens of City of South Padre Island. The amount of funding received by each agency depends upon City Council direction and



*Section XI: Standard Operating Procedures*

the availability of funds. All agencies shall have a standardized process for application, review, monitoring and reporting. All agencies are required to submit applications for funding to the City during the budget process. Funding of non-profit agencies through public funds require enhanced guidelines for spending and operations which shall include:

1. Funding will be used for specific programs, rather than for general operating costs, and demonstrate the program's sustainability beyond a three-year funding period.
2. Funded agencies will be required to post their meeting agendas at least 72 hours in advance, in the spirit of transparency to the public on the way funds are spent.
3. Funded agencies will allow a City Council Member or a City Council appointed representative to be a member of its board of directors.

All funded agencies shall be required to submit quarterly reports with performance measures to the City Manager.

- I. **Periodic Program Reviews** – The City Manager and Department Directors will periodically review programs for efficiency and effectiveness. Programs not meeting efficiency or effectiveness objectives shall be brought up to required standards, or be subject to reduction or elimination.
- J. **Budget Contingency Plan** – This policy is intended to establish general guidelines for managing revenue shortfalls resulting from factors such as local and economic downturns that affect the City's revenue streams.
  1. **Immediate Action** - Once a budgetary shortfall is projected, the City Manager will take the necessary actions to offset any revenue shortfall with a reduction in current expenses. The City Manager may:
    - 1) Freeze all new hire and vacant positions except those deemed to be a necessity.
    - 2) Review all planned capital expenditures.
    - 3) Delay all "non-essential" spending or equipment replacement purchases.
  2. **Further Action** - If the above actions are insufficient to offset the revenue deficit and the shortfall continues to increase, the City Manager will further reduce operating expenses to balance the variance. The City Manager may ask Department Directors for recommendations on reductions of service levels in order to reduce expenditures to balance the budget.
    - Any resulting service level reductions, including workforce reductions, will be finalized by the City Council.

## REVENUE MANAGEMENT

- A. **Optimum Characteristics** – The City will strive for the following optimum characteristics in its revenue system:
  1. **Simplicity** – The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient.
  2. **Certainty** – A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and

*Section XI: Standard Operating Procedures*

enact consistent collection policies to provide assurances that the revenue base will materialize according to budget and plans.

3. Equity – The City shall make every effort to maintain equity in its revenue system; i.e., the City should seek to minimize or eliminate all forms of subsidization between funds.
4. Revenue Adequacy – The City should require there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.
5. Realistic and Conservative Estimates - Revenues will be estimated realistically, and conservatively, taking into account the volatile nature of various revenue streams.
6. Administration – The benefits of a revenue source should exceed the cost of levying and collecting that revenue. Where appropriate, the City will use the administrative processes of State, Federal or County collection agencies in order to reduce administrative costs.
7. Diversification and Stability – A diversified revenue system with a stable source of income shall be maintained.

**B. Other Considerations** – The following considerations and issues will guide the City in its revenue policies concerning specific sources of funds:

1. Non-Recurring Revenues – One-time or non-recurring revenues should not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and not for budget balancing purposes.
2. Property Tax Revenues – All real and business personal property located within the City will be valued at 100% of the fair market value for any given year based on the current appraisal supplied by the Cameron County Appraisal District. Reappraisal and reassessment shall be done a minimum of once every three years as determined by the Appraisal District.
3. Investment Income – Earnings from investments will be distributed to the Funds in accordance with the equity balance of the fund from which the monies were provided to be invested.
4. User-Based Fees and Service Charges – For services associated with a user fee or charge, the direct or indirect costs of that service will be offset by a fee where possible. The City will review fees and charges no less than once every three years to ensure that fees provide adequate coverage for the cost of services. The City Council will determine how much of the cost of a service should be recovered by fees and charges.
5. Intergovernmental Revenues – All potential grants will be examined for matching requirements and must be approved by the City Council prior to submission of the grant application. It must be clearly understood that operational requirements (on-going costs) set up as a result of a grant program could be discontinued once the term and conditions of the program have been completed.
6. Revenue Monitoring: Revenues as they are received will be regularly compared to budgeted revenues and variances will be investigated. Any abnormalities will be included in the monthly general fund revenue report as posted on the City’s web-site.

## **EXPENDITURE POLICIES**

A. **Appropriations** – The point of budget control is at the department level budget for all funds. The Department Directors shall manage budgets to ensure that appropriations are not exceeded. Budgets are approved by the City Council within a department (personnel costs, supplies, maintenance, operations/maintenance and capital.)

B. **Central Control** – No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Head without prior authorization from the City Manager. This control will realize budget savings each year that will be available for transfer by the City Manager, without further City Council action.

C. **Budget Transfers** – The *Charter (Section 5.07(d))* provides that the City Manager may transfer balances within departments and programs. A Department Director may request a transfer between line items, or categories of items through the City Manager. Finance will make the adjustment upon approval from the City Manager.

D. **Purchasing** – All City purchases of goods or services will be made in accordance with the City’s current Purchasing Policy and Procedures and with State law. Purchases are restricted to budgeted expenditures for the fiscal year in order to avoid unnecessary disbursement of funds. The budget process is extensive and includes submissions of requests for appropriations to the City Manager as well as various workshops where City Council reviews the proposed expenditures for the subsequent fiscal year. The City Council holds public hearings and may add to, subtract from, or change proposed appropriations. This process contributes to promote the efficient use of public funds. Departments are required to generate purchase orders that need to be approved by the Department Director or Director Designee before processing for payment. This procedure contributes to the minimization of duplicated expenses as it encumbers funds for future payments for the total amount of the goods received or services rendered. The Finance Director shall review and approve proposed procurement actions to avoid unnecessary or duplicative purchases.

E. **Prompt Payment** – All invoices approved for payment by the proper City authorities shall be paid within thirty (30) calendar days of receipt of goods or services or invoice date, whichever is later in accordance with State law. The City will take advantage of all purchase discounts, when possible.

## **STAFFING**

The City’s goal as an employer is to attract and retain quality employees who provide exemplary public service to our community in an effective and efficient manner.

A. **Adequate Staffing** – Staffing levels will be adequate for the operations and programs of the City to be conducted efficiently and effectively. In order to provide continuing services to a developing community, as well as add new services, staffing levels will be evaluated regularly to determine workloads. Workload allocation alternatives, such as contract labor and contracted services, will be explored before adding additional staff.

- B. **Market Adjustments** – The City shall utilize the Texas Municipal League (TML) salary survey data, specific municipalities, as well as data from other sources and consultants, as a reference for making market-based adjustments. Market based adjustments are based upon the job duties and job descriptions of the position, not on performance of the employee within the position.
- C. **Merit Adjustments** – The City utilizes a merit-based pay plan as a part of the overall compensation system. City Council may fund merit increases annually during the budget process to aid in retaining and rewarding quality employees for productivity and job performance. These merit-based adjustments are recommended by the employee’s immediate supervisor and reviewed by both the Department Director and the City Manager. Employees may receive a merit increase upon approval of the City Manager based upon performance, or when other situations warrant this type of increase, such as a reclassification due to additional job duties.
- D. **Cost of Living Adjustment (COLA)** - In order to sustain employee compensation levels within the competitive job market, the City may fund an annual COLA for all regular employees not included in a defined pay plan. The COLA will be based on the Consumer Price Index-Urban Wage Earners and Clerical Workers for the south urban area.

## **ECONOMIC DEVELOPMENT**

The City shall initiate, encourage and participate in economic development efforts to create job opportunities and strengthen the local economy and tax base. The City is committed to the promotion of quality development in all parts of the City. Each economic development incentive will be considered separately by the City Council.

- A. **Cost/Benefit of Incentives for Economic Development** - The City will use due caution in the analysis of any incentives that are used to encourage development. A cost/benefit (fiscal impact) analysis will be performed as part of the evaluation.
- B. **Commitment to Expansion and Diversification** – The City shall encourage and participate in economic efforts to expand the City of South Padre Island’s economy and tax base, to increase local employment and to invest when there is a defined, specific long-term return to the community. These efforts shall focus on new areas, as well as other established sections of the City where economic development can generate additional jobs, sales tax, property tax and other economic benefits.
- C. **Tax Exemptions** - The City Council may authorize an exemption from ad valorem taxes in accordance with the Code of Ordinances, Chapter 17 Section 5.
- D. **Increase Non-residential Share of Tax Base** – The City’s economic development program shall seek to expand the non-residential share of the tax base to decrease the tax burden on residential homeowners.
- E. **Coordinate Efforts with Other Jurisdictions** – The City’s economic development program shall encourage close cooperation with other local jurisdictions to promote the economic well being of this area.

## **INTERGOVERNMENTAL RELATIONS**

The City shall coordinate efforts with other governmental agencies to achieve common policy objectives, share the cost of providing government services on an equitable basis and support appropriate favorable legislation at the state and federal levels.

- A. **Interlocal Cooperation in Delivery of Services** – In order to promote the effective and efficient delivery of services, the City shall work with other local jurisdictions to share on an equitable basis the cost of services, to share facilities and to develop joint programs to improve service to its citizens.
- B. **Legislative Program** – The City shall cooperate with other jurisdictions to actively oppose any state or federal regulation or proposal that mandates additional City programs or services and does not provide the funding necessary for implementation.

### **CAPITAL MAINTENANCE AND REPLACEMENT**

The City recognizes that deferred maintenance increases future capital costs. Therefore, a portion of all individual funds with infrastructure should be budgeted each year to maintain the quality within each system.

- A. **Infrastructure Maintenance** - On-going maintenance and major repair costs are generally considered system repairs and are not capitalized for accounting purposes. They include such items as street seal coat and other general system maintenance.
- B. **Streets capital maintenance and replacement** - It is the policy of the City to annually provide funding for the Public Works Department to use for a street maintenance program.
- C. **Building capital replacement and maintenance** – It is the policy of the City to annually provide funding for major maintenance on its buildings such as air conditioning replacements, flooring, painting and other maintenance.
- D. **Technology** – It is the policy of the City to fund the maintenance and replacement of its personal computers and network servers. Major replacements for computer systems will be anticipated and included in the annual budget process.
- E. **Fleet and equipment replacement** – The City will anticipate replacing existing cars, trucks, tractors, backhoes, trailers and other equipment as necessary.
  - 1. **Capital Replacement Fund** – The City shall establish a Capital Replacement Fund to provide financial resources to replace aging fleet and equipment. Only fleet and equipment included on the City’s Fixed Assets inventory will be included on the replacement schedule.
    - a) **Funding** – When available, funding will be set aside each year through the annual budget process to fund the future replacement of fleet and equipment.
    - b) **Sale of fleet vehicles and equipment** - Any revenue generated from the sale of fleet and equipment may be deposited in the Capital Replacement Fund at the discretion of the City Manager.

### **ACCOUNTING, AUDITING AND FINANCIAL REPORTING**

*Section XI: Standard Operating Procedures*

- A. **Accounting** – The City is responsible for the recording and reporting of its financial affairs, both internally and externally. The City’s Finance Director is responsible for establishing the structure for the City’s Chart of Accounts and for assuring that procedures are in place to properly record financial transactions and report the City’s financial position.
- B. **Audit of Accounts** – In accordance with the *Charter Section 5.12*, an independent audit of the City accounts will be performed every year. The auditor is retained by and is accountable directly to the City Council.
- C. **External Reporting** – Upon completion and acceptance of the annual audit by the City’s auditors, the City shall prepare a written Comprehensive Annual Financial Report (CAFR) which shall be presented to the City Council within 180 calendar days of the City’s fiscal year end. The CAFR shall be prepared in accordance with Generally Accepted Accounting Principals (GAAP) and shall be presented annually to the Government Finance Officer Association (GFOA) for evaluation and consideration for the Certificate of Achievement in Financial Reporting. If City staffing limitations preclude such timely reporting, the Finance Director will inform the City Council of the delay and the reasons therefore.
- D. **Internal Reporting** – The Finance Department will prepare internal financial reports, sufficient to plan, monitor and control the City’s financial affairs.

**RISK AND ASSET MANAGEMENT**

- A. **Risk Management** - The City will utilize a safety program, an employee wellness program and a risk management program to prevent and/or reduce the financial impact to the City due to claims and losses. Transfer of liability for claims through transfer to other entities through insurance and/or by contract will be utilized where appropriate. Prevention of loss through the safety program and the employee wellness program will be used.
- B. **Cash Management** - The City’s cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections. The City shall maintain a comprehensive cash management program to include the effective collection of accounts receivable, the prompt deposit of receipts to the City’s depository, the payment of obligations, and the prudent investment of idle funds in accordance with this policy.
- C. **Investments** – The City Council has formally approved a separate Investment Policy for the City of South Padre Island that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Government Code. This policy is reviewed annually by the City Council and applies to all financial assets held by the City.
- D. **Fixed Assets and Inventory** – The City Council has approved the City’s Fixed Assets Policies and Procedures. The basic goal and objective of this policy is to define and describe a set of standard procedures necessary to record and control the changes in the fixed asset system in accordance with Generally Accepted Accounting Principles.
- E. **Computer System/Data Security** – The City shall provide security of its computer/network system and data files through physical and logical security systems

that will include but not limited to, a firewall, intrusion prevention appliance, and two-tier spam/virus protection system.

1. **Physical location** – The location of computer/network systems shall be in locations inaccessible to unauthorized personnel.
2. **Access** – The Information Services department will be responsible for setting up access to the City’s network and files. The Finance Director shall have responsibility for setting security levels for employees within the financial system for internal control purposes, however these levels may be administered by the IS department.
3. **Remote access** – The Information Services department will set up employees for Virtual Private Network (VPN) access upon approval from their Department Director.
4. **Data backup** – Data backups will be conducted daily. The daily backups will remain on-site on a dedicated storage device.
5. **Inventory** – Records of all computer equipment purchased shall be the responsibility of the Information Services division. Routine inventories will be conducted to ensure safeguarding of these assets.

## **DEBT MANAGEMENT**

The City of South Padre Island recognizes the primary purpose of capital facilities is to support provision of services to its residents. Using debt financing to meet the capital needs of the community must be evaluated according to efficiency and equity. Efficiency must be evaluated to determine the highest rate of return for a given investment of resources. Equity is resolved by determining who should pay for the cost of capital improvements. In meeting demand for additional services, the City will strive to balance the needs between debt financing and “pay as you go” methods. The City realizes that failure to meet the demands of a developing community may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects on the City’s long-range financial condition.

The City will issue debt only for the purpose of acquiring or constructing capital assets for the general benefit of its citizens and to allow it to fulfill its various purposes as a city.

- A. **Usage of Debt** - Long-term debt financing will be considered for non-continuous capital improvements of which future citizens will benefit. Alternatives for financing will be explored prior to debt issuance and include, but not limited to:
  - Grants
  - Use of Reserve Funds
  - Use of Current Revenues
  - Contributions from developers and others
  - Leases

When the City utilizes long-term financing, it will ensure that the debt is soundly financed by conservatively projecting revenue sources that will be used to pay the debt. It will not finance the improvement over a period greater than the useful life of the improvement and it will determine that the cost benefit of the improvement, including interest costs, is positive to the community.

**B. Types of Debt –**

1. **General Obligation Bonds (GO's)** – General obligation bonds must be authorized by a vote of the citizens of South Padre Island. They are used only to fund capital assets of the general government and are not to be used to fund operating needs of the City. The full faith and credit of the City as well as the City's ad valorem taxing authority back general obligation bonds. Conditions for issuance of general obligation debt include:
    - When the project will have a significant impact on the tax rate;
    - When the project may be controversial even though it is routine in nature; or
    - When the project falls outside the normal bounds of projects the City has typically done.
  2. **Revenue Bonds** – Revenue bonds will be issued to provide for the capital needs of any activities where the capital requirements are necessary for the continuation or expansion of a service. The improved activity shall produce a revenue stream to fund the debt service requirements of the necessary improvement to provide service expansion. The average life of the obligation should not exceed the useful life of the asset(s) to be funded by the bond issue.
  3. **Certificates of Obligation, Contract Obligations (CO's)** – Certificates of obligation or contract obligations may be used to fund capital requirements that are not otherwise covered either by general obligation or revenue bonds. Debt service for CO's may be either from general revenues (tax-supported) or supported by a specific revenue stream(s) or a combination of both. Typically, the City may issue CO's when the following conditions are met:
    - When the proposed debt will have minimal impact on future effective property tax rates;
    - When the projects to be funded are within the normal bounds of city capital requirements, such as for roads, parks, various infrastructure and City facilities; and
    - When the average life of the obligation does not exceed the useful life of the asset(s) to be funded by the issue.Certificates of obligation will be the least preferred method of financing and will be used with prudent care and judgment by the City Council. Every effort will be made to ensure public participation in decisions relating to debt financing.
  4. **Tax Anticipation Notes** – The City can issue debt securities with a maximum maturity of seven years to provide immediate funding for a capital expenditure in anticipation of future tax collections.
  5. **Internal borrowing between City funds** – The City can authorize use of existing long-term reserves as "loans" between funds. The borrowing fund will repay the loan at a rate consistent with current market conditions. The loan will be repaid within ten (10) years. The loan will be considered an investment of working capital reserves by the lending fund.
- C. **Method of Sale** – The City will use a competitive bidding process in the sale of bonds unless conditions in the bond market or the nature of the issue warrant a negotiated bid. In such situations, the City will publicly present the reasons for the negotiated



- sale. The City will rely on the recommendation of the financial advisor in the selection of the underwriter or direct purchaser.
- D. **Disclosure** – Full disclosure of operating costs along with capital costs will be made to the bond rating agencies and other users of financial information. The City staff, with assistance of the financial advisor and bond counsel, will prepare the necessary materials for presentation to the rating agencies and will aid in the production of the Preliminary Official Statements. The City will take responsibility for the accuracy of all financial information released.
  - E. **Federal Requirements** – The City will maintain procedures to comply with arbitrage rebate and other Federal requirements.
  - F. **Debt Structuring** – The City will issue bonds with maturity not to exceed the useful life of the asset acquired. The structure should approximate level debt service unless operational matters dictate otherwise. Market factors, such as the effects of tax-exempt designations, the cost of early redemption options and the like, will be given consideration during the structuring of long term debt instruments.
  - G. **Debt Coverage Ratio** – Refers to the number of times the current combined debt service requirements or payments would be covered by the current operating revenues. The City will maintain a minimum debt service coverage ratio of 1.0 times.
  - H. **Bond Reimbursement Resolutions** – The City may utilize bond reimbursements as a tool to manage its debt issues, due to arbitrage requirements and project timing. In so doing, the City uses its capital reserve "cash" to delay bond issues until such time when issuance is favorable and beneficial to the City.

#### **OTHER FUNDING ALTERNATIVES:**

When at all possible, the City will research alternative funding opportunities prior to issuing debt or increasing user-related fees.

- A. **Grants** - All potential grants will be examined for any matching requirements and the source of those requirements identified. It must be clearly understood that any resulting operation requirements of the grant could be discontinued once the term and conditions of the project have been terminated. The City Council must authorize acceptance of any grant funding.
  - Guidelines** – The City shall seek to obtain those grants consistent with the City's current and future priorities and objectives.
  - Indirect Costs** – The City shall recover indirect costs to the maximum allowable by the funding source. The City may waive or reduce indirect costs if doing so will significantly increase the effectiveness of the grant.
  - Grant Review** – The City Manager and Finance Director shall review all grant submittals to determine in-kind match, as well as their potential impact on the operating budget, and the extent to which they meet the City's objectives. If there is a cash match requirement, the source of funding shall be identified and approved by City Council prior to application. Once the application is approved, the City Council sets the grant budget.

**Grant Program Termination** – The City shall terminate grant-funded programs and associated positions as directed by the City Council when grant funds are no longer available, unless alternate funding is identified.

- B. **Use of Fund Balance and Reserve Funds** - The City may authorize the use of reserve funds to potentially delay or eliminate a proposed bond issue. This may occur due to higher than anticipated fund balances in prior years, thus eliminating or reducing the need for debt proceeds, or postpone a bond issue until market conditions are more beneficial or timing of the related capital improvements does not correspond with the planned bond issue. Reserve funds used in this manner are replenished upon issuance of the proposed debt. Unappropriated fund balance in excess of operating reserves may be used for one-time projects, but not on-going operating expenses.
- C. **Leases** - The City may authorize the use of lease financing for certain operating equipment when it is determined that the cost benefit of such an arrangement is advantageous to the City.

## **POST ISSUANCE COMPLIANCE & ADMINISTRATION**

- A. **Investment of Bond Proceeds** - The proceeds of the bond sales will be invested until used for the intended project in order to maximize utilization of the public funds. The investments will be made to obtain the highest level of safety. The Investment Policy and the bond indentures govern objectives and criteria for investment of bond proceeds. The Investment Officers will invest the bond proceeds in a manner to avoid, if possible, and minimize any potential negative arbitrage over the life of the bond issuance, while complying with arbitrage and tax provisions.
- B. **Arbitrage Compliance** - The City shall comply with the Internal Revenue Code Section 148 – Arbitrage Regulations for all tax exempt debt issued.
- C. **Ongoing Disclosure** - The City will meet secondary disclosure requirements in a timely and comprehensive manner, as stipulated by the SEC Rule 15c2-12. The Chief Financial Officer (CFO) shall be responsible for providing ongoing disclosure information to the Municipal Securities Rulemaking Board’s (MSRB) Electronic Municipal Market Access (EMMA) system, the central depository designated by the SEC for ongoing disclosures by municipal issuers. The Chief Financial Officer is responsible for maintaining compliance with disclosure standards promulgated by state and national regulatory bodies, including the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the SEC, and Generally Accepted Accounting Principles (GAAP). The City may also employ the services of firms that improve the availability of or supplement the City’s EMMA filings. The City will provide full and complete financial disclosure to rating agencies, institutional and individual investors, other levels of government, and the general public to share clear, comprehensible, and accurate financial information using the appropriate channels/policies/procedures.
- D. **Compliance with Other Bond Covenants** - In addition to financial disclosure and arbitrage compliance, once the bonds are issued, the City is responsible for verifying compliance with all undertakings, covenants, and agreements of each bond issuance on an ongoing basis. This typically includes ensuring:
  - 1- Annual appropriation of revenues to meet debt service payments

*Section XI: Standard Operating Procedures*

- 2- Taxes/fees are levied and collected where applicable
- 3- Timely transfer of debt service/rental payments to the trustee or paying agent
- 4- Compliance with insurance requirements
- 5- Compliance with rate covenants where applicable
- 6- Recordkeeping and continued public use of financed asset
- 7- Compliance with tax covenants including the timely spend-down of project fund proceeds
- 8- Compliance with all other bond covenants

Finance will coordinate verification of covenant compliance and will work with all other responsible departments to monitor compliance with the aforementioned compliance requirements.

- E. **Compliance with State and Federal Reporting Requirements** - The City will meet required State and Federal reporting requirements related to bond and loan obligations. In May 2015, the 84th Legislature passed HB 1378 to increase the transparency of local government debt. Under Local Government Code §140.008, political subdivisions, including counties, cities, school districts, junior college districts, special purpose districts, and other subdivisions of state government must annually compile their debt obligation data from the preceding fiscal year and either:
- 1- report it to the Comptroller of Public Accounts for posting or, alternatively,
  - 2- post the information on their own websites.

**FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS**

The City of South Padre Island will maintain budgeted minimum reserves in the ending working capital/fund balances to provide a secure, healthy financial base for the City in the event of a natural disaster or other emergency, allow stability of City operations should revenues fall short of budgeted projections and provide available resources to implement budgeted expenditures without regard to actual timing of cash flows into the City.

- F. **Operational Coverage** – The City’s goal is to maintain operations coverage of 1.00, such that operating revenues will at least equal or exceed current operating expenditures. Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques.
- G. **Operating Reserves** – In accordance with the Charter Section 5.04, the City will strive to maintain emergency reserves of six (6) months of the City operating expenses. Reserves are defined as the amount of the unreserved fund balance of the most recent audited financial statements plus budgeted revenues minus budgeted expenditures for the current fiscal year. Operating expenses are defined as the expenses included in the most recent City Council approved annual budget reduced by major one time expenditures not typical for the maintenance and operations of the City prorated evenly over a six month period. Excess reserve fund balance equals reserves less six (6) months operating expenses as defined above.
- Reserve requirements will be calculated as part of the annual budget process and any additional required funds to be added to the reserve balances will be appropriated within the budget. Funds in excess of the minimum reserves may be expended for City purposes at the will of the City Council for one time projects once it has been

- determined that use of the excess will not endanger reserve requirements in future years.
- C. **Liabilities and Receivables** - Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within 30 days of receiving the invoice. Accounts Receivable procedures will target collection for a maximum of 30 days of service. The Finance Director is authorized to write-off non-collectible accounts that are delinquent for more than 180 days, provided proper delinquency procedures have been followed, and include this information in the annual report to the City Council.
  - D. **Capital Project Funds** – Every effort will be made for all monies within the Capital Project Funds to be expended within thirty-six (36) months of receipt. The fund balance will be invested and income generated will offset increases in construction costs or other costs associated with the project. Capital project funds are intended to be expended totally, with any unexpected excess to be transferred to the Debt Service fund to service project-related debt service.
  - E. **General Debt Service Funds** – Revenues within this fund are stable, based on property tax revenues. Balances are maintained to meet contingencies and to make certain that the next year’s debt service payments may be met in a timely manner.
  - F. **Investment of Reserve Funds** – The reserve funds will be invested in accordance with the City’s investment policy.

## INTERNAL CONTROLS

- A. **Written Procedures** –Written procedures will be established and maintained by the Finance Department for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.
- B. **Department Directors Responsibility** – Each Department Director is responsible for ensuring that good internal controls and adherence to the City’s Fiscal and Budgetary Policy are followed throughout their department and that all independent auditor internal control recommendations are addressed. Departments will develop and periodically update written internal control procedures.
- C. **Control Environment**  
City management is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse and to ensure that adequate accounting data are compiled to allow for the preparation of financial statements in conformity with generally accepted accounting principles. As a recipient of federal assistance, the City is also responsible for ensuring that an adequate internal control structure is in place to ensure compliance with applicable laws and regulations related to those programs. This internal control structure is subject to periodic evaluation by management.
- D. **Accounting System**  
Internal controls are safeguards the city implemented to protect sensitive financial information. Internal controls were implemented at the organizational and transaction levels of the City’s accounting information system. Organizational-level controls

ensure the City follows all applicable standards, laws, and regulations. Transaction-level controls ensure each accounting process achieves the city's goals and objectives.

## **DIRECT COSTS AND INDIRECT COSTS**

- A. Direct costs are those costs that can be identified specifically with a particular sponsored project, an instructional activity or any other institutional activity, or that can be directly assigned to activities relatively easily with a high degree of accuracy.
- B. Indirect costs are costs that are not directly accountable to a cost object (such as a particular project, facility, function or product). Indirect costs are those costs that are incurred for common or joint objectives and, therefore, cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity. Indirect costs include among others, the following:
  - Services of the accounting staff and administrators
  - Salaries of personnel engaged in a broad range of departmental support activities
  - Cost of utilities for a building housing multiple functions.

CITY OF SOUTH PADRE ISLAND  
  
And  
  
SOUTH PADRE ECONOMIC DEVELOPMENT  
  
CORPORATION  
  
INVESTMENT POLICY

Adopted  
July 5, 2023

## INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of South Padre Island (the “City”) and the South Padre Island Economic Development Corporation (the “EDC”) to achieve the goals of safety, liquidity, public trust, and yield for all investment activity. The City Council of the City and Board of Directors of the EDC shall review its investment strategies and policy not less than annually. This Policy serves to satisfy the statutory requirement (specifically the Public Funds Investment Act, Government Code chapter 2256, (the “PFIA”)) to define, adopt, and review a formal investment strategy and policy.

Throughout this Investment Policy, the City and EDC shall be collectively referred to as “SOUTH PADRE.”

## INVESTMENT POLICY

### I. SCOPE

This Investment Policy applies to all financial assets of SOUTH PADRE. The funds are accounted for in SOUTH PADRE's Annual Comprehensive Financial Report and include (but are not limited to):

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Economic Development Funds

### II. OBJECTIVES

SOUTH PADRE shall manage and invest its cash with the objectives (listed in order of priority): Safety, Liquidity, Public Trust, and Yield. The safety of the principal invested always remains the primary objective. All investments

shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

SOUTH PADRE shall utilize cash management procedures which include collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies to ensure maximum cash availability and interest earnings on short-term investment of idle cash.

### Safety

The primary objective of SOUTH PADRE's investment activity is the preservation of capital in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they are from securities defaults or erosion of market value.

### Liquidity

The investment portfolio shall be structured such that SOUTH PADRE is able to meet all obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow requirements, maintaining adequate levels of highly liquid investments, and by investing in securities with active secondary markets.

### Public Trust

In addition to achieving the stated objectives, all participants in SOUTH PADRE's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in SOUTH PADRE's ability to govern effectively.

### Yield

The investment portfolio shall be designed with the objective of regularly exceeding the rolling three-month U.S. Treasury Bill portfolio. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment



policies. To determine portfolio performance, this Policy establishes “weighted average yield to maturity” as the standard calculation.

### INVESTMENT STRATEGY

SOUTH PADRE maintains portfolios which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios:

- A. Investment strategies for operating fund and commingled pools containing operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short to medium-term investments that will complement each other in a laddered or barbell maturity structure with a maximum maturity of two years. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date of each investment. Funds shall be managed and invested with the objectives (listed in order of priority): Safety, Liquidity, Public Trust, and Yield.
- B. Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the next unfunded debt service payment date. Funds shall be managed and invested with the objectives (listed in order of priority): Safety, Liquidity, Public Trust, and Yield.
- C. Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments should be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities with a maximum maturity of five years. Funds shall be managed and invested with the

objectives (listed in order of priority): Safety, Liquidity, Public Trust, and Yield.

- D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in cash equivalent investments to allow for flexibility and unanticipated project outlays. The stated final maturity dates of investments held should not exceed the estimated project completion date. Funds shall be managed and invested with the objectives (listed in order of priority): Safety, Liquidity, Public Trust, and Yield.
  
- E. Investment strategies for Economic Development Funds will consider that these fund balances are designated for economic development projects and will be scheduled by the South Padre Economic Development Corporation. The maximum weighted average maturity of Economic Development Funds shall not exceed two years, and the maximum maturity of an individual investment shall not exceed three years. To ensure adequate liquidity for unanticipated cash needs, a portion of the fund balances shall be invested in financial institution deposits, constant dollar investment pools, or money market mutual funds. Any term-specific investments shall be matched with anticipated cash requirements. Funds shall be managed and invested with the objectives (listed in order of priority): Safety, Liquidity, Public Trust, and Yield.

### III. RESPONSIBILITY AND CONTROL

#### Delegation of Authority and Training

The City Manager and Chief Financial Officer are designated as Investment Officers of SOUTH PADRE. The City Manager shall approve all strategic investment programs prior to implementation. The City's Chief Financial Officer is responsible for day-to-day cash management activities including, but not limited to, transfers between the City's Primary Depository, money market accounts, and authorized local government investment pools. The

City's Chief Financial Officer shall establish procedures for the operation of the cash management and investment programs, consistent with this Investment Policy.

To ensure qualified and capable investment management, each Investment Officer shall attend at least one training session from an independent training source and accumulate at least 10 hours of instruction relating to the Officer's responsibility under the PFIA within 12 months after assuming duties. Thereafter, each Investment Officer shall additionally attend at least one training session from an independent training source and accumulate at least 8 hours of instruction relating to the Officer's responsibility under the PFIA not less than once in a two-year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolios, and compliance with PFIA.

The approved independent sources of training are: Government Finance Officers Association of Texas, Government Treasurers' Organization of Texas, Government Finance Officers Association, University of North Texas, Texas City Management Association, and the Texas Municipal League.

### Internal Controls

The City's Chief Financial Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of SOUTH PADRE are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that

- (1) the cost of a control should not exceed the benefits likely to be derived; and
- (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the City's Chief Financial Officer shall establish a process for annual independent review by an external auditor in conjunction with the annual audit to assure compliance with policies and procedures. The internal controls shall address the following points:

- A. Avoidance of collusion.
- B. Separation of transaction authority from accounting and record keeping.
- C. Custodial safekeeping.
- D. Avoidance of physical delivery securities.
- E. Clear delegation of authority to subordinate staff members.
- F. Written confirmation for telephone (voice) transactions for investments and wire transfers.

### Prudence

The standard of care to be applied by the Investment Officers shall be the "prudent person" rule, which states: "Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived." In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- A. The investment of all funds, or funds under SOUTH PADRE's control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.
- B. Whether the investment decision was consistent with the written Investment Policy of SOUTH PADRE.

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these

deviations are reported immediately to the City Manager and/or the Council and that appropriate action is taken to control adverse developments.

### Ethics and Conflicts of Interest

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair the ability to make impartial investment decisions and shall disclose to the City Attorney any material financial interests in financial institutions that conduct business with SOUTH PADRE. They shall further disclose positions that could be related to the performance of SOUTH PADRE's portfolio. Investment Officers shall subordinate their personal financial transactions to those of SOUTH PADRE, particularly with regard to timing of purchases and sales.

An Investment Officer who has a personal business relationship with an organization seeking to sell an investment to SOUTH PADRE shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to SOUTH PADRE shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing bodies of SOUTH PADRE.

### Quarterly Reporting

The Investment Officers shall submit a signed quarterly investment report crafted in compliance with the PFIA to the City Manager and each respective governing body that summarizes current market conditions, economic developments, and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment instruments, maturities, and risk characteristics, and shall provide the total investment return for the quarter.

At the end of the fiscal year, the Investment Officers shall include information incorporating the full year's investment portfolio activity and performance.

The reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

### Methods

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow SOUTH PADRE to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will include the following:

- A. A listing of individual investments held at the end of the reporting period by maturity date.
- B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of investments for the period.
- C. Average weighted yield to maturity of the portfolio as compared to applicable benchmarks.
- D. Listing of investments held by fund.
- E. The percentage of the total portfolio which each type of investment represents.
- F. Statement of compliance of SOUTH PADRE's investment portfolio with State Law and the Investment Strategy and Policy approved by the governing bodies.

### Active Portfolio Management

SOUTH PADRE shall pursue an active versus a passive portfolio management

philosophy. That is, investments may be sold before they mature if market conditions present an opportunity for SOUTH PADRE to benefit from the trade. The Investment Officers will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

SOUTH PADRE is not required to liquidate investments that were authorized investments at the time of purchase but no longer meet one or more requirements of this Policy.

Not less than quarterly, the Investment Officer will obtain the current credit rating for each held investment from a reliable source to ensure that the investment has maintained the required minimum rating. An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. SOUTH PADRE shall take all prudent measures that are consistent with this Investment Policy to liquidate an investment that does not have the minimum rating.

### Investments

Assets of SOUTH PADRE may be invested in the following instruments.

#### 1. Authorized

- A. Obligations, including letters of credit, of the United States of America, its agencies and instrumentalities, including the Federal Home Loan Banks.
- B. Direct obligations of the State of Texas and agencies thereof.
- C. Other obligations, the principal of and interest of which are unconditionally guaranteed by the State of Texas or United States of America or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

- D. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent.
- E. Certificates of deposit and other evidences of deposit at a financial institution that, a) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, b) is secured by obligations described in Section V. SAFEKEEPING AND CUSTODY and in a manner and amount provided by law for deposits of SOUTH PADRE, or c) is executed through a depository institution or an approved broker that has its main office or a branch office in Texas that meets the requirements of the PFIA.
- F. Fully collateralized direct repurchase agreements with a defined termination date secured by cash or obligations of the United States or its agencies and instrumentalities pledged with a third party, selected by the City's Chief Financial Officer, other than an agency for the pledger. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas.
- G. Texas local government investment pools that seek to maintain a stable \$1.00 net asset value, described as "government" portfolios, are specifically authorized by the governing bodies of the City of South Padre Island and the South Padre Economic Development Corporation, and comply with the requirements of State law.
- H. Investment pools that provide fixed maturity, fixed yield investments, described as "government" portfolios, are specifically authorized by the governing bodies of the City of South Padre Island and the South Padre Economic Development Corporation and comply with the requirements of State law.
- I. SEC registered, no load, government money market mutual funds that comply with the requirements of State law.



## 2. Not Authorized

SOUTH PADRE'S authorized investment options are more restrictive than those allowed by State law. State law specially prohibits investment in the following investment securities.

- A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- C. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- D. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

## 3. Holding Period

SOUTH PADRE intends to match the holding periods of investment funds with liquidity needs of SOUTH PADRE. In no case will the average maturity of investments of SOUTH PADRE's operating funds exceed one year. The maximum final stated maturity of any investment shall not exceed five years.

## 4. Risk and Diversification

SOUTH PADRE recognizes that investment risks can result from issuer defaults, market price changes, or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- A. Risk of issuer default is controlled by limiting investments to those instruments allowed by the PFIA, which are described herein.

- B. Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of dollar weighted average maturity of operating fund investments to one year, and avoidance of over-concentration of assets in specific instruments.
- C. All investment funds shall be placed directly with qualified investment providers as authorized by this Investment Policy and the PFIA.

#### IV. SELECTION OF QUALIFYING INSTITUTIONS

All local government investment pool providers must submit an Investment Policy Certification to acknowledge that they have received a copy of the City's current Investment Policy, in compliance with the PFIA.

##### Primary Depository

In compliance with State legislation, a Primary Depository shall be selected through SOUTH PADRE's banking services procurement process, which shall include a formal request for application (RFA). In selecting a Primary Depository, the credit worthiness of institutions shall be considered, and the City's Chief Financial Officer shall conduct a review of prospective depository's credit characteristics and financial history.

##### Broker/Dealers

For broker/dealers of investment securities, SOUTH PADRE may select any dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the "Primary Government Security Dealers." Other non-primary firms may be utilized if analysis reveals that such firms are adequately financed to conduct public business. Any broker/dealer must have been authorized by the City Council to execute transactions with SOUTH PADRE prior to any such transaction (Appendix A.). The Investment Officers shall ensure a competitive environment for individual security purchases and sales when practicable.

#### V. SAFEKEEPING AND CUSTODY

## Insurance and Collateral

All financial institution deposits shall be insured or collateralized in compliance with applicable State law. SOUTH PADRE reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged toward deposits. Financial institutions serving as SOUTH PADRE depositories will be required to sign a depository agreement with SOUTH PADRE. The collateralized deposit portion of the agreement shall define SOUTH PADRE's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement has to be executed by the depository and SOUTH PADRE contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or authorized Committee of the depository and a copy of the meeting minutes must be delivered to SOUTH PADRE; and
- The Agreement must be part of the depository's "official record" continuously since its execution.

**Insurance, Pledged Collateral, or Purchased Securities** - With the exception of deposits secured with irrevocable letters of credit at 100% of the principal and anticipated accrued interest amount, all deposits of SOUTH PADRE funds with eligible depositories shall be secured by pledged collateral with a market value equal to or greater than 102% of the principal and anticipated accrued interest, less any amount insured by the FDIC. Repurchase agreements shall be documented by a specific agreement noting the "purchased securities" in each agreement.

Evidence of the pledged collateral shall be maintained by the City's Chief Financial Officer. The City shall contract with a bank or banks for the safekeeping of securities owned by the City as part of its investment portfolio. Securities owned by the City shall be held in an account in the City's name as evidenced by safekeeping receipts of the institution holding the securities.

### Custodial Agreement

Collateral pledged to secure deposits of SOUTH PADRE shall be held by a third-party custodian in accordance with a custodial agreement which clearly defines the procedural steps for gaining access to the collateral should SOUTH PADRE determine that SOUTH PADRE's funds are in jeopardy. The Custodian shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral. A pledge receipt shall be issued to SOUTH PADRE listing the specific investment, CUSIP, rate, maturity, and other pertinent information. Collateral pledged shall be reviewed routinely to assure the market value equals or exceeds the related SOUTH PADRE investment.

### Collateral Defined

SOUTH PADRE shall accept only the following as collateral:

- A. FDIC insurance coverage.
- B. A bond, certificate of indebtedness, debenture, or letter of credit of the United States or its agencies and instrumentalities, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States or its agencies and instrumentalities.
- C. Obligations, the principal and interest of which are conditionally guaranteed or insured by the State of Texas.
- D. A bond of a county, city or other political subdivision of the State of Texas having been rated no less than "A" or its equivalent by a nationally recognized rating agency, with a remaining maturity of ten (10) years or less.

E. A letter of credit issued to SOUTH PADRE by the Federal Home Loan Bank.

Subject to Audit

All collateral shall be subject to inspection and audit by the City's Chief Financial Officer or SOUTH PADRE's independent auditors.

Delivery vs. Payment

Investment securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the safekeeping agent. The security shall be held in an account in the name of SOUTH PADRE or held on behalf of SOUTH PADRE. The safekeeping agent's records shall assure the notation of SOUTH PADRE's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to SOUTH PADRE.

VI. INVESTMENT POLICY ADOPTION

SOUTH PADRE Investment Policy shall be annually reviewed and adopted by action of each respective governing body.

Appendix A.

**Authorized Broker/Dealers**

SouthState | DuncanWilliams  
FHN Financial  
Multi-Bank Securities  
Oppenheimer & Company, Inc.  
Raymond James  
Rice Financial  
Wells Fargo Securities

## **1100.07 Volunteer Procedures**

### ***Scope***

This policy applies to all volunteers of the City.

### ***Policy***

The City of South Padre Island has established procedures for those individuals who wish to become a volunteer in City activities, projects and programs. The City of South Padre Island volunteers will be provided the opportunity for growth and training. This policy is intended for internal management guidance only and does not constitute, either implicitly or explicitly, a binding contractual or personnel agreement. The City of South Padre Island reserves the right to change this policy at any time.

The City accepts the service of all approved volunteers with the understanding that such service is at the sole discretion of the City. Volunteers agree that the City may, at any time, for whatever reason, decide to terminate the volunteer's relationship with the City. The volunteer may at any time, for whatever reason, decide to sever the volunteer's relationship with the City. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.

Volunteers are viewed as a valuable resource to the City. Volunteers shall be extended the right to be given meaningful assignments and the right to adequate supervision. In return, volunteers shall agree to perform their duties to the best of their abilities actively and to remain loyal and respectful of the goals and procedures of the City.

Volunteers may be utilized in City Manager-approved programs and activities of the City. Volunteers should not, however, be utilized to displace any paid employees from their positions.

Volunteers are not authorized to drive a City Vehicle.

### ***Procedure***

#### **I. Conflict of Interest:**

No person who has a conflict of interest with any activity or program of the City, whether personal, philosophical, or financial, shall be accepted or serve as a volunteer with the City.

#### **II. Employees as Volunteers:**

The City accepts the services of staff as volunteers. This service is accepted provided that the volunteer service is provided totally without any coercive nature, involves work that is outside the scope of regular staff duties, and is provided outside usual working hours. Family members of staff are allowed to volunteer with the City. When family members are enrolled as volunteers,

they will not be placed under direct supervision or within the same department as other members of their family who are employees.

III. Special Case Volunteers:

The City also accepts as volunteers those participating in student community service activities, student intern projects, alternative sentencing or diversion programs, and other volunteer referral programs. In each of these cases, however, a special agreement must be in effect with the organization, school, or program from whom the special case volunteers originate.

IV. Minimum Age of Volunteers:

Volunteers must be at least seventeen (17) years of age. Fire and Police Cadets must be at least sixteen (16) years of age.

V. Volunteer Approval:

Individuals wanting to volunteer should contact the Administrator for direction. Unapproved personnel should not be allowed to volunteer.

All inside volunteers must submit to a pre-volunteer criminal background check. The volunteer will be required to sign a Release of Information form to provide the City the authority to check the appropriate records.

VI. Orientation Process:

There will be specific policies and procedures that must be covered with each Volunteer before the start of the volunteer program. All forms must be signed and forwarded to the Human Resources Division.

- Volunteer Procedures Policy
- Liability Waiver/Release
- Volunteer and Emergency Contact Information

There are also certain items that must be verbally explained to the volunteer, such as:

- Dress Code
- Confidentiality expectations
- Scheduling
- Customer Service

VII. Access to City Property:

As appropriate, volunteers shall have access to City property and materials necessary to fulfill their duties and shall receive training in the operation of any equipment. Property and



materials shall be utilized only when directly required for City purposes. This does not include access or use of City Vehicles or motorized equipment.

VIII. Confidentiality:

Volunteers are responsible for maintaining the confidentiality of all proprietary or privileged information to which they are exposed while serving as a volunteer, whether this information involves a single staff, volunteer, client, or other person or involves overall City business.

IX. Time Records:

Individual volunteers are responsible for completing a timely submission of timesheet. This time sheet is then forwarded to the Human Resources Manager and/or City Secretary and provided to the Texas Municipal League IRP annually to ensure the City is paying the correct amount for Workers' Compensation Insurance.

X. Absenteeism:

Volunteers are expected to perform their duties on a regular, scheduled, and timely basis. If expecting to be absent from a scheduled duty, volunteers should inform their staff supervisor as far in advance as possible so that alternative arrangements may be made. Continual absenteeism will result in a review of the volunteer's work assignment or term of service.

XI. Dismissal of Volunteer:

Volunteers who do not adhere to the rules and procedures of the City or who fail to perform their volunteer assignment satisfactorily are subject to dismissal. Prior to dismissal the Department Director should seek consultation and assistance from the Human Resources Manager. The City Manager must approve all volunteer terminations prior to the action.

## **1100.08 Wireless Telecommunication Equipment Policy**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The purpose of this policy is to specify the authorized use of City-issued wireless telecommunication equipment as well as the use of personal wireless telecommunication devices in the workplace. As custodians of resources entrusted to us by our citizens, employees should always be mindful of the public trust, of the necessity for conducting ourselves with the highest ethical principles, and of avoiding any action that may be viewed as a violation of the public trust in the use of these resources.

City-issued wireless telecommunication equipment is provided for conducting the official business of the City. Personal use of wireless telecommunication equipment is discouraged and should be limited to emergencies or unavoidable circumstances. All personal use must be reimbursed to the City at the current City account rate of 4.5 cents per minute. All employees with City-Issued wireless telecommunications equipment will be subject to an audit. If personal calls are identified, and the City is not reimbursed for the usage, the employee will be subject to disciplinary action.

The Internal Revenue Service considers cellular telephones “listed property”, which means City cellular phones that are used for personal use, is a taxable income. Listed property includes items obtained for use in a business but designated by the Internal Revenue Code as lending themselves easily to personal use. If the telephone is used exclusively for business, all use is excludable from income. The amount that represents personal use is included in the wages of the employee; this includes individual personal calls and is considered taxable.

### ***Procedure***

#### Definitions

For the purpose of this policy, the following definitions apply:

- A. Official Use – Communications that are necessary in conducting City-Related business.
- B. Personal Use – Any communication that is not related to City business.
  - Example: Calling to schedule a doctor appointment or calling a family member when working late.
  - Even though minimal personal calls are allowed if reimbursed by the employee, excessive personal use will be subject to disciplinary action.
- C. Unauthorized Use – Personal communication not sponsored by the City:
  - Any call which could reasonably be made from a standard (landline) telephone or other communication that is available at a lesser cost.

- Any call made in relation to personal gain by employees or employees' friends or relatives.
  - Any call for the purpose of personal entertainment.
- D. Eligible Personnel – Wireless telecommunication equipment may be assigned to employees or otherwise made available for use when a valid work-related purpose exists. Personnel to whom wireless telecommunication equipment may be assigned include those persons whose duties require frequent mobility but who must remain readily accessible due to the specific nature of their duties and those who must be available for emergency responses or consultation after regular office hours. The City Manager will determine which positions are authorized to receive City-issued wireless telecommunication equipment based on the job function.
- E. Telecommunication Equipment – Wireless communication devices available commercially and to the general public without licensure requirement. Devices may include but are not limited to wireless telephones, 2-way radios, pagers, and accessories for telephones and pagers. Any electronic devices used for communication are generally considered telecommunication equipment.

### City Issued Wireless Telecommunication Equipment

City-issued wireless telecommunication equipment is provided to employees who, by the nature of their jobs, have a routine and continuing business need for use on official City business. The purpose of his policy is to establish the requirements and general rules for (1) the use of city-issued wireless telecommunication equipment and (2) eligibility for reimbursement of wireless telecommunication equipment.

#### A. Conditions for Wireless Assignment

Employees are responsible for understanding and following all wireless telecommunication equipment policies and any additional restrictions imposed by their department. The use of City-issued wireless telecommunication equipment is for official use only and is subject to audit. City-issued wireless telecommunication equipment may not be used at any time in violation of federal and state laws, local ordinances, the Employee Handbook, or any department procedures. Users may be required to justify all calls on City-issued wireless telecommunication equipment.

1. Radio Assignment – Radios are to be used as a 2-way radio for communications between employees and for City-Related business. The radio's cellular capability is for use when radio communication is not possible or economical.
2. Wireless Telecommunication Equipment Assignment – Wireless telecommunications equipment is to be used when communication is necessary for City-related business after hours or away from a City facility.
3. Tablets – Employees who are Department Director level and above are allowed to have a data connection through a tablet-type device. The City Manager must approve individual exceptions to this policy based upon business need.
4. Internet Mobile Hotspot – Employees who are required to work remotely or spend an extensive amount of time working outside of the office may be issued an internet mobile

hotspot. Internet mobile hotspots will be available for check-out from the Information Technology Department on a first come, first serve basis. They can be reserved by contacting the Information Technology Director or IT Support Technician. All issued internet mobile hotspots must be approved by the City Manager based on business need.

#### B. Request for Wireless Telecommunication Service

To initiate wireless telecommunication service, a Personnel Action form must be completed and authorized by the relevant Department Director and forwarded to the Information Technology Director, who coordinates the City accounts. A copy of the approved Personnel Action form will be included in the personnel file. Use of City-issued wireless telecommunication equipment and service will be terminated when no longer justified by business requirements or when the employee has demonstrated disregard for this policy as determined by the user's Department Director. Service termination and equipment revocation may occur at any time at the discretion of the City.

#### C. Equipment and Accountability

The wireless telecommunication equipment is the property of the City of South Padre Island. Equipment is the sole responsibility of the wireless user(s) registered with the Information Technology Department. The equipment must be secured, and its whereabouts known at all times to the user and/or the user's supervisor. The Information Technology Department must be notified in writing of any permanent transfer of responsibility. Upon leaving a City position, all wireless telecommunication equipment must be returned to the Information Technology Department. Failure to return equipment may result in the cost of the equipment being deducted from the final paycheck due to the employee or other collection action by the City. Employees violating the Wireless Telecommunication policy will be subject to disciplinary action. Supervisors are responsible for ensuring the responsible use of wireless telephones by their employees.

1. Equipment Options – A list of approved equipment can be obtained from the Information Technology Department.

#### D. Using Wireless Telephones While Driving

Text messaging, reading or composing emails, or using a handheld cell phone while operating the vehicle is prohibited. A Bluetooth or other hands-free device is acceptable. The driver should pull over to the side of the road and/or shut down machinery until the call is complete. Wave Drivers are strictly prohibited from using cell phones while driving.

#### E. Loss, Theft or Damage Notification Procedure

Users will notify the Information Technology Director immediately of any problems with their assigned wireless telecommunication equipment, including loss, theft or damage. A written report from the Department Director must accompany a replacement request due to loss. A

copy of the police report may be required with a replacement due to theft or loss. The user's Department Director must sign the replacement request and provide the account to which the replacement will be charged. Employees will be subject to disciplinary actions if found negligent.

#### F. Incidental Reimbursements to Employees

City employees who do not qualify for City-issued wireless telecommunication equipment but use their personal wireless telephone to conduct City business may be reimbursed for the number of minutes incurred for City-related business as the City's standard rate within thirty (30) days from the billing period in which the telephone call was made.

To qualify for reimbursement, an employee must submit to the Finance Department a travel reimbursement form with written authorization from the user's departmental account and the relevant monthly wireless telephone service invoice with City-related business highlighted.

#### G. Wireless Telecommunication Equipment Usage

- Wireless telecommunication equipment may be assigned to an employee to conduct official City business. City-issued wireless telecommunication equipment should not be assigned to any person other than a City of South Padre Island employee unless in an emergency situation for public safety purposes.
- Assignment of wireless telecommunication equipment to an employee may be withdrawn at any time at the discretion of the City Manager, Director of Operations, Information Services Director, and/or Department Director.
- All City-Issued wireless telecommunication equipment is the property of the City of South Padre Island.
- Employees are hereby notified that their communications via City-issued wireless telecommunication equipment are not private and subject to the Public Information Act.
- The use of City-Issued wireless telecommunication equipment to transmit or receive inappropriate communication is strictly prohibited and will result in disciplinary action. Inappropriate communication includes, but is not limited to, discriminatory, hostile, suggestive, obscene, harassing, or otherwise unsuitable language and content.
- Personal telecommunication devices are not allowed to interconnect with internal City networks and should be kept on the guest wireless network.

#### H. Personal Usage of Wireless Telecommunication Equipment

- Excessive personal use of City-issued wireless telecommunication equipment, incoming and outgoing, is strongly discouraged and will be subject to disciplinary action.
- Each month, the Finance Department receives wireless telecommunication account billing information prepared by the City's service provider. If City-issued wireless telecommunication equipment was used to make or receive a personal telephone call, it is the employee's responsibility to review the invoice to identify the personal charges and reimburse the City at the minute/rate identified on the account activity statement.

- Reimbursement for personal calls must be made no later than the last day of the month in which the invoice was received by the Finance Department.

### Monthly Cell Phone Allowance

Administrative employees required to use telecommunication equipment for City business may be authorized by their Department Director and City Manager to receive a monthly allowance to use personal devices and rate plans to conduct City Business. This allowance is taxable and intended to reimburse employees for the use of their personal equipment and minutes for City business only. The Information Technology Director must approve any personal equipment that will connect to the City network.

- a. Equipment Purchases – Employees will purchase equipment at their own expense. The total monthly allowance is based on the City’s cost of equipment and City cost rate plans.
- b. Conditions of Monthly Allowance – Receiving a monthly allowance means the phone number will be public. The City is required to comply with the Public Information Act, which includes electronic data.
- c. Monthly Allowance Levels – The Department Director and City Manager will be responsible for assigning and approving the monthly allowance for eligible employees from the following four levels.
  1. Level One (\$100 per month): Employees who are required to be available 24 hours a day, 7 days a week and to have a data plan would be eligible for level one.
  2. Level Two (\$80 per month): Employees are required to be available by cell phone during regular business hours, and having a data plan would be eligible for level two.
  3. Level Three (\$40 per month): Employees required to be on-call or use their personal phone for City business for more than one-hundred (100) minutes a month or require texting or picture messaging would be eligible for level three.
  4. Level Four (\$20 per month): Employees who are required to occasionally use their personal phone in emergency situations or use their personal phone for City business more than fifty (50) minutes a month would be eligible for level four.
- d. Eligible Phones – Employees who qualify for levels one and two must purchase equipment that works with the City’s email system. Employees who qualify for levels three and four may purchase any standard telephone. Most providers provide discounts to governmental employees on cell phone plans and equipment purchases if you provide them with proof that you work for the City.
- e. International Roaming – Employees who are required to take City business-related calls while outside the United States can receive reimbursement for those calls. Usage should be limited to emergencies and unavoidable circumstances. To receive reimbursement, an Expense Report with a copy of the cell phone bill must be

submitted to the Finance Department within 30 days of the billing period in which the telephone calls(s) were made.

### Personal Wireless Telecommunication Equipment

While at work, employees are to exercise the same discretion in using personal wireless telecommunication equipment as they do for the City-issued equipment. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee's productivity and be distracting to others. Excessive use of cell phones may be subject to disciplinary action. The City encourages a reasonable standard of limiting personal calls during work time to no more than two per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members know the City's policy. Flexibility will be provided in circumstances demanding immediate attention.

## **1100.09 Media Management**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

#### **I. Statement of Purpose:**

The purpose of the standard operating procedures (SOP) is to provide guidelines for the City of South Padre Island to keep the media and the public fully, fairly and accurately informed of programs, services, events, and issues in a timely and forthright manner.

Efficient and effective communication with the media is critical to the City of South Padre Island's ability to carry out its mission of open, transparent communication. Coordination, uniformity, accuracy, and timeliness are the cornerstones of strong and productive media relations. Working with the media gives the City an opportunity to share its message.

The SOP exists to support the mission of the City, as defined by the City Council, Comprehensive Plan, Home Rule Charter, and most importantly, the citizens.

#### **II. Goals of SOP:**

Effective media relations best serve South Padre Island by:

- Providing accountability to the public and transparency of government.
- Ensuring that timely and accurate information is conveyed to the public regarding incidents or issues of a sensitive or controversial nature.
- Establish and maintaining an accurate public perception of the City.
- Increasing the visibility of the City of South Padre Island on local, statewide, and national levels.
- Inform residents of city programs and services.
- Promoting the City's achievements, activities, and significant events.

#### **III. Policy:**

The Public Information Officer serves as the primary spokesperson for the City of South Padre Island and conveys the official City position on media inquiries, issues of citywide significance, and situations that are sensitive and controversial in nature. The Officer is also the gatekeeper to elected and appointed City officials. All media inquiries are to be directed to this position. When appropriate, the Public Information Officer will forward inquiries to the City Manager, Department Directors, or the Mayor and coordinate all media interviews for a response. In all



cases, the City Manager and the Public Information Officer should be informed concerning all media inquiries.

The Public Information Officer promotes the City through press releases, social media, and other avenues regarding special accomplishments, events, activities, programs, and plans. All releases intended for external audiences should go through this office. Most releases should be proactive, relating a story currently not before the public.

Since positive media solicitation is an integral element of the City's communication strategy, any ideas for articles or media pieces that would positively portray the City, its work, or its image, should also be directed to the Public Information Officer.

In a similar fashion, the Public Information Officer should be notified about negative occurrences that are likely to attract Media interest and possibly rise to the level of a news story.

Guidelines for responding to TV, newspaper, and radio interview requests:

When receiving a request for an on-air interview, the Public Information Officer should collect the following information:

- Reporter's name
- Media organization
- When the interview will air
- If it will be a live or taped interview

Employees will direct the reporter to the Public Information Officer. Giving the Public Information Officer advanced notice of the reporter's request may help expedite the release of information.

Unique requests during busy times, like Spring Break, Fourth of July, etc., should always be shared with the City Manager by those involved and the Public Information Officer. This involves network or syndicated television shows seeking special access, such as taping in the emergency operations center, police ride-alongs, etc. Under no circumstance will the Media be allowed to have special access unless approved by the City Manager.

When the media are on City property, they should be escorted at all times. Do not discuss the following areas with reporters:

- Legal issues, including liability issues and pending litigation
- Personnel issues, either current or former employees
- Questions involving City integrity, such as ethics
- Community-wide situation or emergency

Please do not say you are not allowed to talk to the media or "no comment," but say, instead, that it is City Policy that all media requests be directed to the Public Information Officer. Inform

the Public Information Officer and the City Manager about any requests regarding the areas above.

IV. Media relations during emergencies:

The City of South Padre Island has an emergency preparedness plan, which includes a public information element. This is the governing document during emergencies. In these cases, the only immediately authorized individuals who may speak on behalf of the City are the Mayor, the City Manager, the Emergency Management Coordinator, and the Public Information Officer. Additionally, the City Manager, or designee, and the Emergency Management Coordinator are authorized to speak on behalf of the City.

All media inquiries during an emergency are to be sent to the Public Information Officer. It will be the responsibility of the Public Information Officer to keep the City Manager informed of all inquiries.

V. Media relations concerning citywide, controversial issues:

Non-emergency, but critical issues, that may come before the City should be coordinated by the Public Information Officer. If appropriate, certain department directors may be authorized to speak on behalf of the City. At no time will a City employee below the rank of a department director be allowed to speak on behalf of the City concerning controversial topics.

The goal is always clear, accurate communication with the media. It is critical in emergencies and controversial issues that there is one message. This message is the accurate, honest message from the City to the public through the media. Proper handling of communication in any crisis situation will improve City relationships with the public and the media.

In all cases, the key is to offer a calm, helpful presence. The confidence shown by those being interviewed will transfer to the public. The City will be open and responsive to questions.

The City's first priority is always the safety of its residents and visitors.

When approached about City election issues, facts about a bond issue, or the like, may be shared; however, in no circumstance can the comments advocate a voting position. The City will not comment on candidates for election.

VI. Responsibilities of departments during a crisis or emergency situation:

Although a specific department may not be directly involved in communicating through the media, they may have the information critical to share with the public. In this regard, any request from the Public Information Office, the Mayor and/or the City Manager must be handled promptly with accurate information.

For example, in a hurricane situation, television crews may want to shoot videos of preparations, such as removing items from the beach, creating sand berms, re-entry sticker distribution,

sandbag distribution, etc. It is critical that the Public Information Office have information on what is happening, when it is happening and where it is happening.

If hours are set for a project, like distribution of sandbags, issuing of re-entry stickers, etc., we must stick with those hours. If hours and locations change, we lose credibility with the media and the public.

In a breaking news situation, such as an accident, fire, etc., the City Manager, Mayor, and Public Information Officer can share immediate facts with the media.

VII. Online blogs or opinion sites:

Employees are not authorized to represent the City in online blogs or opinion sites so that it may be perceived that the views and opinions reflect the official policy or position of the City. If such a site is shown to be sharing inaccurate facts, this should be pointed out to the Public Information Officer for a possible response. This does not apply to City initiated blogs or opinion sites.

## **1100.10 Public Information**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

The Public Information Officer is responsible for the effective disposition of Public Information Requests and Judicial Records requests submitted to the City of South Padre Island. An effective and efficient means of receiving, cataloging, retrieving and dispensing of records is essential to meet the laws of the State of Texas.

#### **II. Purpose:**

The purpose of this policy is to set out guidelines to ensure that all requests for public information are handled fairly, timely and within the statutes set out by the State of Texas Public Information Act.

#### **III. The Public Information Act (The ACT):**

The Texas Public Information Act gives the public the right to request access to government information through a written request to a governmental body. The request must ask for records or information already in existence. The Act does not require a governmental body to create new information, to do legal research, or to answer questions.

The Act requires that records of public information must be produced within ten business days of the written request to the governmental body. However, the standard under the Act is actually that the governmental body must “promptly produce” the public information.

If it will take a governmental body longer than ten business days to provide the records, the governmental body must certify that fact in writing to the requestor. In the notice to the requestor, the governmental body must indicate a set date and hour within a reasonable time that the information will be available.

For more information regarding the Public Information Act, visit the Texas Office of the Attorney General’s website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov).

#### **IV. Types of Information Subject to the Public Information Act:**

Public information includes any information collected, assembled, or maintained by or for a governmental entity in connection with the transaction of official business. The Public Information Act applies to records regardless of their format. It includes information that is maintained in paper, tape, microfilm, video, electronic data held in a computer memory, as well as other mediums specified under law.

#### Standing Requests for Copies of Records:

A governmental body has no duty to comply with standing requests for copies of records. If a requestor seeks documents that are not in existence at the time of the request, the governmental body may notify the requestor of this fact and ask the requestor to resubmit the request at a later time when such a record may be available. Also, the governmental body has no duty to notify the requestor in the future that the information has come into existence.

#### Law Enforcement Information:

Basic information about an arrested person, an arrest, or a crime may not be withheld. Basic information is information that ordinarily appears on the first page of an offense report, such as:

1. The name, age, address, race, sex, occupation, alias, social security number, police department identification number, and physical condition of an arrested person.
2. The date and time of the arrest.
3. The place of the arrest.
4. The offense charged and the court in which it is filed.
5. The details of the arrest
6. Booking information.
7. The notation of any release or transfer.
8. The bonding information.
9. The location of the crime.
10. The identification and description of the complainant.
11. The premises involved.
12. The time of occurrence of the crime.
13. The property involved, if any.
14. The vehicle(s) involved, if any.
15. A description of the weather.
17. A detailed description of the offense.
18. The names of the arresting and investigating officers.

Generally, the identity of the complainant may not be withheld from disclosure. However, the identity of the complainant may be withheld in certain instances under other provisions of the law.

#### V. Procedures:

A written request will be accepted if made in person, via fax, or via email.

#### Public Information Officer Responsibilities:

1. Inform the requestor when the Office of the Attorney General has been asked to rule on whether information may or must be withheld.
2. Copy the requestor on all written comments submitted to the Office of the Attorney

- General stating the reason why the stated exceptions apply.
3. Comply with any Office of the Attorney General ruling on whether an exception applies.
  4. The Public Information Officer will forward the Public Information Request to the proper department for processing.
  5. The Public Information Officer will be responsible for maintaining the Public Information Request (PIR) Log.
  6. If the information requested cannot be promptly produced a set date and hour within a reasonable time that the information will be available so that the Public Information Officer can notify the requestor.
  7. The Public Information Officer will notify the requestor, in writing, of any expenses related to the request.
  8. The Public Information Officer, along with the assistance of the City Attorney, will be responsible for requesting an open records ruling from the Attorney General's Office on exceptions that may apply to the requested information. The Public Information Officer will notify the requestor and provide a copy of the request for an exemption ruling from the Attorney General's Office.

#### Public Information Requests Ruling by the Attorney General:

If the governmental body wishes to withhold the information, the governmental body must, within ten business days of receiving the Public Information Request, refer the matter to the Office of the Attorney General (OAG) for a ruling on whether an exception applies.

#### Department Responsibilities:

1. All Public Information Requests must be entered in the Public Information Log before any information can be released.
2. All requests will reference a PIR number and description of the information sought. Please refer to this number for all information and correspondence responding to requests.
3. The department is responsible for providing requested information to the requestor promptly.
4. Once the department processes the information, make the notation on the PIR Log.
5. The department is responsible for retaining information requested and released in accordance with the Texas Secretary of State retention schedules.
6. The department is responsible for informing the Public Information Officer in writing if:
  - a. No records are available.
  - b. The department wishes to withhold the information requested.
    - i. Provide the information or representative samples to the Public Information Officer to submit to the Attorney General's Office for a ruling.
    - ii. Provide exceptions that may apply to the requested information.
    - iii. Denial of Judicial requests and exceptions that may apply.
  - b. Records/request does not belong to that particular department.
  - c. Delays are foreseen due to the number of documents sought and/or retrieval from storage.

*Section XI: Standard Operating Procedures*

- d. If delayed, indicate a set date and hour within a reasonable time that the information will be available so that the Public Information Officer can notify the requestor.
  - e. Inform the Public Information Officer of possible expenses related to a request so that it can be relayed to the requestor for approval before processing.
  - f. The department needs requested information clarification due to vague request(s).
7. All Directors and employees who process requests for their department are required to take the online Public Information Act Training within the first 90 days of employment. Once completed, submit your certificate to the Administrative Services Department.

**Charges to the Requestor:**

A person may ask to view the information, get copies of the information, or both. If a request is for copies of information, then charges approved by the Texas Public Information Act will apply. The Public Information Officer will be responsible for notifying and invoicing.

Fees established by the City of South Padre Island are as follows:

Copies and/or printouts, up to 8-1/2 x 14	\$.10/page after first 10 pages
Personnel (Labor)	\$15/hour after the 1 <sup>st</sup> hour
Diskettes/CD's	\$1/each
Envelopes (small)	\$1/each
Envelopes (large)	\$1/each
Postage	Actual Cost
Oversize paper copy (11"x 17")	\$.50/page after first 10 pages
Mylar (depending on thickness)	\$.85 to \$1.35/linear foot
Blueprint/Blueline paper (all widths)	\$1 linear foot
VHS video cassette	\$2.50
Audio cassette	\$1.00
DVD	\$5.00

The City can request a prepayment or deposit if estimated costs exceed \$100.

**VI: Judicial Records:**

Texas courts themselves are part of the judicial branch of the Texas government. The Public Information Act (PIA) does not apply to the courts. Access to court case records is governed by common law, statutory law, and court rules. Generally, the custodian of court case records is the clerk of the court. Neither the Office of the Texas Attorney General nor the OCA can consider appeals from denials of access to court case records.

Access to judicial records (records other than court case records) is governed by Rule 12 of the Rules of Judicial Administration. The custodian of judicial records is usually the judge of the court. A request to inspect or copy a judicial record must be in writing and must include sufficient

information to identify the record. Appeals from denials of access to judicial records are to be filed with the Administrative Director of the Office of Court Administration. Appeals are decided by a committee of presiding judges who issue written opinions explaining the committee's decision.



## **1100.11    Council Communication and Relations with City Staff**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

#### **I.    Policy Reference:**

Home Rule Charter Section 2.05(c) – Interference with Administration. Except for the purposes of inquiries and investigations under Section 2.09, the 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, and neither the Council nor its members shall give orders or direction to any such officer or employee, either publicly or privately.

#### **II.    Background:**

The governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council’s policies. Cooperation and mutual respect are essential from each individual for the good of the community.

#### **III.    General:**

- a. Informal communication encouraged – Members of the Council are encouraged to interact informally and casually with City staff to gather information, obtain progress reports on projects and programs, or provide information to staff relevant to their area of expertise. Such informal contacts can serve to prompt better understanding of specific city functions and problems. However, Councilmembers should be careful, in such interactions, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager’s directives. City staff should provide the City Manager and supervisor with the same information shared with the Councilmember.
- b. Inquiries to specific City staff – Questions of City staff and/or requests for background information should be directed only to the City Manager, City Attorney, City Secretary, or Department Directors. The City Manager’s Office should be copied and/or informed of any request, except those to the City Attorney. Requests for follow-up or directions to staff should be made only through the City Manager. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Manager for assistance. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

- c. Treat all staff as professionals – Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- d. Do not disrupt City staff from their jobs – Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions to have their individual needs met.
- e. Never publicly criticize an individual employee – The Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee’s manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- f. Do not get involved in administrative functions – Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, granting of City licenses and permits, or waiving and/or modifying any type of enforcement activity.
- g. Check with City staff on correspondence before taking action – Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.
- h. Do not attend meetings with City staff unless requested by the City Manager - Even if the Councilmember does not say anything, the Councilmember’s presence implies support, shows partiality, intimidates staff, and hampers staff’s ability to do their job objectively.
- i. Do not solicit political support from staff – Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on the support list, etc.) from City staff.
- j. Complaints – the Council should not entertain or respond to staff complaints. Any discussions of this nature should be referred directly to the City Manager. The Council should never speak critically to a City staff member about other City staff, other Councilmembers, and/or Council decisions.

When performance complaints are made by citizens about staff action or non-action, directly to an individual Councilmember or in a Council or Committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and action. The individual Councilmember or the Council may request to be informed by the City Manager of the action or response to the complainant.

Although citizens’ direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a “personal intervention” pattern in minor calls for service, which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate Department Director or the City Manager.

## **1100.12 Gym Facility Procedures**

### ***Scope***

This policy applies to all full-time and regular part-time employees.

### ***Purpose***

The purpose of this policy is to set out guidelines for the use of the gym and its equipment to maximize safety. Use of this gym facility by employees should be considered a privilege.

### ***Policy***

To encourage healthy employees, the City of South Padre Island is opening Fire Station No. 1's multi-purpose gym facility located at 106 W. Retama for use by City staff. The gym will be available to City Employees 24 hours a day to allow for maximum use of the facility by employees on the various work schedules operated by the City. Safety Sensitive, temporary/seasonal employees may be authorized by their Department Chief to use the gym if physical fitness is required of the position (e.g., Beach Patrol Technicians, Police Officers).

#### **I. Eligibility:**

Use of the gym is restricted to City Employees only. Friends, family members, and other non-city employees are prohibited from using the gym or its equipment. The gym is not considered a public space, and therefore only City employees are allowed access.

#### **II. Rules for Use:**

- a. Pick Up After Yourself - Return weight plates and dumbbells to their designated places. Do not leave dumbbells on the floor or weight plates on the bar. If you move equipment, put it back where it belongs.
- b. Lockers Are for Temporary Use Only – Locks will be removed if left on the locker.
- c. Clean The Machines You Use - Clean each machine after use with the cleaner and paper towels provided. Throw your paper towels in the trash.
- d. Use The Equipment Properly - Misusing the equipment can result in injury and/or damage to the equipment; follow directions and instructions. Ask for assistance if you are unfamiliar with the equipment. Safety is paramount.
- e. No Food or Drink Allowed in Gym – The only exception is you may bring water.
- f. The Gym is Considered Part of the Workplace – Employees should conduct themselves in a manner that complies with City policies at all times.

- g. Privileges May Be Revoked - Employees violating these procedures may be prohibited from using the gym.

## **1100.14 Employee Committees**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Policy***

#### **I. Employee Committees:**

The City of South Padre Island utilizes employee committees to provide areas of specialization and expertise to manage matters affecting all City of South Padre Island employees. Committees provide employees the opportunity to build leadership skills and working relationships with others throughout the organization.

#### **II. Policy Purpose:**

The purpose of the Employee Committees Policy is to create a process for employees to join and serve on employee committees.

#### **III. Committees:**

- A. Standing Committees – The City of South Padre Island, through its City Manager, may create standing committees to manage ongoing issues that affect all employees. To ensure active and energetic participation on committees, employees will be limited to serving on two (2) standing committees.

The following information provides a brief description of the standing employee committees and their missions. Others may be added pending approval by the City Manager.

- (1) Safety Committee - The Safety Committee is committed to providing a safe work environment that minimizes accidents and liabilities by raising employee awareness of safe practices.
- (2) Spirit Committee - The Spirit Committee is a vibrant group of colleagues who embrace and model the core values, create team-building events, and promote positive working relationships. The Committee is dedicated to expressing that each employee is appreciated and valued for their service to the community.
- (3) Wellness Committee - The Wellness Committee is dedicated to promoting healthy lifestyles through education and awareness. By focusing on the development of wellness incentive programs, the intention is to reduce health-related risks and enhance employee productivity.
- (4) Investment Committee - The Investment Committee does not require extensive experience in securities analysis or portfolio management, but it does require a personal

interest in understanding the basics of capital markets. It requires the courage to develop a consensus formulation of goals and objectives with your fellow committee members, the discipline to develop and follow long-term investment policies, the patience to evaluate events calmly in the context of long-term trends, and an understanding of personal and organizational strengths and weaknesses to determine when delegation and outsourcing is more appropriate.

- (5) Innovation and Efficiency Committee - The Innovation and Efficiency Committee will create a process for employees of the City to submit ideas for review. Employees can submit ideas to this committee for review regarding new innovative ways to increase work efficiency, city operations, employee morale, etc. and the committee will review to determine if the idea should be submitted to the City Manager for consideration and approval. The committee will review the related details of the employee suggestion, including associated costs, time needed, and the possible end result.
- B. Temporary Project Committees – The City of South Padre Island may create temporary committees to work on specific projects lasting an average of six months or less. The Employee Committee Policy does not apply to temporary project committees.

#### IV. Committee Structure:

- A. Appointment Process - Employees will be given the opportunity to volunteer for employee committees at the beginning of every other fiscal year. (two-year terms)
  - (1) Application - Interested employees will fill out an application affirming their desire to serve on an employee committee. The employee's supervisor will sign applications, asserting their support as committees require time away from regular duties. Existing committee chairs and committee members will review applications to fill vacant seats. Priority will be given to encourage departmental representation on each committee.
- B. Terms - Employees volunteering for an employee committee should be willing to commit to a minimum of two years of service. If a member is unable to fulfill their term, the Committee Chair, at their option, may find a replacement.
- C. Members - Employee committees will consist of approximately six to eight employees serving on the committees. More or less may be allowed pending circumstances and interests.
  - (1) Attendance - As the City of South Padre Island encourages a participatory style of management, all committee members are expected to attend and contribute to meetings to maximize the effectiveness of the committee. Committee Members with two (2) unexcused absences may be asked to resign from the employee committee. The Committee Chair shall have discretion.
- D. Quorum - A quorum of the committee is highly desirable, but it is at the discretion of the Committee Chair whether or not a quorum is required to conduct a meeting.

- E. Committee Chair - Following the annual enrollment period, each committee shall select a Committee Chair to organize and facilitate committee meetings.

## **1100.15 Fixed Asset Policy**

### ***Scope***

This policy applies to all employees of the City.

### ***Policy***

#### **Introduction**

The basic goal and objective of this policy is to define and describe a set of standard procedures necessary to record and control the changes in the fixed asset system in accordance with generally accepted accounting principles.

The fixed asset records are necessary to:

- ensure that the asset is adequately protected from loss, theft, etc.;
- provide necessary documentation for the effective use, maintenance, management and reporting of the asset;
- facilitate the calculation and recording of depreciation for fund assets; and
- provide necessary documentation for insurance purposes.

Fixed asset record master files will continue to be maintained by the Finance Department. One goal of this policy is to establish continuity in the procedures for establishing, recording, maintaining, and disposing of all capital and controllable assets, as defined below.

#### **Asset Definitions Capital Assets**

A capital asset is defined as a piece of equipment, right-to-use leased asset, right-to-use subscription asset, or investment in general infrastructure that has a value in excess of \$5,000 and has an expected useful life of greater than one year. The Governmental Accounting Standards Board (“GASB”) has issued Statement 34, dictating the requirements for the reporting of such assets. The annual value of such assets is reported in the Annual Comprehensive Financial Report.

#### **Controllable Assets**

Certain purchases made by the City do not meet the criteria established for designation as a capital asset; by their nature, however, these assets should be monitored for proper use and disposal, even though their value does not substantially impact the overall value of City assets. These controllable assets either render a critical function or put the City at risk by their absence



(e.g. office equipment, cameras, computers, printers, minor furnishings, firearms, cell phones, ticket writers, AED units, general office equipment, etc.)

Department heads must make every effort to maintain adequate controls for such controllable assets.

In addition, it is the Information Technology Department's responsibility to inventory tech related items such as computers, laptops, printers, etc.

### **Capitalization Threshold**

All assets with an initial individual cost of \$5,000 or greater shall be recorded as a distinct asset for the purposes of reporting asset values in the City's Annual Comprehensive Financial Report and all related reports. The City shall maintain at a minimum the following information on such assets: description, acquisition cost, acquisition date, purchase order, invoice, asset location, and condition.

All capital assets are valued at actual, including retainage fees/costs, or historical cost, or estimated historical cost if actual historical cost is not available.

The costs of improvements to current assets are to be added to the cost of the existing asset. In certain cases improvements may be identified to be a unique asset. The costs of normal maintenance and repairs that do not add to the value of the asset, or materially extend asset lives, are not capitalized. Donated capital assets shall be recorded at the estimated fair market value at the date of donation.

Assets shall be assigned to one of the following class groups, for the purposes of reporting in government-wide financial statements: land and land improvements, buildings and building improvements, furniture & equipment, infrastructure, right-to-use leased assets, and right-to-use subscriptions.

Controllable assets valued less than \$5,000 but considered significant as to warrant the monitoring of their condition and location shall additionally be tracked but not considered in the reporting of asset values as described in the City's Annual Comprehensive Financial Report. Such items include but are not limited to office equipment, cameras, computers, printers, minor furnishing, firearms, cell phones, ticket writers, AED units and general office equipment.

### **Asset Classes**

#### **Land and Land Improvements**

Land and land improvements, including easements and rights of way, are assigned an indefinite useful life. No depreciation is applied to land and land improvements.

**Buildings**

This includes all buildings and building-related structures. Construction-in-progress is considered as a separate type of construction and is tracked as a separate asset until the time of completion, at which point the value is reclassified as either a new building or related structure, or added to the value of the construction renovated.

Buildings	39 years
-----------	----------

**Improvements other than Buildings**

These improvements are permanent and non-moveable. They add value to land but have a limited useful life.

Fences	15 years
Retaining walls	15 years
Parking lots	15 years
Landscaping	15 years

**Furniture & Fixtures, Machinery & Equipment, Vehicles, Radio Equipment, Software:**

Machinery and equipment typically comprises the largest number of assets, but comprises the smallest overall value in relation to other classes. Machinery and equipment are given consideration within the following sub classes, with related useful life:

Machinery & Tools	7 years
Furniture & Accessories	7 years
Communications Equipment	7 years
Computer Equipment	5 years
Computer Software	3 years
Audiovisual Equipment	7 years
Grounds Maintenance Equipment	7 years
Police Vehicles	5 years
Fire Protection Vehicles	7 years
Other Licensed Vehicles	5 years

**Infrastructure**

Investment in systems that provide a critical service to a municipality when considered as a system, but not a distinct separate asset, is recorded as infrastructure. By its nature,

infrastructure is difficult to define as a separate system, and is difficult to define useful life on a broad basis. The Governmental Accounting Standards Board has recommended, and the City of South Padre Island has adopted, reporting of infrastructure using the following subclasses and relative useful life for the subclasses:

Streets/alleys – subsurface	0 years
Streets/alleys - asphalt	15 years
Traffic control signals	10 years
Sidewalks and curbing	15 years
Street Lighting	15 years

### **Right-to-use Leased Assets**

This includes lease agreements that meet the following criteria:

1. Agreement conveys control of the right to use another entity's nonfinancial asset (land, buildings, vehicles, equipment).
2. Agreement is for a period of time of one year or greater.
3. Agreement conveys an exchange or exchange-like transaction (a lease would not be considered an exchange-like transaction if the market value of the leased asset is significantly more than the amount paid (i.e. lessee pays \$1)).
4. Agreement has a present values of \$5,000 or more over the term of the lease, including any options to renew.

### **Right-to-use Subscription Assets (intangible assets)**

This includes subscription-based information technology arrangements that meet the following criteria:

1. Arrangement conveys control of the right to use another entity's information technology software, alone or in combination with tangible capital assets.
2. Arrangement is for a period of time of one year or greater.
3. Arrangement conveys an exchange or exchange-like transaction (a lease would not be considered an exchange-like transaction if the market value of the leased asset is significantly more than the amount paid (i.e. lessee pays \$1)).
4. Arrangement has a present values of \$5,000 or more over the term of the subscription.

### **Property Accounting Useful Life Assessments**

Normal useful life is defined as the physical life, in terms of years, that an asset is expected to endure before it deteriorates to an unusable condition. Asset classes as

defined in this document have been assigned an estimated useful life; a useful life is assigned to each and every asset according to the values listed in the table of classes. The useful life should be completed on the Fixed Assets Acquisition Form based on the asset table class by the initiating department and submitted to Accounts Payable with the invoice for payment. Finance Department will then review and approve the form for accuracy. If the applicable department believes the useful life to be different than the life shown in the table, those exceptions should be noted on the form.

### **Asset In-Service Dates**

An asset's age is typically based on when the asset was acquired, or when the asset underwent its most recent major renovation. The city's system uses the invoice date for determination of when the asset was acquired.

### **Function Designations**

Assets are associated with a government function (also referred to as program use). The City of South Padre Island defines assets as relevant to one of the following functions as presented in the Annual Comprehensive Financial Report:

- General Government
- Public Safety
- Public Works
- Community Service
- Transportation
- Shoreline
- Convention & Visitors
- Bureau

### **Depreciation Considerations**

Depreciation is defined as the gradual conversion of the cost of a tangible capital asset or fixed asset into an operational expense (called depreciation expense) over the asset's estimated useful life. Depreciation shall be applied to all capital assets on an annual basis. The straight line depreciation method shall be used, according to the following formula:

Original cost less salvage value, divided by estimated useful life.

Please note that depreciation is not applied to land or land improvements.

### **Property Control Department Responsibilities**

City departments must maintain all assets that are within their control in a working and usable condition. Departments shall take adequate care that the working environment for the asset is appropriate and suitable for such assets.

City departments must treat all assets in an ethical manner, and must not misuse the assets or use the assets for personal use or benefit.

The Finance Department will provide to each City Department a listing of assets deemed to be in that department's control. Each City department must review this report annually for all additions and deletions of assets and return to the Finance Department. Such annual report must be made within sixty (60) days of the end of the fiscal year relevant to the annual report.

### **Purchasing Responsibilities**

The Finance Department maintains a full and comprehensive list of capitalized assets possessed by the City. Information on the asset history, location, and appropriate custodial responsibility is retained and managed in such list.

### **Additions, Deletions, and Transfers**

All City departments are required to provide to the Finance Department a completed Fixed Assets Acquisition Form (see attached form) each time a capital/fixed asset is purchased. This form should be submitted to Accounts Payable with the PO and approved invoice for payment. A digital picture of the asset purchased is also required. The picture will be downloaded into Incode for identification purposes. Additionally all City departments are required to provide detailed information on all assets newly acquired during a fiscal year, no later than thirty (30) days after taking position of the item. Such information shall include, where possible: asset description, location funding source, acquisition date, purchase order number, serial number, and asset cost.

All City departments are required to provide detailed information on the Fixed Assets Disposal Form (see attached form) on all assets disposed of during a fiscal year, prior to disposal. Such deletions shall be within guidelines established by the City regarding appropriate disposition of assets.

Assets can be transferred from one City department to another. When an active asset in the possession of a City department or department organizational unit (e.g., division, section) changes custodial responsibility or is physically moved from one location to another, a transfer transaction will be recorded. All City departments are required to provide detailed information on the Fixed Assets Transfer Form (see attached form) on all assets transferred during a fiscal

year, prior to such transfer. To avoid distortion of the financial statements, only the depreciated (net book) value of the transferred asset, rather than its original cost, will be reported by the receiving entity.

### **Methods of Asset Disposition**

Assets considered salvage or surplus owned by the City may be deleted from the list of assets by the following means:

1. Trade-in – assets may be considered for trade-in at the time of acquisition of replacement assets, subject to normal purchasing bidding guidelines, and written approval by the department head.
2. Surplus Sale/City Auction - in the event that no other City department has been identified as a potential recipient of surplus property, the City may sell surplus property by soliciting competitive bids.
3. Discard/Disposal of Property with Value of Less Than \$5,000 - a department head, with written approval by the City Manager may recommend the disposal of assets that are no longer in use with the following guidelines:
  - The requesting department must determine and provide the fair market value of the property being discarded/disposed.
  - The value of the property to be disposed of by the City Manager must be under the fair market value of \$5,000. Fair market value is to be approved by the Chief Financial Officer.
  - The City Manager must declare the property is salvage or surplus.
4. Discard/Disposal of Property with Value of \$5,000 or More – should be disposed of with the following guidelines:
  - The requesting department must determine and provide the fair market value of the property being discarded/disposed.
  - City Council must declare the property is salvage or surplus via resolution.
  - City Council must specify how the property is to be disposed and by who via resolution.

### **Annual Reporting**

The total value of assets is reported in the Annual Comprehensive Financial Report (“ACFR”). The value of assets shall include the beginning value, a summary of additions, a summary of retirements, and an ending value for the fiscal year being reported.



Accounting Department Only:

Incode Asset ID # \_\_\_\_\_

**Fixed Asset Acquisition Form**

Department \_\_\_\_\_ Asset Description \_\_\_\_\_

Make \_\_\_\_\_ Model \_\_\_\_\_

Serial/VIN # \_\_\_\_\_ Purchase Order # \_\_\_\_\_

Vendor Name \_\_\_\_\_ Vendor Number \_\_\_\_\_

AP Account \_\_\_\_\_ Original/Improved Cost \_\_\_\_\_

Invoice # \_\_\_\_\_ Invoice Date \_\_\_\_\_

Asset Class\* \_\_\_\_\_ Asset Life\* \_\_\_\_\_

Location \_\_\_\_\_

Picture (s) Attached

Director Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

\*Refer to Guidelines Noted in Policy 1100.15

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Please submit to the Finance Department with all pertaining information. [hrivas@myspi.org](mailto:hrivas@myspi.org)



**Fixed Asset Disposal Form**

Department \_\_\_\_\_ Asset Description \_\_\_\_\_  
 Make \_\_\_\_\_ Model \_\_\_\_\_  
 Serial/VIN # \_\_\_\_\_ Incode Asset ID # (if applicable) \_\_\_\_\_  
 Location \_\_\_\_\_

Original Cost:

- \$4,999 or Less
- \$5,000 or More

Resolution No. Approving Disposal \_\_\_\_\_  
 (only if cost is \$5,000 or more)

Method of Disposal:

- Auctioned
- Scrapped

Picture (s) Attached

Date of Disposal/Scrap \_\_\_\_\_

Fair Market Value (FMV) \_\_\_\_\_

Proof of FMV Attached (selling price/cost, sale of comparable asset, price of replacement, expert opinion, etc.)

Chief Financial Officer Approval of FMV Determination \_\_\_\_\_

Director Signature \_\_\_\_\_ City Manager Approval \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

*Please submit to the Finance Department with all pertaining information. [abarrera@myspi.org](mailto:abarrera@myspi.org)*





**Fixed Asset Transfer Form**

Transferred From \_\_\_\_\_ Transferred To \_\_\_\_\_

Date of Transfer \_\_\_\_\_ Asset Description \_\_\_\_\_

Make \_\_\_\_\_ Model \_\_\_\_\_

Serial/VIN # \_\_\_\_\_ Incode Asset ID # \_\_\_\_\_

Picture (s) Attached

Fair Market Value (FMV) \_\_\_\_\_

Proof of FMV Attached (selling price/cost, sale of comparable asset, price of replacement, expert opinion, etc.)

Chief Financial Officer Approval of FMV Determination \_\_\_\_\_

Director Signature (Transferring Dept.) \_\_\_\_\_ Director Signature (Receiving Dept.) \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

City Manager Approval \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

---

Please submit to the Finance Department with all pertaining information. [abarrera@myspi.org](mailto:abarrera@myspi.org)

## **1100.16 Disaster Finance Policy**

### ***Scope***

This policy applies to all employees of the City.

### ***Purpose***

Establish a fiduciary policy for the City of South Padre Island for the day-to-day accounting practices, procurement methods, and financial operations during a Disaster Event so as to improve the level of financial preparedness and coordination to ensure economic stability after the disaster.

### ***Background***

The City of South Padre Island is at risk from a number of hazards which could require extraordinary response by local government and have the potential for causing extensive property damage. The fiscal impacts of such events or disasters could be devastating to the City of South Padre Island's budget and overwhelm the ability of the City of South Padre Island to respond and recover. Therefore, in order to best position the City of South Padre Island for recovery, an accurate measurement of the true cost of the response to the emergency event as well as accurate and timely property damage assessments are required. This policy shall be implemented in the event of certain catastrophic events including, but not limited to, hurricanes.

### ***Policy***

### **Definitions**

Disaster - an event that causes great human suffering and widespread destruction which often necessitates outside assistance to full recovery, and is declared by a federal, state, or local authority.

### **General**

- A. The Stafford Act authorizes federal disaster assistance to individuals and to government entities in the aftermath of a major emergency.
- B. The Texas Division of Emergency Management (TDEM) administers or coordinates most disaster assistance programs in the State of Texas.
- C. This *Disaster Finance Policy* is to ensure that the City of South Padre Island tracks, calculates, and justifies all costs of a disaster as required by the Stafford Act.

## **Implementation**

- A. The City of South Padre Island *Disaster Finance Policy* and all of its provisions shall be activated by order of the City Manager or his/her designee and is in effect and supersedes normal City finance policies and administrative procedures.
- B. The City of South Padre Island has adopted and trained personnel on the National Incident Management System (NIMS), and implemented all of the NIMS procedures and protocols. This allows the City to effectively work with mutual aid and auto aid partners, and state and federal agencies during any type of incident response.
  1. When the City of South Padre Island *Disaster Finance Policy* is implemented, the Chief Finance Director or his/her designee shall serve as the Finance Section Chief (FSC) as needed.
    - a) The City Manager or his/her designee, along with the Incident Commander, will activate the FSC position as needed.
    - b) The need for additional Incident Management positions within the Finance/Administration Section shall be identified and implemented by the Finance Section Chief and/or the Incident Commander.
    - c) The City of South Padre Island *Disaster Finance Policy* shall be discontinued for a specific event or disaster upon order of the City Manager or his/her designee with the City of South Padre Island finance policies and administrative procedures returning to normal.

## **Emergency Procurement and Procedure**

- A. The City of South Padre Island *Disaster Finance Policy* supersedes normal purchasing and procurement policies during the time of the disaster.
- B. It shall be the responsibility of the Department Directors to make certain that no emergency purchase is made or requested unless reasonable and necessary and directly related to the emergency event.
- C. Purchases
  1. Daily Event Threshold
    - a) Purchases below a daily event threshold of \$3,000 may be approved by the Department Directors. They are responsible for staying within these limits. They should also check with the FSC to see if the item needed is already elsewhere in the inventory of the City of South Padre Island
    - b) Members should not attempt to circumvent the FSC for purchases. When possible, three quotes should be obtained and documented. Receipts for these purchases are to be turned in to the Department Director at the end of each shift.

- i. The Department Directors should assure that the correct fund, account number and the disaster project are identified on each receipt.
2. Purchases above the threshold are to be submitted to the FSC or his/her designee for approval prior to purchase.

**D. Rentals**

- a) Equipment rentals will be treated in the same manner as purchases.
- b) Each Department Director is responsible for maintaining a log of the members assigned to operate any rented equipment.
- c) When necessary, the FSC or his/her designee will make the decision to purchase a piece of equipment instead of renting it.

**E. Meals**

- a) Meal purchases must be approved the Department Director.
- b) All meal purchases must be reasonable and necessary in both quantity and price.
- c) Those who may partake in meals are employees of the City of South Padre Island and any temporary personnel authorized by the Department Director or the FSC.

**Procedure**

- A. The rationale behind the decision of which vendor to use must be noted. So, an attempt will be made by Department Directors to obtain at least three quotes from prospective vendors on all single item purchase exceeding \$500. If an online query is made, a print screen" will suffice. Telephone quotes should be documented with the vendor name, amount, date, and time of quote.
- B. The City of South Padre Island should utilize vendors within the community when possible.
- C. Quantity discounts should be sought.
- D. Documenting & Coding
  - a) All invoices and receipts must include the assigned disaster name and applicable fund 99 account coding.
  - b) All purchases should be logged on a Form 214. The payment type, item description, and amount of purchase should be included.

### **Disaster Payroll Policy and Emergency Pay**

- A. The City of South Padre Island has established a *Disaster Payroll Policy* to capture the total cost of compensating employees for response, mitigation, and recovery activities during a disaster event (see Emergency Pay Policy).
- B. When implemented, the City Manager or his/her designee and the FSC shall notify all employees that the policy is in effect.
- C. For purposes of accurately tracking the cost of the event, when clocking into the City's time keeping system, employees will use code 99 for hours worked pre and post emergency and code 88 will be used for hours worked during the emergency event. For temporary and part-time employees, that do not use the electronic time keeping system, these codes as well as the disaster name will be included on their timecards.

### **Department Director Responsibilities**

- A. To support the tracking of all emergency costs, a Disaster Finance Report form 214 will be required daily for each employee that has worked hours. The hours reported on the 214 should coincide with the employee's electronic or timecard hours. The form 214's should be review by the Department Director to ensure the personnel were assigned to work the emergency event.
  - 1. The purpose of the report is to accurately track the personnel, equipment, and supplies utilized for the event and to provide a calculation to TDEM. This assists the City of South Padre Island's ability to receive any available state or federal disaster relief funds.
- B. Department Directors or his/her designee will be responsible for updating the departments Daily Personnel and Equipment spreadsheet. The excel workbooks are located in the City's shared drive (S:\Emergency Management\Daily Cost Workbooks) and should be completed by 1800 hours each day the policy is in effect. The reporting period is for the most recent 24-hour period from 1700 hours to 1700 hours.
- C. Department Directors shall report time and location worked by members If members work outside their normal job duties, describe their duties as required by the emergency event.
- D. For equipment that is rented and/or owned by the City of South Padre Island, the Department Director shall note the employee(s) who used the equipment. This includes the hours it was used, whether it was used in a capacity outside of its normal use, and how it was used.
- E. Pre and post incident photographs should be taken of all assets (ie. vehicles, buildings, and equipment). Department Directors are responsible for logging any personnel claims and/or equipment claims as part of their daily reporting on the Form 214. Information regarding claims should be forwarded to the Finance and Administrative Service department.

- F. Department Directors shall follow the Daily Event Threshold when making all purchases.

**Daily Burn Rate Calculation**

- A. The FSC or his/her designee will provide the Daily Burn Rate to the City Manager or his/her designee by 0900 hours each day the Disaster Finance Policy is in effect.
- B. The Daily Burn Rate is an Excel Spreadsheet located on the City of South Padre Island's shared drive  
  
(S:\Emergency Management\Daily Cost Workbooks)
- C. The City Manager or his/her designee shall forward the Daily Burn Rate to the Cameron County Emergency Manager and TDEM by 1000 hours each day the Disaster Finance Policy is in effect.

**Records Retention**

All records related to disaster finance operations by the City of South Padre Island created as an activation of this policy shall be retained in compliance with Federal Retention requirements.

## **1100.17 Information Technology Security Policy**

### ***Scope***

This policy applies to all IT systems or applications managed by IT that store, process or transmit information, including network and computer hardware, software and applications.

This policy does not apply to information that is stored locally by users on desktops, laptops, tablets and mobile phones. Device owners are responsible for appropriate backup of the data stored locally on their mobile devices, with the exception of data synchronized with the device and stored on our servers (such as emails and contacts).

### **Table of Contents**

- I. Purpose .....3
- II. Background .....3
- III. Access Control .....4
  - A. User System and Network Access – Normal User Identification .....4
  - B. System Administrator Access .....5
  - C. Remote Access .....5
- IV. Computer and Network Threats .....5
  - A. Types of Malware..... 6
  - B. Types of Anti-Malware Defenses .....6
    - i. Scope .....7
    - ii. Malware Defense Lifecycle .....7
    - iii. Responsibility .....7
    - iv. Exceptions .....8
    - v. Policy Configuration .....8
    - vi. Update .....8
    - vii. Detection .....8
    - viii. Reporting .....8
    - ix. Remediation .....9
- V. Data Protection Recovery and Backup .....9
  - A. Responsibility .....9
  - B. Policy Plan .....10
  - C. Backup .....10

- D. Test .....10
- E. Recovery .....10
- VI. Network Monitoring and Logging .....11
- VII. Incident Response and Reporting .....12
  - A. Responsibility .....12
  - B. Policy Plan .....13
  - C. Detect .....13
  - D. Respond .....13
  - E. Update .....14
- VIII. Wireless Network Policies .....14
  - A. Responsibility .....14
  - B. Policy .....14
- IX. Software Policies .....15
  - A. Responsibility .....15
  - B. Exceptions .....15
  - C. Policy Procurement .....15
  - D. Installation .....16
- X. Training and Awareness .....17
  - A. Responsibility .....18
  - B. Exceptions .....18
  - C. Policy Asses .....18
  - D. Develop .....18
  - E. Educate .....18
  - F. Update .....19



**Purpose:**

The City of South Padre Island business operations rely on stable and constantly available Information Technology (“IT”) systems. Effective recovery plans are in place to ensure that IT services can be resumed within required recovery times in the event of a system disruption or disaster.

The objective of this policy is to define formal requirements for IT continuity, backup and recovery, in order to prevent or mitigate the risk of IT system disruption or disaster, and allow for an efficient recovery of IT services and data in a timely manner.

**Background:**

A disruption, loss, damage or compromise of IT systems and data may negatively affect The City’s reputation and operations, resulting in significant costs to recover. Formal and comprehensive IT continuity, backup and recovery controls are necessary to mitigate such risks.

**Policy review and update**

<b>Stakeholder Responsibilities</b>	
City Council	<ul style="list-style-type: none"> <li>• Approve and formally support this Policy.</li> </ul>
City Manager	<ul style="list-style-type: none"> <li>• Review and formally support this Policy.</li> </ul>
IT Director	<ul style="list-style-type: none"> <li>• Develop and maintain this Policy.</li> <li>• Review and approve any exceptions to the requirements of this Policy.</li> <li>• Take proactive steps to reinforce compliance of all stakeholders with this Policy.</li> <li>• Communicate with the Institution, directly or through Institution representatives, in informal or formal instances, to understand the Institution needs and expectations, explain the capabilities of the existing technology in production, including backup and recovery capabilities.</li> </ul>

**Exceptions to the Policy**

IT systems that are critical to Institution activities must be clearly identified, as well as the potential risks of disruption that apply to them.

- Exceptions to the guiding principles in this policy must be documented and formally approved by the IT Director.
- Policy exceptions must describe:
  - The nature of the exception.
  - A reasonable explanation for why the policy exception is required.

- Any risks created by the policy exception.
- Evidence of approval by the IT Director.

## ***Access Control:***

A fundamental component of our Security Policy is controlling access to the critical information resources that require protection from unauthorized disclosure or modification. The fundamental meaning of access control is that permissions are assigned to individuals or systems that are authorized to access specific network and physical resources. Access controls exist at various layers of the system, including the network. Access control is implemented by logon ID and password. At the application and database level, other access control methods can be implemented to further restrict access. The application and database systems can limit the number of applications and databases available to users based on their job requirements.

### **A. User System and Network Access – Normal User Identification**

All users will be required to have a unique logon ID and password for access to systems. The user's password should be kept confidential and **MUST NOT** be shared with management & supervisory personnel and/or any other employee whatsoever. All users must comply with the following rules regarding the creation and maintenance of passwords:

- Password must not be found in any English or foreign dictionary. That is, do not use any common name, noun, verb, adverb, or adjective. These can be easily cracked using standard "hacker tools".
- Passwords should not be posted on or near computer terminals or otherwise be readily accessible in the area of the terminal.
- Password must meet a minimum password length of 12 characters.
- Password must meet complexity requirements.
- Password must be changed every (90 of days).
- User accounts will be frozen after (5) failed logon attempts.
- Logon IDs and passwords will be suspended after (30 of days) without use.
- Privacy screens must be used on highly sensitive information workstations.
- All employee access must be removed upon termination.

Users are not allowed to access password files on any network infrastructure component. Password files on servers will be monitored for access by unauthorized users. Copying, reading, deleting or modifying a password file on any computer system is prohibited.

Users will not be allowed to logon as a System Administrator. Users who need this level of access to production systems must request a Special Access account as outlined elsewhere in this document.

Employee Logon IDs and passwords will be deactivated as soon as possible if the employee is terminated, suspended, placed on leave, or otherwise leaves the employment of the company office.

Supervisors / Managers shall immediately and directly contact the company IT Director to report change in employee status that requires terminating or modifying employee logon access privileges.

Employees who forget their password must call the IT department or department supervisor to get a new password assigned to their account. The employee must identify himself/herself by (e.g. employee number) to the IT department.

Employees will be responsible for all transactions occurring during Logon sessions initiated by use of the employee's password and ID. Employees shall not logon to a computer and then allow another individual to use the computer or otherwise share access to the computer systems.

## **B. System Administrator Access**

System Administrators, will have (type of access) access to host systems, routers, hubs, and firewalls as required to fulfill the duties of their job.

All system administrator passwords will be **DELETED** or **CHANGED** immediately after any employee who has access to such passwords is terminated, or otherwise leaves the employment of the city.

## **C. Remote access**

Only authorized persons may remotely access the company network. Remote access is provided to those employees, contractors and business partners of the company that have a legitimate business need to exchange information, copy files or programs, or access computer applications. Authorized connection can be remote PC to the network or a remote network to company network connection. The only acceptable method of remotely connecting into the internal network is using a secure ID.

## ***Computer and Network Threats:***

Malware is one of the most common threats facing an enterprise. Malware can be used to capture credentials, steal data, identify other targets within the network, and encrypt or destroy data. Malware enters an enterprise through vulnerabilities within the enterprise on end-user devices, email attachments, webpages, cloud services, mobile devices, removable media, and more. Often, malware relies on insecure end-user behavior, such as clicking links, opening attachments, installing software or profiles, or inserting Universal Serial Bus (USB) flash drives

into systems. Modern malware is designed to avoid, deceive, and disable defenses. Therefore, malware defenses must be able to operate in a dynamic environment through automation, timely and rapid updating, and integration with other processes like vulnerability management and incident response. Defenses must be deployed at all possible entry points and enterprise assets to detect, prevent spread, or control the execution of malicious software or code.

Detail the security measures in place to protect the network, such as firewalls, intrusion detection systems, and encryption protocols.

### A. Types of Malware

Many malware types exist, to include:

- **Virus:** A hidden, self-replicating section of computer software, usually malicious logic, that propagates by infecting (i.e., inserting a copy of itself into and becoming part of) another program. A virus cannot run by itself; it requires that its host program be run to make the virus active.
- **Trojan:** A useful or seemingly useful program that contains hidden code of a malicious nature that executes when the program is invoked.
- **Ransomware:** Malicious software used to encrypt an enterprise's data and demand payment to restore access.
- **Spyware:** Software that is secretly or surreptitiously installed into an information system to gather information on individuals or enterprise without their knowledge; a type of malicious code.<sup>1</sup>

### B. Types of Anti-Malware Defenses

Many types of malware defenses exist, to include:

- **Signature-based detection:** Anti-malware software designed to routinely download a known-bad list of malware and quarantine or remove instances of this malware when they are identified on an enterprise asset.
- **Heuristic-based detection:** A set of rules or algorithms specifically developed to detect malware. These rules can sometimes be used to identify malicious behaviors in never-before-seen malware.
- **Host-based intrusion detection software (HIDS):** Anti-malware software that monitors the dynamic behavior and state of the system to identify if malware is present on the system. This includes monitoring communications entering and leaving the system.
- **Network-based intrusion detection system (IDS):** Anti-malware software or a dedicated network appliance that monitors and analyzes network traffic.

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<sup>1</sup> NIST SP 800-53 Rev. 5

- **Network-based Intrusion Prevention Systems (IPS):** Anti-malware software or a dedicated network appliance that monitors and analyzes network traffic, and then goes the extra step to actually block suspicious and malicious traffic.
- **Application Allow listing or Block listing:** Anti-malware software or capabilities built into the operating system that explicitly allows or denies the execution of software, libraries, or scripts.
- **Endpoint Detection and Response (EDR):** A collection of tools that analyzes, detects, and responds to events on a system to identify malware, utilizing multiple anti-malware capabilities on the same system. This application is continuously monitoring events on the system for signs of infection. Normal events on the system are recorded and analyzed to establish a baseline so that commonplace habits can be identified and abnormal events can be reported.

Note that any given anti-malware package or suite will likely leverage multiple technologies from this list.

**i. Scope**

This *Malware Defense Policy* is divided into multiple sections based on how enterprise will practically use anti-malware tools to identify and remove malware from enterprise assets. Note that for this policy, only anti-malware software on laptops, workstations, mobile devices, and servers is included. Network-based anti-malware capabilities such as network-based IDS/IPS are not included

**ii. Malware Defense Lifecycle**

This *Malware Defense Policy* is divided into multiple sections. These sections are shown below in Figure 1 are the high-level “steps” followed by a detailed description of what each step entails.

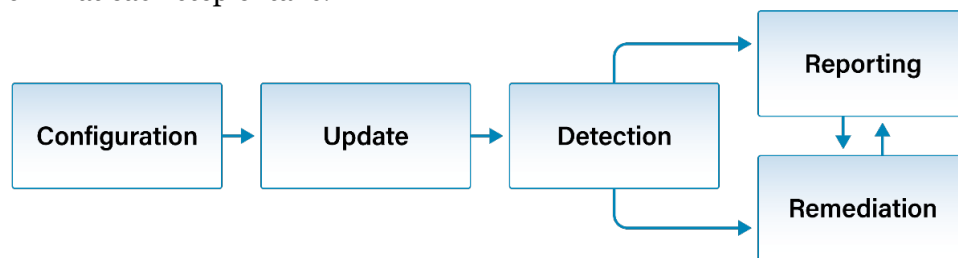


Figure 1. Malware Defense Lifecycle

- **Configuration** – Properly installing and configuring anti-malware software on host devices.
- **Update** – Routinely providing updates to the anti-malware software and updating signatures.
- **Detection** – Identifying malware on enterprise assets.
- **Reporting** – Users or systems alerting IT staff of any identified malicious applications, code, or scripts on enterprise assets.

- **Remediation** – Address previously identified malware.

### iii. Responsibility

- The IT business unit is primarily responsible for malware defense. Specifically, administrators are responsible for configuring the correct devices to generate, store, and transmit logs. IT is responsible for informing all users of their responsibilities in the use of any assets assigned to them. All enterprise assets are required to comply with the malware defense policy and procedures.
- Users are responsible for connecting their devices to the enterprise network, regularly applying malware signature updates, and restarting their devices as appropriate.

### iv. Exceptions

Exceptions to this policy are likely to occur. Exception requests must be made in writing and must contain:

- The reason for the request,
- Risk to the enterprise of not following the written policy,
- Specific mitigations that will not be implemented,
- Technical and other difficulties, and
- Date of review.

### v. Policy Configuration

- IT must install anti-malware software on all enterprise assets where appropriate.
  - Users must not disable anti-malware software on their enterprise assets
  - Users must not modify the update frequency specified as part of *the Secure Configuration Management Policy*.

### vi. Update

- Anti-malware software must be configured to automatically update.
- IT must ensure that anti-malware signatures are kept up-to-date as they become available via an automatic update process.
- Operating systems must be configured to automatically update, unless an alternative approved patching process is used.

### vii. Detection

- IT must ensure that anti-malware software is properly functioning on all enterprise assets.

### viii. Reporting

- All confirmed high severity alerts must report to the business owner.

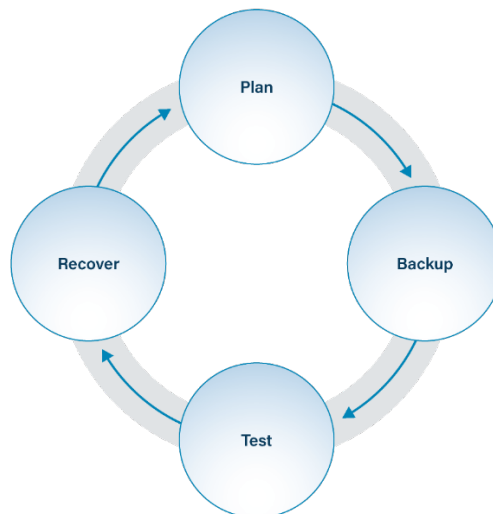
- The presence of unauthorized software must be properly investigated.

**ix. Remediation**

- Identified malware must be removed from enterprise assets.
  - Unauthorized software must be removed from use on enterprise assets or receive a documented exception.
  - All exceptions must be noted in the software inventory.
  - All exceptions must be noted in the exception register.

**Data Protection Recovery and Backup:**

- **Plan** – Create a detailed course of action to handle an overall backup strategy.
- **Backup** – Take backups from enterprise assets and transferring them to other data storage locations.
- **Test** – Ensure that the backup strategy is functioning as planned. This includes ensuring that the intended data is appropriately stored and is recoverable within the timeframes established by the data recovery plan.
- **Recover** – Execute the plan for recovery plan and get the right data back into the hands of the enterprise. Also feeds back into the planning phase.



**A. Responsibility**

This policy is applicable to all users and IT assets. Specifically,

- The IT business unit is responsible for a majority of data recovery functions.
- Users are responsible for ensuring their enterprise data is appropriately backed up in accordance with enterprise requirements.

## B. Policy Plan

- A process for performing data recovery activities must be established.
  - This process must be documented and approved.
  - At a minimum, the data recovery process must be reviewed on an annual basis or following significant changes within the enterprise.
  - IT must identify personnel to handle specific aspects of the data recovery process.
- IT must identify the appropriate data to back up.
  - IT must leverage the data inventory in order to assist with this identification process.
  - Data owners must be consulted to understand the sensitivity of enterprise data in accordance with the data management process.
- IT must analyze if any cloud service providers used by the enterprise are effectively backing up enterprise data, and if that data must be considered within the enterprise *Data Recovery Plan*.

## C. Backup

- IT must backup data according to the documented data recovery process.
- Automated tools must be used to meet data backup objectives.
  - Automated backups must be performed on a weekly basis, or more frequently.
- Data should be retained in accordance with the data retention schedule outlined in the *Data Management Policy*.
- Access controls must be used to prevent backups from being accessed or modified in an unauthorized manner.
- Where practical, ensure all backups are deleted in accordance with the enterprise data destruction requirements of the *Data Management Policy*.
- IT must maintain offsite backups of enterprise data.
  - This data must not be directly accessible from a network.

## D. Test

A test can be performed to ensure that backup procedures are working properly.

## E. Recovery

- During an incident, IT must leverage the data recovery plan to restore data and functionality in a prioritized manner.
- Ensure the incident response team is included in the data recovery process.
- The incident response plan must be activated.



## ***Network Monitoring and Logging:***

The City of South Padre island IT department is in charge of protecting electronic information assets , including by performing ongoing, routine network security monitoring and using technologies to detect and /or prevent network intrusion. Certain laws and regulations also contain security standards that may require the IT department to engage with network monitoring and reporting for cyber incidents.

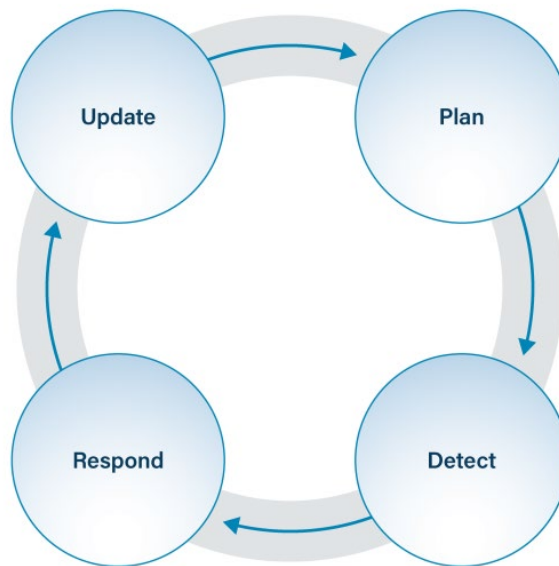
Network monitoring technologies examine network traffic as it passes specific points in the network and may take action to record, alter, or block the traffic in order to protect the sender or the recipient.

Information Security may use the following monitoring technologies on the City of South Padre Island IT department network:

- Intrusion Detection
- Intrusion Prevention
- Firewalls
- Network layer antivirus and anti-malware
- Network layer advanced threat protection
- URL/IP-based reputation filtering
- Data Loss Prevention
- Net flow traffic monitoring

## ***Incident Response and Reporting:***

Establish a clear procedure for reporting and responding to security incidents.  
Define roles and responsibilities during incident response.  
Provide contact information for reporting incidents.



- **Plan** – Develop documentation for all procedures necessary to handle an incident.
- **Detect** – Monitor enterprise assets and analyze intelligence to understand if an incident has occurred.
- **Respond** – Activate the incident response plan to deal with an incident.
- **Update** – Understand which portions of the incident response plan have been effective or not, and update the plan accordingly.

#### A. Responsibility

- The IT business unit is responsible for managing all incident response functions.
  - While all IT staff are required to follow the written incident response plan, real world deviations are expected and must be handled gracefully. Third-party organizations involved in the incident response process must be managed by the incident manager.
- Users are responsible for reporting incidents that they are aware of to the appropriate business unit or personnel as specified in the incident reporting process. Users are responsible for attending training for recognizing and reporting incidents within the enterprise.

#### B. Policy Plan

1. IT must develop and maintain a written incident response plan.
  - a. This process must be documented and approved.
  - b. This plan must include a process for responding to incidents.

- c. At a minimum, the incident response process must be reviewed on an annual basis or following significant changes within the enterprise.
    - a. This review may also occur following an incident or tabletop exercise.
  - d. An incident manager and backup incident manager must be specifically identified by name within the plan.
    - a. If an external party is the incident manager, then one internal individual must be specified to oversee the response process.
    - b. Contact information must be recorded in the incident response plan.
  - e. Any parties that need to be made aware of a security incident must be documented.
  - f. The plan must address any regulatory or other compliance requirements.
  - g. The plan must address communications.
2. IT must develop and maintain a written process for users to report incidents.
    - a. This process must include approved methods for reporting incidents including:
      - a. Primary and secondary methods for reporting.
      - b. Specific recipients to receive incident reports.
      - c. Any minimum information needed.
      - d. Timeframes for reporting incidents.
    - b. At a minimum, the incident reporting process must be reviewed on an annual basis or following significant changes within the enterprise.

### **C. Detect & Analysis**

Detection – This specifies the maximum amount of time that should elapse from when the suspicious event is detected to the time the following actions are expected to be completed:

- Initial assessment and triage
- Determine initial priority level based on intake report
- Report Incident to IT Director
- System analyst is assigned to work with Incident Handler and Resource Manager
- Enter incident into the ticketing system

### **D. Respond**

- Isolate all threats related to the incident
- Recover lost or damage assets.
- Confirm assets have been recovered or secured
- Test and validate systems online.

### **E. Update**

Post-incident activities will occur after the detection, analysis, respond and recovery from a security incident. One of the most important phases of incident response, post-incident activities involve the reflection, compilation, and analysis of the activities that occurred leading to the security incident, and the actions taken by those involved in the security incident, including the incident response team. Important items to be reviewed and considered for documentation are:

- Exactly what happened, and at what times?
- How well did staff and management perform in dealing with the incident?
- What information was needed sooner?
- Were any steps or actions taken that might have inhibited the recovery?
- What should be done differently the next time a similar incident occurs?
- What corrective actions can prevent similar actions in the future?
- What additional tools or resources are needed to detect, analyze, and mitigate future incidents?

## **Wireless Network Policies:**

### **A. Responsibility**

To provide adequate security and privacy protections for data transmitted on all wireless connections involving Business's and its Affiliates' (collectively, Business's) network.

### **B. Policy**

- Wireless access to Business's network and data shall be permitted only as set forth in this policy. For the purposes of this policy, wireless access is defined as wireless connections using the Institute of Electrical and Electronics Engineers' (IEEE) 802.11 standard.
- Guest networks shall be segregated from the Business's internal network. Therefore, this policy does not apply to wireless networks installed for guests.
- Any wireless device connected to Business's network that does not meet these requirements is unauthorized and subject to immediate removal from the network and confiscation of equipment.
- Wireless networks shall be monitored to detect intrusions by unauthorized wireless devices.
- Any exception, change or deviation from this policy must be reviewed and approved by IT services.
- Wireless devices may not be used to gain or attempt to gain unauthorized access to any network. This includes accessing City's, external non-city networks and the internet where the user has not been granted access.
- Only approved services and applications may be used with wireless devices.
- Access to the city's networking and computing infrastructure via a wireless connection is considered remote access and must utilize strong authentication and encryption.
- Only authorized staff employees may have access to the City staff wireless network.

Wireless Access Points (WAP) shall be strategically placed to limit bandwidth coverage to the minimum necessary for the operation of wireless devices (e.g., center of the room, avoid windows). If such placement is not possible, the power radiated by the WAP shall be adjusted to minimize leakage into areas outside Business's facilities.

- Physical access to WAPs shall be restricted. WAPs shall be monitored by our IT services team. Alerts shall be generated when devices become unresponsive due to power outage or theft or when rogue WAPs are connected

## ***Software Policies:***

Software asset management is the process of procuring, identifying, tracking, maintaining, and removing software on enterprise assets. This *Software Asset Management Policy* provides the policies for governing the software asset lifecycle while an enterprise is using a software asset. A software inventory must be created and maintained to support the enterprise's mission and to help ensure only authorized software is installed and used. This software inventory must be up-to-date and reflect the current state of software across the enterprise.

### **A. Responsibility**

The IT Department is responsible for all software asset management functions. This information is relayed to other business units within the enterprise such as finance, accounting, and cybersecurity as needed. IT is responsible for informing all users of their responsibilities in the use of any assets assigned to them.

### **B. Exceptions**

Exceptions to this policy are likely to occur. Requests for exception must be made in writing and must contain:

- The reason for the request,
- Risk to the enterprise of not following the written policy,
- Specific mitigations that will not be implemented,
- Technical and other difficulties, and
- Date of review.

### **C. Policy Procurement**

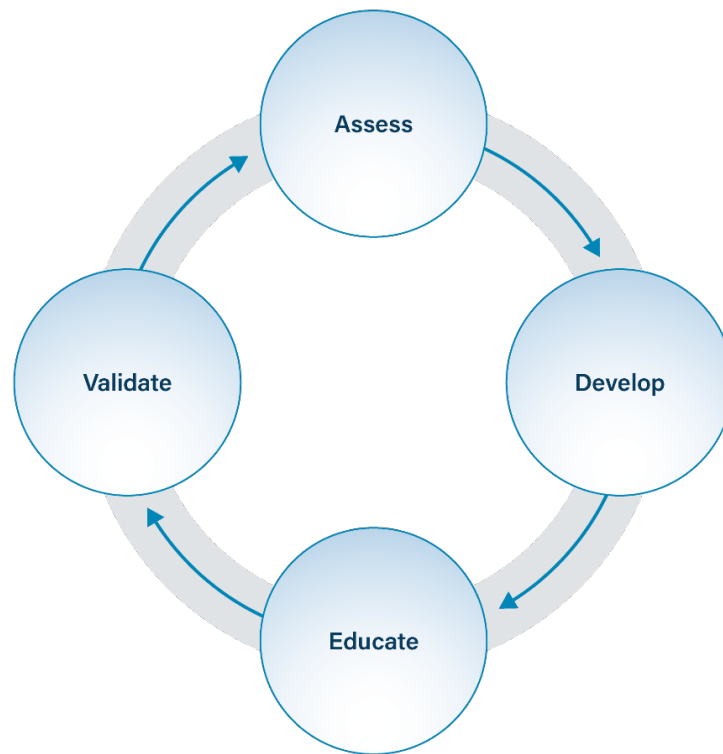
- Only individuals from IT are approved to procure software.
- IT must maintain a list of approved software vendors.
- Software must only be purchased from vendors on the approved software list.

### **D. Installation**

1. Any software installed on enterprise assets, alongside other relevant information within the software asset, must be recorded within the software inventory. This must include:
  - a. Title of software
  - b. Developer or publisher of software
  - c. Business purpose
  - d. App Store(s)
  - e. Version(s)
  - f. Uniform Resource Locator (URL)
  - g. Deployment mechanism
  - h. End-of-support (EoS) date, if known
  - i. End-of-life (EoL) date, if known
  - j. Any relevant licensing information
2. IT must verify the software asset inventory every twelve months, or more frequently as needed.
3. Only software that has been approved by IT may be installed.
4. Only cloud services that have been approved by IT may be used within the enterprise.
5. Mobile devices may only obtain software from IT approved sources.
6. Third Party personal VPN software is prohibited on any domain workstation.
7. Only license or free legitimate software can be installed on workstations.

### ***Training and Awareness:***

Not all security trainings are made equal. The enterprise that takes the time and resources to develop and provide high quality security training to their users will have the best chance at defending themselves from some of the most pernicious and persistent threats. Shown below in Figure 1 are the high-level aspects of the *Security Awareness Training Lifecycle*, followed by a detailed description of what each step entails. This is not the only way to run a program, but this can act as a foundation to build your own program upon.



- **Assess** – Perform requirements gathering and explore the appropriate methods for providing training.
- **Develop** – Build out a training program for your enterprise, to include purchasing an existing tool, or creating tailored educational material.
- **Educate** – Deliver cybersecurity training content to users across the enterprise.
- **Validate** – Ensure that users are benefiting from the training and provide supplemental support to bolster training goals.

#### **A. Responsibility**

The IT business unit has the primary responsibility for planning, developing, and updating the cybersecurity awareness training program. The education aspect may be performed by the IT business unit or others they deem fit to provide the training. With that said, all employees and users have a responsibility to implement the concepts taught within the security awareness program.

#### **B. Exceptions**

Exceptions to this policy are likely to occur. Exception requests must be made in writing and must contain:

- The reason for the request,

- Risk to the enterprise of not following the written policy,
- Specific mitigations that will not be implemented,
- Technical and other difficulties, and
- Date of review.

### C. Policy Asses

There are no IG1 safeguards that support this portion of the security awareness training process.

### D. Develop

1. A program for performing security awareness training must be established.
2. This process must be documented and approved.

### E. Educate

1. Users must receive security awareness training, at a minimum, on an annual basis.
2. All new users must receive cybersecurity awareness training before being granted access to enterprise assets.
3. Users must be trained on how to recognize social engineering attacks.
4. Users must be trained on best practices for authentication in the enterprise. Users must be trained on best practices for handling enterprise data.
  - a. Training must be included on the following subjects as it pertains to the enterprise's *Data Management Policy*:
    - i. Identifying sensitive data
    - ii. Storing sensitive data
    - iii. Transferring sensitive data
    - iv. Archiving sensitive data
    - v. Destroying sensitive data
    - vi. Any legal and / or regulatory obligations of the above.
  - b. Clear screen and clean desk best practices must be included in the training.
    - i. Timeframes for automatic session locking for enterprise assets are contained within the *Secure Configuration Management Policy*.
5. Users must be trained on the causes of unintentional data exposure in the enterprise.
6. Users must be trained on how to recognize and report security incidents.
7. Users must be trained on how to identify and report if their enterprise assets are missing security updates.



8. Users must be trained on the dangers of connecting to and transmitting enterprise data over insecure networks.

#### **F. Update**

The content of the security awareness training program must be reviewed and updated annually, or when significant changes to the enterprise occur.

#### **Policy Violations:**

Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution. Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Administrative Services Director, or the City Manager.

## **1100.18 Records Management Policy**

### ***Scope***

This policy applies to all City of South Padre Island records, including digital and paper records.

### ***Purpose***

Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

The City of South Padre Island has adopted Ordinance No. 12-03 for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping.

### ***Policy***

**SECTION 1. DEFINITION OF MUNICIPAL RECORDS.** All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the City of South Padre Island or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City of South Padre Island and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

**SECTION 2. ADDITIONAL DEFINITIONS.** (1) “Department head” means the officer who by ordinance or administrative policy is in charge of an office of the City South Padre Island that creates or receives records.

(2) “Essential record” means any record of the City of South Padre Island necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

(3) “Permanent record” means any record of the South Padre Island for which the retention period on a records control schedule is given as permanent.

(4) “Records control schedule” means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City of South Padre Island, their retention periods, and other records disposition information that the records management program may require.

(5) “Records management” means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of

reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

(6) “Records management officer” means the person designated in Section 5 of this ordinance.

(7) “Records management plan” means the plan developed under Section 6 of this ordinance.

(8) “Retention period” means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

**SECTION 3. MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY.** All municipal records as defined in Sec. 1 of this ordinance are hereby declared to be the property of the City of South Padre Island. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

**SECTION 4. POLICY.** It is hereby declared to be the policy of the City of South Padre Island to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

**SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER.** The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of South Padre Island. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

**SECTION 6. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.** (a) The Records Management Officer shall develop a records management plan for the City of South Padre Island for submission to the City of South Padre Island. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.

(b) Once approved by the City of South Padre Island, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards,

committees, or similar entities of the South Padre Island, and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the City of South Padre Island.

**SECTION 7. DUTIES OF RECORDS MANAGEMENT OFFICER.** In addition to other duties assigned in the ordinance, the Records Management Officer shall:

(1) administer the records management program and provide assistance to department heads in its implementation;

(2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

(3) in cooperation with department heads, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

(4) develop procedures to ensure the permanent preservation of the historically valuable records of the city;

(5) establish standards for filing and storage equipment and recordkeeping supplies;

(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of South Padre Island;

(7) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;

(8) disseminate to the City of South Padre Island and department heads information concerning state laws and administrative rules relating to local government records;

(9) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City of South Padre Island are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(10) maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

**SECTION 8. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS.** In addition to other duties assigned in this ordinance, department heads shall:

(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of South Padre Island for the efficient and economical management of records and in carrying out the requirements of this ordinance;

(2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of South Padre Island and the requirements of this ordinance.

**SECTION 9. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.** (a) The Records Management Officer, in cooperation with department heads, shall prepare records control schedules on a department-by-department basis listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer regularly to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City of South Padre Island.

(c) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head and the City Council of South Padre Island.

(d) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

**SECTION 10. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.** (a) A records control schedule for a department that has been approved and adopted under Section 9 shall be implemented by department heads according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the Records Management Officer that the record be retained for an additional period.

(c) Before the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the City of South Padre Island.

**SECTION 11. DESTRUCTION OF UNSCHEDULED RECORDS.** A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

## **1100.19 Hazard Communication Program**

### **Scope**

This policy applies to all City of South Padre Island employees who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies.

*(This Hazard Communication Program was prepared by: Texas Department of State Health Services and was revised on February 2019.)*

### **Contents**

- I. General Information..... 2
- II. Exemptions ..... 2
- III. Definitions ..... 3
- IV. Workplace Chemical List ..... 6
- V. Safety Data Sheets and Material Safety Data Sheets.....6
- VI. Chemical Container Labels ..... 7
- VII. Employee Training Program ..... 8
- VIII. Reporting Employee Deaths and Injuries ..... 10
- IX. Posting the Notice to Employees .....11
- X. Personal Protective Equipment .....11
- XI. Maintaining Employee Rights ..... 12
- XII. Attachments .....13
  - A. Workplace Chemical List .....14
  - B. Employee Training Roster .....15
  - C. Employee Training Sheet .....17
  - D. Notice to Employees (English) .....18
  - E. Notice to Employees (Spanish) .....19

## ***I. General Information***

- A. The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009(b) of the THCA and Section 295.7(a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1 – 295.13), the following written Hazard Communication Program has been established for the City of South Padre Island.
- B. The master copy of the written hazard communication program will be maintained in the HR Offices. 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. The program is also available online at [www.myspi.org](http://www.myspi.org) and available on the City shared drives along with all other policies.
- C. To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:
1. The Safety Committee will have the overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.
  2. Supervisors will be responsible for training the employees, creating and updating the chemical lists, ensure that the employees they supervise abide by the program requirements, wear the personal protective equipment, and report any issues that may arise.
  3. Individual employees will be responsible for reading the written program, attending the training, wearing the required personal protective equipment, abiding by the program requirements and reporting issues that may arise.

## ***II. Exemptions***

Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:



- A. Hazardous waste that is subject to regulation by the Texas Commission on Environmental Quality (TCEQ) and/or the U.S. Environmental Protection Agency
- B. A chemical in a laboratory under the direct supervision or guidance of a **technically qualified individual** if:
  - 1. Labels on incoming containers of chemicals are not removed or defaced
  - 2. This employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and
  - 3. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes
- C. Tobacco or tobacco products
- D. Wood or wood products
- E. Articles formed to a specific shape or design during manufacture and that do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
- F. Food, drugs, cosmetics or alcoholic beverages
- G. Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experience by a consumer
- H. Radioactive waste.

### III. Definitions

- A. **“Appropriate Hazard Warning”** – Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning

which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).

- B. **“Categories of Hazardous Chemicals”** – A grouping of hazardous chemicals with similar properties.
  
- C. **“Container”** – Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term “container” does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A **primary container** is one in which the hazardous chemical is received from the supplier. A **secondary container** is one to which the hazardous chemical is transferred after receipt from the supplier.
  
- D. **“Employee”** – A person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for the purposes of this Act.
  
- E. **“Expose”** – Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.
  
- F. **“Hazardous Chemical”** or **“Chemical”** – An element, compound, or mixture of elements or compounds that is a physical hazard or a health hazard.
  
- G. **“Health Hazard”** – A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
  
- H. **“Label”** – Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the

Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS).

- I. **“Material Safety Data Sheet” (“MSDS”)** – A document containing chemical hazard and safe handling information for the hazardous chemical as determined by the chemical’s manufacturer.
- J. **“Physical Hazard”** – A chemical, which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.
- K. **“Personal Protective Equipment”** – Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which an employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
- L. **“Safety Data Sheet” (“SDS”)** – The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), aligned with the GHS in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) for each hazardous chemical to downstream users to communicate information on these hazards. Safety Data Sheets were formerly called Material Safety Data Sheets, or MSDSs. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent, user-friendly, 16 section format.
- M. **“Stationary Process Container”** – A tank, vat, or other such container which holds different hazardous chemicals at different times.
- N. **“Technically Qualified Individual”** – An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor’s degree in a physical or natural science.
- O. **“Work Area”** – A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are present.

- P. **“Workplace”** – A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas or a headquarters’ workplace or separate workplaces, which is at the discretion of the employer.

**IV. Workplace Chemical List..... (HSC §502.005 and 25 TAC §295.4)**

- A. The City of South Padre Island 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. (Employers may use Attachment A, *Model Workplace Chemical List*, to comply with this requirement.)
- B. The Safety Committee will be responsible for reviewing and updating the Workplace Chemical List(s) for the City of South Padre Island as necessary, but at least by December 31 of each year.
- C. The Workplace Chemical List will be maintained for at least 30 years.
- D. Further information on chemicals list on the Workplace Chemical List can be obtained by referring to the Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) located in each workplace where these chemicals are used or stored.

**V. Safety Data Sheets and/or Material Safety Data Sheets (HSC §502.006 and 25 TAC §295.5)**

- A. The City of South Padre Island will maintain a current and appropriate Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) for each hazardous chemical purchased.

B. The Department Director will be responsible for the SDS/MSDS system for the City of South Padre Island and will ensure that:

1. Incoming SDSs/MSDSs are reviewed for new and significant health/safety information and that any new information is passed on to the affected employees.
2. Hazardous chemicals received without an SDS or MSDS are withheld from use until a current SDS or MSDS is obtained.
3. Missing SDSs or MSDSs are requested from an appropriate source (e.g. chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.
4. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of hard copy SDSs/MSDSs.
5. As SDSs are received from hazardous chemical manufacturers and distributors, they replace the Material Safety Data Sheets on file. Training on both the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old MSDSs on site.
6. Emergency responders are provided SDSs/MSDSs as soon as practical upon request.

C. SDS and MSDS files for each department will be kept in a designated location made available to all employees. These files can also be stored on the City shared drives.

D. SDSs/MSDSs will be readily available for review by employees or their designated representatives upon request.

## **VI. Chemical Container Labels ....(HSC §502.007 and 25 TAC §295.6)**

A. All containers of hazardous chemicals used or stored by The City of South Padre Island will be appropriately labeled.

B. The Department Director will be responsible for the hazardous chemical labeling system and will verify that:

1. All **primary containers** of hazardous chemicals are clearly labeled to include:
  - a. The identity of the chemical as it appears on the SDS/MSDS
  - b. The appropriate hazard warnings
  - c. The name and address of the manufacturer
2. All **secondary containers** of hazardous chemicals are clearly labeled to include:
  - a. The identity of chemicals as it appears on the SDS/MSDS
  - b. The appropriate hazard warnings
3. 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

C. The City of South Padre Island 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.

## **VII. Employee Training Program...(HSC §502.009 and 25 TAC §295.7)**

- A. The City of South Padre Island will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace.
- B. The Training Coordinator in conjunction with the Department Director will be responsible for the employee training program and will ensure that:

1. Appropriate training is provided to all covered employees and includes:
  - a. The use of information provided on SDSs/MSDSs and chemical container labels
  - b. The location of hazardous chemicals present in the employees' work areas
  - c. The physical and health effects of exposure
  - d. Proper use of personal protective equipment
  - e. Safe handling of hazardous chemicals
  - f. First aid treatment for exposure to hazardous chemicals
  - g. Safety instruction on clean-up and disposal of hazardous chemicals
2. Required training records are maintained and include:
  - a. The date of the training session
  - b. A legible list of all employees attending the training session.
  - c. The subjects covered
  - d. The name of the instructors (Employers may use either Attachment B, *Employee Training Roster*, or Attachment C, *Employee Training Sheet*, to comply with this requirement)
3. All covered employees are identified and incorporated into the training program.
4. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.

5. New employees are trained prior to their being required to use or handle a hazardous chemical.
  6. The need and frequency for periodic/refreshers training is assessed.
- C. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

**VIII. Reporting Employee Deaths and Injuries...(HSC §502.012 and 25 TAC §295.9)**

- A. The City of South Padre Island will notify the Texas Department of State Health Services, Division for Regulatory Services, Policy, Standards & Quality Assurance Unit, Environmental Hazards Group, 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.
- B. The HR Manager will be responsible for reporting all such accidents to the Texas Department of State Health Services, Division for Regulatory Services, Policy, Standard & Quality Assurance Unit, Environmental Hazards Group, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of State Health Services  
Consumer Protection Division  
Policy, Standards, & Quality Assurance Section  
Environmental Hazards Unit  
Hazard Communication Program  
PO Box 149347, MC 1987  
Austin, TX 78714-9347

Phone: (512) 834-6787  
Fax: (512) 834-6726

- C. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.



- D. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to the HR Manager.

**IX. Posting the Notice to Employees...(HSC §502.0017 and 25 TAC §295.12)**

- A. The HR Manager will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the THCA *Notice to Employees*, informing employees of their rights under the THCA. (See attachment D, *Notice to Employees*)
- B. 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.
- C. In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the *Notice to Employees*, printed in Spanish, will be posted together with the English version. (See attachment E, *Notice to Employees*, Spanish version (*Aviso Al Empleado*))
- D. Additional copies of the *Notice to Employees*, in both English and Spanish, are available on the Hazard Communication Worker Right-To-Know website at <http://www.dshs.state.tx.us/hazcom/> or on request from the Policy, Standards & Quality Assurance Unit, Environmental Hazards Group, at the address or telephone number listed on the cover page of this written program.

**X. Personal Protective Equipment...(HSC §502.017 and 25 TAC §295.12)**

- A. The City of South Padre Island will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.
- B. The Department Director will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:
  - 1. Proper selection of PPE based on:
    - a. Routes of entry

- b. Permeability of PPE material
  - c. Duties being performed by the employee
  - d. Hazardous chemicals present
- 2. Proper fit and functionality of PPE as described by the manufacturer's specifications
  - 3. Appropriate maintenance and storage of PPE

**XI. Maintaining Employee Rights... (HSC §502.017 and 25 TAC §295.12)**

- A. The City of South Padre Island shall not discipline, harass, 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.
- B. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

The Consumer Protection Division, Policy, Standards & Quality Assurance Section, Environmental Hazards Unit welcomes your questions or comments regarding this Model Written Hazard Communication Program, the Texas Hazard Communication Act, or any aspect related to the administration and enforcement of the Act. You may contact the Texas Department of State Health Services, Policy, Standards & Quality Assurance Section, Environmental Hazards Unit, at:

Texas Department of State Health Services, Consumer Protection Division  
Policy, Standards, & Quality Assurance Section, Environmental Hazards Unit  
Hazard Communication Program  
PO Box 149347, MC 1987  
Austin, TX 78714-9347

Phone: (512) 834-6787, Fax: (512) 834-6726

## **XII. Attachments**

- A. Workplace Chemical List
- B. Employee Training Roster
- C. Employee Training Sheet
- D. Notice to Employees (English)
- E. Notice to Employees (Spanish)

## Workplace Chemical List

**Name of Workplace, Work Area, or Temporary Workplace:**

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Identity Used on the Safety Data Sheet & Container Label	Work Area	Quantity (optional)	Unit Size (optional)

Workplace Chemical List Prepared By: \_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature (Required)

Date of Preparation: \_\_\_\_\_ (This form must be updated annually.)



### **Employee Training Roster (continued)**

A. Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- Reading and interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009(g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Individual hazardous chemicals

C. This hazard communication training was provided as:

- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic/refresher training per Section VII(B)(6) of this Written Hazard Communication Program

## Employee Training Sheet

Texas Hazard Communication Act, Section 502.009(g)

Department / Work Area: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date: \_\_\_\_\_

**Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:**

- Reading and interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

Per Section 502.009(g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic / refresher training per section VII(B)(6) of this Written Hazard Communication Program

Employee: \_\_\_\_\_ Date: \_\_\_\_\_  
(Printed)

Employee: \_\_\_\_\_  
(Signature)

Instructor: \_\_\_\_\_  
(Signature)

# NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

## HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

## WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

## EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

## SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

## LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

## EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

## EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services  
Consumer Protection Division  
Policy, Standards, & Quality Assurance Section  
Environmental Hazards Unit  
PO Box 149347, MC 1987  
Austin, TX 78714-9347



(512) 834-6787  
(800) 293-0753 (toll-free)  
Fax: (512) 834-6726  
E-mail: TXHazComHelp@dshs.texas.gov  
Website: www.dshs.texas.gov/hazcom

Texas Department of State  
Health Services

Worker Right-To-Know Program  
Publication # 23-14173  
Revised 05/2018



# AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

## QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

## LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

## PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

## HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallen los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

## ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

## DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renuncias de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

**LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY**

Puede obtener mayor información en:

Texas Department of State Health Services  
 Consumer Protection Division  
 Policy, Standards, & Quality Assurance Section  
 Environmental Hazards Unit  
 PO Box 149347, MC 1987  
 Austin, TX 78714-9347

(512) 834-6787  
 (800) 293-0753 (llamada gratuita)  
 Fax: (512) 834-6726  
 E-mail: TXHazComHelp@dshs.texas.gov  
 Website: www.dshs.texas.gov/hazcom



Texas Department of State Health Services

Worker Right-To-Know Program  
 Publication # 23-14173A  
 Revised 05/2018

## **1100.20 Public Health Emergency Event**

### ***Scope***

This policy applies to all City of South Padre Island employees.

### ***Purpose***

This policy will take immediate effect when the City of South Padre Island determines that a public health emergency is a threat to the organization or its employees and will remain in effect until the City determines that the public health emergency is no longer a threat to the organization or its employees. No part of the policy will be effective to the extent it conflicts with federal or state law or regulations issued pursuant to federal or state law.

### ***Policy***

During the occurrence of a public health emergency event, the City of South Padre Island must balance a variety of objectives when determining how best to decrease the threat and reduce the impact on the workplace. For this to be accomplished, the City may require that all employees who are exhibiting signs or symptoms of being sick stay at home and away from the workplace.

### ***Procedure***

This policy shall become activated when a public health emergency event is declared by the City of South Padre Island Mayor and the Mayor determines that the public health emergency is a threat to the organization or its employees.

## **Receipt of the Employee Handbook**

Printed Name: \_\_\_\_\_

Department: \_\_\_\_\_

I hereby acknowledge receipt of a copy of the City of South Padre Island Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

I received a copy of the (12/20/2023 – latest revision) City of South Padre Island Employee in the following format:

*(please circle one)*

- Electronic Copy (Shared Drive)
- Website ([www.myspi.org](http://www.myspi.org))
- BambooHR (employee system)

The information in this handbook is subject to change. I understand that changes in City policies may supersede, modify, or render obsolete the information summarized in this book. As the City provides updated policy information, I accept the responsibility for reading and abiding by the changes. I understand that a copy of this handbook is posted on the City's website and accessible to me at any time.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I also accept the responsibility for contacting the Human Resources Division, my supervisor or Department Director if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date