

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.01 PAGE NO. 1 of 5
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	LAST REVISION DATE: 01-12-2012

To ensure orderly and productive operations and provide the best possible work environment, the Town of Prosper requires employees to follow rules of conduct that will protect the interests and safety of the Town, its citizens and employees.

### **I. Progressive Discipline**

In certain instances, the Town will use a progressive disciplinary system. The Town is not obligated to use all of the progressive disciplinary steps available to it, 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. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Oral warning/employee consultation/verbal reprimand
- Written reprimand
- Disciplinary probation
- Suspension without pay
- Salary Reduction or Demotion
- Dismissal

### **II. Documentation**

All forms of discipline must be documented on the appropriate forms provided by the Human Resources Department. All discipline, other than documented oral warning/employee consultation/verbal reprimand, must be sent to Human Resources for placement in the employee's personnel file.

When a Supervisor issues the Employee Consultation Form to document an oral warning/employee consultation/verbal reprimand, he/she must either forward it to Human Resources where it will be placed in the employee's personnel file or, alternatively, the supervisor can keep it in a confidential departmental file, to be referred to, if appropriate, in subsequent performance evaluations, disciplinary actions, or other personnel actions. If further discipline is taken against the employee subsequent to the documented oral warning/employee consultation/verbal reprimand for the same or similar conduct, then the supervisor must also send the documented oral warning/employee consultation/verbal reprimand to Human Resources where it will be placed in the employee's personnel file to show the Town's use of progressive discipline. All discipline (including documented oral warnings/employee consultations/verbal reprimands) and other personnel records must be preserved in accordance with Town Policy 3.09, Section VI.

### **III. Supervisory Responsibility**

- A) 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 Town policies and procedures as well as address performance appeals

Title:	EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO.	7.01
		PAGE NO.	2 of 5

submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

- B) Prior to any disciplinary action being administered, the supervisor will conduct a thorough examination of the situation before deciding to take any disciplinary action and discuss proposed action with his/her Department Director.

#### IV. Review by the Town Manager or Designee

Any proposed disciplinary action in excess of disciplinary probation must be reviewed by the Town Manager or Designee prior to being given to the employee. This applies to both probationary and non-probationary employees.

#### V. Appeal Rights

An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request a Disciplinary Review Hearing in accordance with Disciplinary Review Hearing Policy (Reference No. 7.02). However, positions classified as Director level and above are employed at the will and pleasure of the Town Manager and have no right of appeal for any type of disciplinary action, including termination. Probationary, temporary and seasonal employees likewise have no right of appeal for disciplinary action taken against them.

#### VI. Prohibited Activities

Disciplinary action will be imposed for violations of Town or departmental policies and procedures, codes of conduct, rules and regulation, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulation, yet may adversely affect the Town 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 work rules relating to personal conduct are intended to provide minimum guidelines for employee conduct and work performance, and to inform employees of prohibited conduct. Engaging in one or more of the following forms of prohibited conduct may result in disciplinary action up to and including termination.

##### A) Work Performance

- (1) Inefficiency or incompetence in the performance of duties
- (2) Neglect or carelessness in the performance of duties
- (3) Careless, negligent or improper use of Town property or equipment
- (4) Failure to satisfactorily meet performance standards for the position
- (5) Failure to meet or maintain specified conditions of employment, such as failure to obtain or maintain a license or certificate required as a condition for performing a job
- (6) Violation of Town or departmental policies, codes of conduct, rules and procedures

Title:	EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO.	7.01
		PAGE NO.	3 of 5

**B) Attendance and Punctuality**

- (1) Improper use of leave privileges, including but not limited to, excessive or unscheduled absenteeism, tardiness in reporting for work or returning from breaks and meal breaks or absence without notice and/or approval
- (2) Failure to promptly notify supervisor of absence

**C) Personal Conduct**

- (1) Insubordination, failure or refusal to follow lawful orders, or other disrespectful or unprofessional conduct
- (2) Unnecessarily disrupting the work of other employees, or interfering with work schedules or another employee's ability to work
- (3) Operating or conducting gambling on the job or on Town property
- (4) Violating safety rules or practices which endanger the employee or others or damages Town property or equipment
- (5) Playing tricks or jokes or engaging in horseplay that adversely affects job performance or creates potential safety issues
- (6) Engaging in personal business while on duty without authorization of his or her supervisor
- (7) Misuse of Town telephones, computers, mail systems, etc.
- (8) Utilizing Town data or information systems for any reason other than Town business
- (9) Failure to report damage to Town equipment or property of others
- (10) Dishonesty, including misrepresentation during the hiring process
- (11) Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- (12) Falsely reporting illness or injury, or otherwise attempting to deceive any official of the Town as to a health or medical condition
- (13) Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations)
- (14) Violation of local, state or federal law
- (15) Conviction of a felony or Class A or B misdemeanor, including reasonable belief by the Town that the employee has committed a crime under the Texas Penal Code, or repeated conviction of Class C misdemeanor charges
- (16) Misusing or failing to use delegated authority in the performance of duties

Title:	EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO.	7.01
		PAGE NO.	4 of 5

- (17) Engaging in any employment activity or enterprise which conflicts with, or potentially conflicts with, Town interest
- (18) Acceptance of payment of any kind for activities related to Town employment
- (19) Unauthorized use, possession or removal of Town property, including aiding in, or encouraging the unauthorized use, possession or removal of Town property or other property not belonging to the employee
- (20) Appropriating Town property, e.g. equipment, furniture or construction materials which have been abandoned or discarded
- (21) Conduct which results in waste or damage of a coworker's, Town's or citizen's property
- (22) Causing or contributing to an accident by operating equipment in an unsafe or unauthorized manner
- (23) Willful damage to public property or willful waste of public supplies, service, or equipment
- (24) Using Town property or equipment without authorization
- (25) Discourteous treatment of the public, other employees, or third parties
- (26) Using abusive language
- (27) Making derogatory racial, age, ethnic, or sexist remarks
- (28) Fighting, provoking or instigating a fight, or threatening violence
- (29) Coercion, intimidation, or threats against citizens, supervisors, co-workers, Town officials, or others
- (30) Possession of weapons on Town time, Town premises, or while on Town business (except for licensed peace officers required to carry a weapon as part of their job duties) or as authorized by the Town Manager
- (31) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Town-owned equipment
- (32) Working and/or operating Town-owned equipment under the influence of alcohol or illegal drugs
- (33) Engaging in unbecoming conduct, either on or off duty
- (34) Discrimination or harassment on the basis of race, color, religion, sex, national origin, disability, or age
- (35) Destroying Town records without authorization
- (36) Falsification of timekeeping or other records, including employment application

Title: EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO. 7.01 PAGE NO. 5 of 5
------------------------------------------------------------	---------------------------------------

- (37) Using an official position or office for economic gain or soliciting favors or gratuities for performing services required by the employee's position
- (38) Unauthorized disclosure of confidential information
- (39) Unauthorized use or possession of Town funds
- (40) Employees may be disciplined, up to and including discharge, for conduct which occurs outside regularly scheduled working hours, if such conduct affects the employee's ability to work for the Town, or if it places the Town Council, Town Administration, or the Town's reputation in a negatively viewed position. An example which might be considered a negatively viewed position is arrest or conviction for a criminal or civil offense which jeopardized the citizen's trust or confidence in an employee's ability to perform his or her job duties and responsibilities.

**VII. Felonies and Misdemeanors**

Employees must immediately notify their supervisor and/or Department Director 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 Town are not required to report minor traffic violations. In most instances, the Town 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 administrative leave (with or without pay) 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. Such a determination will typically be made by the Department Director and the Town Manager or Designee. An employee on administrative leave may, in the Town's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

**VIII. Disciplinary Conference**

A disciplinary conference will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, affected employee, the Town Manager or Designee and anyone else deemed necessary by the Department Director typically attend the disciplinary conference. During the conference, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the conference. Employees may, in the Town's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary conference. The employee will be notified of the Town's determination following the conference.

**IX. Administrative Leave**

During an investigation into alleged offenses or violations of Town policies, the Town may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the Town Manager.



**EMPLOYEE CONSULTATION**  
**(DOCUMENTATION OF VERBAL REPRIMAND/WARNING)**

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.01F-1*

---

Date:  
Name:  
Department:  
Title:

Problems/Issues discussed with employee that must be corrected:

Corrective action to be taken by employee:

Failure to take corrective action regarding this issue/problem stated above or any problem or issue of a similar nature will lead to disciplinary action, up to and including termination.

Employee comments:

Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I acknowledge receipt of this document and understand a copy will be placed in my personnel file.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## DISCIPLINARY ACTION NOTICE

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.01F-2*

---

Date:  
Name:  
Department:  
Position/Title:

### **DEFICIENT PERFORMANCE AND/OR INFRACTION:**

Violation of Town of Prosper Personnel Policies and Procedures, Reference No. (Reference No. violated), (provision violated), as more particularly described in the following section.

### **FACTS OF INCIDENT/BASIS FOR DISCIPLINARY ACTION:**

On (date of complaint), (describe complaint or misconduct).

If applicable, include: You were placed on administrative leave with or without pay pending the outcome of an investigation of the complaint. A formal investigation was conducted, which has now been completed.

### **DISCIPLINARY ACTION AND CONDITIONS:**

Based upon all pertinent facts and violation or violations of the Town of Prosper policies and procedures, which are stated above, the following disciplinary action is hereby being taken against you:

- Written reprimand.** You are hereby given a written reprimand for the above conduct.
- Suspension without pay.** You are hereby suspended without pay for a period of (number of days). Effective (immediately of date when effective), you are relieved of all responsibilities and removed from the payroll for the duration of such suspension.
- Disciplinary probation.** You are hereby placed on disciplinary probation for a period of (probationary period), during which time you are to demonstrate your fitness for this position by actual performance of duties and you are to attain the following specific goals:

Examples:

1. Commit no action in violation of the Ordinance or Charter of the Town, state law or federal law in the performance of your duties.
2. Become proficient with the policies and procedures of the Town for (appropriate area needing work).

During the period of your disciplinary probation, you will not be eligible to receive any merit increase. Any additional reasons for disciplinary action which may occur or be discovered during the period of disciplinary probation may result in extension of the period of probation, additional disciplinary action, or termination.

**Salary reduction.** You are hereby reduced in salary or pay to a lower pay rate within the range of pay for your position. Your new pay rate will be (new pay rate).

**Demotion.** You are hereby demoted from (current position) to (new position), to be effective (effective date).

**ADDITIONAL CORRECTIVE ACTION:**

In addition to the above disciplinary action, as a further corrective action, and as a condition of your continued employment you are required to:

1. Enroll within ten (10) days in the Town of Prosper Employee Assistance Program (EAP), attend and fully cooperate in counseling for (employment concern, i.e. alcohol treatment, anger management, etc.) as recommended by the counselor assigned to you, until released; and
2. Attend within (written time) (numeric time) at least (number) (education experience).
3. (Other appropriate remedial action).

**EFFECTIVE DATE OF DISCIPLINARY ACTION:**

The above-described disciplinary action is effective (date).

**CONSEQUENCES OF FURTHER VIOLATIONS:**

Any further violation of the policies, procedures or work rules of the Town of Prosper, approved departmental rules for your department, failure to comply fully with the conditions for continued employment stated above, and/or intentional or knowing violation of the law in performance of your job functions will result in disciplinary action up to and including termination of employment. You should be aware that any prior violation of the policies, procedures or work rules of the Town of Prosper may be considered in determining the severity of disciplinary action warranted for any future violation.

This disciplinary action is taken in accordance with Reference No. 7.01 of the Town of Prosper Personnel Policies and Procedures Manual. This Disciplinary Action Notice, in accordance with Reference No. 7.01, shall be placed in the central personnel file of the employee named above.

**AUTHORIZATION:**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Supervisor

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Department Director**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Human Resources Representative**

**ACKNOWLEDGMENT BY EMPLOYEE:**

By my signature below, I acknowledge receipt of a copy of this Disciplinary Action Notice.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Typed or printed Name: \_\_\_\_\_

**NOTICE OF RIGHT TO REQUEST A DISCIPLINARY REVIEW HEARING:**

**You are hereby notified that you have the right to file a request for a Disciplinary Review Hearing on this disciplinary action by following the procedures set out in Reference No. 7.02 of the Town of Prosper Personnel Policies and Procedures Manual. The deadline for filing any such appeal is ten (10) days from the date of this Notice.**

**NOTICE OF ADMINISTRATIVE LEAVE WITH/WITHOUT PAY**

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.01F-3*

Date:  
Name:  
Department:  
Position/Title:

**ALLEGATION(S):**

Violation of Town of Prosper Personnel Policies and Procedures, Reference No. (Reference No. violated), (provision violated), as more particularly described in the following section.

**FACTS OF INCIDENT/BASIS FOR ADMINISTRATIVE LEAVE:**

On (date of complaint), (describe complaint or misconduct).

**ADMINISTRATIVE LEAVE:**

You are hereby placed on administrative leave with/without pay for a period of (number of days). Effective (immediately or when effective), you are relieved of all responsibilities for the duration of such leave.

This action is being taken in accordance with Reference No. 7.01 of the Town of Prosper Personnel Policies and Procedures Manual. This Notice of Administrative Leave With or Without Pay, in accordance with Reference No. 7.01, shall be placed in the central personnel file of the employee named above.

**AUTHORIZATION:**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Supervisor**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Department Director**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Human Resources Department**

**ACKNOWLEDGMENT BY EMPLOYEE:**

By my signature below, I acknowledge receipt of a copy of this Notice of Administrative Leave With or Without Pay.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Typed or Printed Name: \_\_\_\_\_

# NOTICE OF TERMINATION

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.01F-4*

---

Date:  
Name:  
Department:  
Position/Title:

## DEFICIENT PERFORMANCE AND/OR INFRACTION:

Violation of Town of Prosper Personnel Policies and Procedures, Reference No. (Reference No. violated), (provision violated), as more particularly described in the following section.

## FACTS OF INCIDENT/BASIS FOR DISCIPLINARY ACTION:

On (date of complaint), (describe complaint or misconduct).

If applicable, include: You were placed on administrative leave with or without pay pending the outcome of an investigation of the complaint. A formal investigation was conducted, which has now been completed.

## TERMINATION OF EMPLOYMENT:

Based upon all pertinent facts, the current violation and repeated past violations of the Town of Prosper policies, procedures and/or work rules, which are stated above, you are hereby dismissed from employment with the Town of Prosper, effective immediately.

This employee dismissal is taken in accordance with Reference No. 7.01 of the Town of Prosper Personnel Policies and Procedures Manual. This Notice of Termination, in accordance with Reference No. 7.01, shall be placed in the central personnel file of the employee named above.

## AUTHORIZATION:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Supervisor**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Department Director**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
**Human Resources Department**

## ACKNOWLEDGMENT BY EMPLOYEE:

By my signature below, I acknowledge receipt of a copy of this Notice of Termination.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Typed or printed Name: \_\_\_\_\_

*[remove this section if Department Director, probationary, temporary or seasonal employee]*  
**NOTICE OF RIGHT TO REQUEST A DISCIPLINARY REVIEW HEARING:**

**You are hereby notified that you have the right to file a request for a Disciplinary Review Hearing on this disciplinary action by following the procedures set out in Reference No. 7.02 of the Town of Prosper Personnel Policies and Procedures Manual. The deadline for filing any such appeal is ten (10) days from the date of this Notice.**

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.02 PAGE NO. 1 of 4
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: DISCIPLINARY REVIEW HEARING	LAST REVISION DATE:

It is the policy of the Town of Prosper to give individual employees an opportunity for a hearing regarding disciplinary actions. Disciplinary review hearings are designed to be heard according to prescribed guidelines as set forth in the following procedures. The disciplinary review hearing process is designed to afford the employee a responsive forum to guard against biased or arbitrary decisions; however, nothing in this policy shall be construed as a grant to any employee of a property right in tenured public employment. All employees are employed strictly on an at-will basis.

Positions classified as Director level and above are employed at the will and pleasure of the Town Manager and have no right of appeal for any type of disciplinary action, including termination and shall be exempted from the application of this policy. Those employees employed by a written contract, probationary, temporary and seasonal employees likewise have no right of appeal for disciplinary action taken against them and are also exempted from the application of this policy. However, an opportunity for a response and hearing shall be afforded such employees when the conduct charged has been publicized to the extent that the reputation of the employee is brought into dispute or the conduct charged constitutes the exercise of a constitutional right.

**I. General Disciplinary Review Hearing Information**

- A) An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request an informal or formal disciplinary review hearing.
- B) Since it is important that disciplinary review hearings be resolved as rapidly as possible, time limits, as set out in the following paragraphs, shall be considered a maximum and every effort shall be made to expedite the process. However, the limits may be extended or shortened at any or all steps if both parties agree in writing. In the event the parties cannot agree, the Town Manager or Designee shall have the discretion to unilaterally shorten or extend the time limits. In the event the last day of a time limit falls on a weekend or a Town holiday, the time limit shall include the next working day. In all instances, consecutive working days will be counted (excluding Saturday, Sunday, and Town holidays) in arriving at the length of the time interval.
- C) A disciplinary review hearing not responded to within the time limits prescribed by the appropriate representative at each step shall be considered a violation of this policy for which the representative may be subject to disciplinary action.
- D) All requests for disciplinary review hearings must be submitted on Request for Disciplinary Review Hearing form, and must be filed with the Human Resources Department. An employee shall choose whether he or she desires to pursue an informal or formal disciplinary review hearing process and shall indicate his or her choice on the form. All decisions rendered in response to disciplinary review hearings must be in writing to the employee, either in memorandum or letter format.
- E) An employee who requests a disciplinary review hearing must inform the Human Resources Department in writing of his or her correct mailing address and telephone number. Failure to provide current mailing address and telephone information may result in administrative closure of the disciplinary review hearing.

- F) An employee who perceives that he or she has been coerced or forced to resign at any time during any investigative action or any administrative action is taken or pending may request a disciplinary review hearing as provided for herein.

## II. Informal Hearing Process

- A) An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request an informal hearing.
- B) The employee must make the request for the informal hearing in writing within ten (10) working days after receiving notification of an action taken. The written request must set forth the specific reasons why the employee feels the action is not justified.
- C) By requesting an informal hearing, the employee shall waive a formal hearing.
- D) Upon receipt of the request for an informal disciplinary review hearing, the Town Manager or Designee will assign a Hearing Officer. The appointed Hearing Officer will be a disinterested party, typically of Department Director status.
- E) The informal hearing will consist of the employee, the Department Director and/or the supervisor who imposed the disciplinary action, the Hearing Officer, and the Town Manager or Designee or his/her designee, acting as a facilitator to the proceedings. The employee and the Department Director and/or the supervisor who imposed the disciplinary action will each have the opportunity to address the hearing with information concerning the appeal.
- F) An informal hearing will be conducted within 10 working days of the employee's request for an informal hearing, unless an extension is agreed upon by both parties as described in this policy.
- G) Upon conclusion of the hearing, the Hearing Officer will make a decision and recommendation to the Town Manager within five (5) working days from the date of the hearing, with a copy to the Town Manager or Designee. The Town Manger will make a final recommendation within ten (10) working days of receipt of the Hearing Officer's decision and recommendation. The Human Resources Director will communicate the Town Manager's decision in writing to the employee, employee's supervisor and others with the need to know in the chain of command. The Town Manager's decision is final.
- H) The Town Manager or Designee shall coordinate, attend, and facilitate all disciplinary review hearings, and provide appropriate documentation to the parties involved as necessary.
- I) As all employees are employed strictly on an at-will basis, and no contractual rights are implicated, no particular burden of proof need be met to sustain a termination or disciplinary sanction.

## III. Formal Hearing Process

- A) An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request a formal hearing.
- B) The employee must make the request for the formal hearing in writing within ten (10) working days after receiving notification of an action taken. The written request must set forth the specific reasons why the employee feels the action is not justified.

<b>Title:</b> DISCIPLINARY REVIEW HEARING	<b>REFERENCE NO.</b> 7.02 <b>PAGE NO.</b> 3 of 4
-------------------------------------------	-----------------------------------------------------

- C) Upon receipt of the request for a formal disciplinary review hearing, the Town Manager or Designee will assign a Hearing Officer. The appointed Hearing Officer will be a disinterested party, typically of Department Director status.
- D) A formal hearing is a structured, procedural hearing requiring Town representatives to present evidence, introduce witnesses, and prove facts to support justification of the action taken against the employee. The employee or his or her representative may present evidence, introduce witnesses and prove facts to support that the action is unjustified. Each party is entitled to representation. The formal hearing will be heard by a hearing officer according to guidelines outlined in Section IV of this policy.
- E) A formal hearing will be conducted within ten (10) working days of the employee's request for a formal hearing, unless an extension is agreed upon by both parties as described in this policy.
- F) Upon conclusion of the hearing, the Hearing Officer will make a decision and recommendation to the Town Manager within five (5) working days from the date of the hearing, with a copy to the Town Manager or Designee. The Town Manger will make a final recommendation within ten (10) working days of receipt of the Hearing Officer's decision and recommendation. The Human Resources Director will communicate the Town Manager's decision in writing to the employee, employee's supervisor and others with the need to know in the chain of command. The Town Manager's decision is final.
- G) As all employees are employed strictly on an at-will basis, and no contractual rights are implicated, no particular burden of proof need be met to sustain a termination or disciplinary sanction.

**IV. Hearing Procedure for Formal Hearings**

- A) The employee and the department must submit a written statement of relevant issues, a list of witnesses to be called, and copies of relevant documents five (5) business days prior to the scheduled hearing. The Hearing Officer will determine if any of the listed witnesses will be permitted based upon their relevance.
- B) Opening Statements
  - (1) Employee gives brief summary of reason for appeal
  - (2) Supervisor gives brief summary of reason for action
- C) Presentation of Evidence and/or Witnesses
  - (1) Witnesses for employer make statements (may be in question and answer form or narrative)
  - (2) Hearing Officer asks questions, if any, of employer's witnesses
  - (3) Witnesses for employee make statements (may be in question and answer form or narrative)
  - (4) Hearing Officer asks questions, if any of employee's witnesses

D) Closing Statements

- (1) Department Director or supervisor gives brief summary.
- (2) Employee gives brief summary.

E) Other Procedural Guidelines

- (1) The Hearing Officer will exclude irrelevant material.
- (2) The Hearing Officer may ask questions as he/she thinks necessary.
- (3) The Hearing Officer may call witnesses if he/she believes necessary.
- (4) All arrangements for a hearing shall be coordinated by the Human Resources Department, including coordinating attendance of witnesses.
- (5) As all employees are employed strictly on an at-will basis, and no contractual rights are implicated, no particular burden of proof need be met to sustain a termination or disciplinary sanction.
- (6) The formal rules of evidence do not apply.
- (7) All hearings will normally be scheduled to convene and end within two consecutive business days.
- (8) Typically, only those employees who are on duty during the hearing will be required to participate in the hearing, although the Hearing Officer may require an employee to come in during his/her off-duty time.



# REQUEST FOR DISCIPLINARY REVIEW HEARING

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.02F-1*

Employee Name: \_\_\_\_\_

Disciplinary Action: \_\_\_\_\_

Date of Disciplinary Action: \_\_\_\_\_

Reason for hearing request (reason you feel the disciplinary action was not justified):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hearing Requested:  Formal Disciplinary Review Hearing

Informal Disciplinary Review Hearing

By electing to have an informal hearing, I hereby waive my right to a formal hearing

Relevant Witnesses: \_\_\_\_\_

Relevant Documents: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date Signed

Received by:

\_\_\_\_\_  
Human Resources Department

\_\_\_\_\_  
Date Signed

10/8/2008 7:39:21 AM

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.03 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: PROBLEM SOLVING	LAST REVISION DATE:

In an effort to promote improved employer-employee relationships the Town of Prosper has an open door policy. Employees who feel they are being unfairly treated, wish to correct a misunderstanding or desire information concerning their work relationships are encouraged to discuss these concerns with their immediate supervisor. If this attempt fails, the employee will follow the chain of command in his/her department.

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

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

**I. Procedures for Problem Solving**

- A) An employee wishing to submit a complaint, problem or grievance should first discuss the particular issue with his/her immediate supervisor.
- B) If, for legitimate reasons, the employee feels that he/she is unable to discuss the issue with his/her immediate supervisor or that the issue has not been resolved at that level, they are encouraged to present the issue to the next applicable authority in the chain of command.
- C) An employee failing to gain satisfaction after conferring with the Town Manager or Designee may request that the Town Manager or Designee forward the issue to the Town Manager for consideration.
- E) The decision of the Town Manager is final.

**II. Supervisory Responsibilities**

- A) Supervisory staff members will ensure that every reasonable effort is made to respond to employee complaints, problems and grievances as expeditiously as possible.
- B) Knowledge of any attempt of harassment, reprisal, intimidation, discrimination or other form of retaliation toward employees as a result of their implementation of this policy will be immediately forwarded to the Human Resources Director.
- C) Actions and/or solutions may be documented in writing and forwarded through the appropriate chain of command if in the employee's best interest.

Title: PROBLEM SOLVING	REFERENCE NO. 7.03
	PAGE NO. 2 of 2

**III. Employee Assistance Program**

Confidential counseling having to do with personal or job related problems and concerns is available to all Town employees through the Employee Assistance Program.

**IV. Internal Investigations**

- A) When a complaint or allegation is made that warrants an internal investigation, the Town Manager shall appoint an appropriate person(s) to serve as the investigator. The investigator is responsible for notifying the Town Manager if she or she has any conflict or bias with the parties involved. (The investigator, if someone other than the Human Resources Director, should consult with the Human Resources Director for proper procedure in conducting an internal investigation.)
- B) The investigator is given complete authority over the investigation and may, upon approval, call in outside counsel if warranted.
- C) All departments and employees will cooperate to the fullest extent with the investigator.
- D) Complaints and resulting investigations will be treated with discretion, but absolute confidentiality is not possible because of the Town's obligations to comply with Texas Open Government laws and its legal duty to investigate such claims.
- E) No person who is the subject of a complaint will be permitted to influence the outcome of any investigation or the resolution of the complaint.
- F) Good faith reports of violation of these policies will not result in any retaliation or reprisal.
- G) In addition to an administrative investigation, matters that may involve a violation of criminal law may also result in a criminal investigation.
- H) After all the facts, materials and interviews have been completed the investigator will summarize the findings in a final report. The report should contain relevant background information including the specific complaint(s) or allegation(s) and a review of the process, listing evidence and witnesses interviewed. Supporting documents and relevant quotes may be attached to the report. Findings of misconduct should identify appropriate disciplinary action.
- I) The investigator shall complete all findings and forward the final report to the Town Manger within thirty (30) working days after the complaint(s) or allegation(s) has been filed.
- J) All records and documents associated with the investigation will be indexed for future reference and kept in accordance with record retention laws.

## **INTERNAL INVESTIGATIONS PROCESS OVERVIEW**

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.03F-1*

---

**The following is a checklist and documents that may be helpful to you to be sure you follow proper procedures when investigating a complaint.**

**When conducted an internal or administrative investigation, it will be helpful to:**

- 1) Develop an investigation plan to identify documents and research**
- 2) Schedule interviews**
- 3) Complete a questionnaire which includes as much information and insight into what witnesses may have knowledge of**
- 4) May record and create a transcript of the interviews**

## CHECKLIST FOR INTERNAL INVESTIGATIONS

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.03F-2*

---

### CHECKLIST FOR INTERNAL INVESTIGATIONS

- Interview the complainant.** What does he/she say happened? Who does he/she name as the person the complaint is against? Where and when did the incident take place? How did the complainant react? Were there witnesses? Was it an isolated incident or part of a series? Has he/she spoken to anyone else about the incident?
- Interview the alleged accuser.** Stay objective. Assume nothing. Put every statement in writing. Remember your notes may end up in court.
- Interview all witnesses.** Phrase the questions so you don't give any information or influence the comments. For instance, it's better to ask, "Have you heard anyone say/do something to the complainant that you feel is wrong or made the complainant uncomfortable?" rather than, "Did you hear him call her an old lady?"
- Weigh all the evidence.** Consider the credibility of each party, based on the reputations of the employee and the alleged complaint. Is there any possibility the employee is trying to make up for a poor performance review or a disciplinary action? Are there any previous complaints against the accused.
- Take action.** Once you have all the facts, ask yourself if the complaint is valid. If you decide the accusation is without merit, write a detailed reporting explaining why, and have the evidence to back it up. If harassment did occur, you should follow the disciplinary procedure specified in the policies and procedures.

# INTERNAL INVESTIGATIONS MEMORANDUM

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.03F-3*

---

## MEMORANDUM

**FROM:** [TOWN MANAGER]

**DATE:** [DATE]

**RE:** Investigation/Requirement of Confidentiality and Cooperation

You are being questioned as part of an official administrative investigation. You are expected to fully cooperate with the investigation and must be truthful and respond fully to all questions asked of you.

You are specifically instructed not to discuss this investigation with anyone other than [investigator]. This means that if anyone asks you what is being investigated, what you were asked by the investigator(s), what you told the investigator(s) and so on, you are to respond by saying that you have been told by Town management not to discuss the matter and that your job may be in jeopardy if you violate this instruction. You may, however, discuss this matter with your immediate family and your attorney.

The Town of Prosper wants to assure you that it will not permit any retaliation against you for your participation in this investigation. You are to report immediately to [investigator] and/or me if you believe you have been or may be retaliated against in any way for participating in the investigation. You are also to report if anyone demands that you speak to them about the investigation.

The Town is committed to performing a full and fair investigation. Accordingly, any violation of these directives will be considered insubordination and will likely result in disciplinary action up to and including termination of employment.

By my signature below, I acknowledge that I have read and understand my obligations as set out in this memorandum.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## INTERNAL INVESTIGATIONS INTERVIEW

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.03F-4*

---

### INTERVIEW

This is an interview in reference to an internal investigation into complaints or allegations made against [employee], [employee]. [This interview is being recorded.]

Today is \_\_\_\_\_ and it is \_\_\_\_\_ o'clock  
\_\_\_\_\_ A.M./P.M.

I am [investigator name and title] and I will be conducting this interview with \_\_\_\_\_, who works with [employee]/may have knowledge regarding the complaints or allegations made against [employee].

I want to remind you of the memorandum you have received and signed that states you are to cooperate fully with this investigation and not discuss anything said here today with any of your coworkers and also that the Town of Prosper will not permit any retaliation against you for your participation in this investigation and you must report it immediately to me if you believe you have been or may be retaliated against in any way.

You are expected to cooperate, be truthful and to respond fully to all questions asked of you.

[list questions]

If you have nothing further to add, this interview will conclude now at \_\_\_\_\_  
o'clock \_\_\_\_\_ A.M./P.M.

## INTERNAL INVESTIGATIONS – GARRITY WARNING

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.03F-5*

---

### INTERNAL INVESTIGATION GARRITY WARNING

You are advised that you will be questioned as part of an internal investigation by the Town of Prosper, Texas. You may be asked to answer questions specifically directed and related to the performance of your official duties or fitness for employment. You are entitled to all the rights and privileges guaranteed by the laws of the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself, including the protections afforded you under *Garrity vs. New Jersey* 385 U.S. 439 (1967).

I further wish to advise you that your statement(s) will not be released to any other person or agency for use against you in any criminal proceeding without an order of a court of competent jurisdiction. You are further advised that neither your statement(s) nor any information or evidence, which is gained by reason of your statement(s), can be used against you in any subsequent criminal proceeding. However, your statements may be used against you in relation to subsequent administrative charges. Your statements can also be used against you in a perjury prosecution arising out of the giving of a false statement.

I further wish to advise you that if you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including the termination of your employment.

\_\_\_\_\_  
Mike Land, Town Manager

\_\_\_\_\_  
Date

I have read and understand this *Garrity* warning.

\_\_\_\_\_

\_\_\_\_\_  
Date

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.04 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: TOBACCO USE	LAST REVISION DATE: 10-01-2011

The Town of Prosper desires to provide a safe and healthy work environment for citizens, customers, and employees.

**I. Prohibited Use**

- A) The use of tobacco products (including smokeless) is prohibited in any Town-owned or municipal building.
- B) The use of tobacco products (including smokeless) is prohibited while operating and/or being a passenger in Town-owned or leased vehicles and/or equipment.
- C) No employee shall use tobacco products (including smokeless) while making public contact.
- D) Except as permitted in Section II, below, no employee shall use tobacco products (including smokeless) while on the clock.

**II. Permitted Use**

Employees may use tobacco products outdoors in designated areas during their normal rest or meal periods.



**TOBACCO USE  
POLICY ACKNOWLEDGMENT FORM**

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.04F-1*

---

I acknowledge that I have received, read, and understand the Tobacco Use Policy of the Town of Prosper. I understand that failure to comply with the policy will likely result in disciplinary action up to and including dismissal.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (please print)

*Please return original to the Human Resources Department for filing.*

9/21/2011 8:06:08 AM

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.05 PAGE NO. 1 of 3
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: TOWN PROPERTY/EQUIPMENT USE	LAST REVISION DATE:

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

**I. Town-issued Property/Equipment**

From time to time, the Town may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the Town, 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 Town may take any other action it deems appropriate or necessary to recover and/or protect its property.

**II. Damage to Town Property/Equipment**

Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

**III. Personal Use Prohibited**

Town property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the Town Manager, or the Department Director.

**IV. Vehicle Allowance**

An employee may be given a monthly allowance for consistently using such employee's own vehicle for Town business if the use is deemed necessary by the Town Manager. The amount of the allowance shall be determined by the Town Manager.

**V. Take-Home Vehicles**

- A) An employee may be authorized to take Town vehicles to his or her residence when the employee is an "on-call" employee who has a job-related need for the vehicle after normal working hours.
- B) Employees authorized to take a Town vehicle to his or her residence during off-duty hours must complete and sign an Authorization for Take-Home Vehicle Form. The form must be completed, signed by the employee, and approved by the designated Supervisor and Department Director.

The authorization for a take-home vehicle may be approved by the Department Director when the employee resides in the corporate limits of the Town of Prosper. If the employee does not reside in the corporate Town limits of the Town of Prosper, the authorization must be approved by the Town Manager.

- C) Employees authorized to take vehicles home are authorized to make reasonable, brief, and limited stops before or after assigned work shifts while traveling to and from work to conduct personal errands, such as obtaining a limited number of grocery items, picking-up cleaning, making a bank transaction, and the like. On-call employees, who are allowed to come and go freely but must respond to a return-to-work notification by pager, radio, cell phone, or telephone, may use "take-home" vehicles for personal business if such use is required to meet response times outlined in Department or Division policies. Under no circumstances will family numbers or friends be transported in the take-home vehicles unless specifically authorized under the provisions of this policy.
- D) The Town's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.
- E) The approval for a take-home vehicle shall be made for the purpose of assuring the performance of Town business, and such authorization or use shall not constitute or be considered a vested employment benefit or right of the employee. Such authorization or use may be denied, revoked, or suspended at any time for any reason or for no reason.

#### VI. Use of Town Vehicles

- A) Town owned or leased vehicles may only be used for official Town business. Town owned or leased vehicles may only be driven by authorized Town employees. If an employee drives a Town-owned, rented or leased vehicle on the job or while carrying out Town-related business, the employee must comply with the Vehicle Operator Standards as described in the Town of Prosper Health and Safety Program, and the following rules:
  - (1) Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
  - (2) No passengers other than Town employees or others on Town business may ride in a Town vehicle unless otherwise approved in advance by the Department Director.
  - (3) No personal use of Town-provided vehicles is allowed without the prior, specific approval of the Department Director.
  - (4) All maintenance and use records for Town vehicles must be completed as directed by the employee's supervisor, department directives or the Town of Prosper Health and Safety Program.
  - (5) Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of Town vehicles to the appropriate supervisor immediately.

Title: TOWN PROPERTY/EQUIPMENT USE	REFERENCE NO. 7.05 PAGE NO. 3 of 3
------------------------------------	---------------------------------------

- (6) All drivers must be eligible for coverage under the Town's insurance policy.
- (7) Drivers covered by Department of Transportation regulations must comply with them at all times.
- (8) At no time may an employee under the influence of alcohol or illegal drugs drive a Town vehicle or a personal vehicle while conducting Town business.
- (9) Employees involved in an accident while operating a Town vehicle, or while operating a personal vehicle on Town business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate Supervisor, Department Director, and/or Town Manager. Accident Reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Town Manager or Designee.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

- B) The Town may, at any time, check the driving record of a Town employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a Town driver. Employees agree that they will cooperate in giving the Town whatever authorization is required for this purpose.
- C) Employees who are in jobs that require the driving/operating of Town vehicles or motorized equipment must notify their Supervisor, Department Director, or Town Manager or Designee by the end of the department's next working day when:
  - (1) They are arrested and charged with DWI, DUID, or any other serious moving violation;
  - (2) They have their driver's license suspended, cancelled, or revoked;
  - (3) When their license expires without immediate renewal; or
  - (4) When an Occupation Driver's License or similar license has been issued to them.

Failure to report such information by the end of the next working day shall result in disciplinary action up to and including termination, unless there are extenuating circumstances.

- D) Employees who are in jobs that require the driving/operating of Town vehicles or motorized equipment who are convicted of a DWI or DUI will be terminated, although the Town may also take disciplinary action prior to conviction. Determination for removal of driving privileges and/or disciplinary action while waiting for adjudication shall be made by the Department Director in concurrence with the Town Manager or Designee on a case-by-case basis.



## AUTHORIZATION FOR TAKE-HOME VEHICLE

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.05F-1*

### TOWN VEHICLE INFORMATION:

DEPARTMENT: \_\_\_\_\_ DIVISION: \_\_\_\_\_

VEHICLE NUMBER: \_\_\_\_\_ VEHICLE TYPE: \_\_\_\_\_

AUTHORIZATION:  New  Change  Temporary

### EMPLOYEE INFORMATION:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

### REASON FOR AUTHORIZATION:

1. Stand-By \_\_\_\_\_
2. Frequently Called Out/Services \_\_\_\_\_
3. Job-Related Need \_\_\_\_\_
4. Frequently Called Out/Emergency Services \_\_\_\_\_
5. Temporary \_\_\_\_\_
6. Public Health/Safety \_\_\_\_\_

Inside Town Limits  Outside Town Limits

Number of Miles to Drive Round Trip from Home to Work \_\_\_\_\_

I have read Town of Prosper Personnel Policies and Procedures Manual Reference No. 7.05 regarding Town Property/Equipment Use and also the Section 2.5 of the Town of Prosper Safety Program regarding Vehicle Operator Standards.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED: Supervisor \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED: Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

Town manager approval required for take-home vehicles for employees who live outside Town limits.

APPROVED: Town Manager \_\_\_\_\_ Date: \_\_\_\_\_

*Please return form to the Human Resources Department to be included in the employee's personnel file.*

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.06 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: POLITICAL ACTIVITIES	LAST REVISION DATE:

Town of Prosper employees will not be appointed or retained on the basis of their political support or activities. Town employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

Town employees may not:

- Engage in political activities relating to a campaign for elective office while in uniform or on active duty.
- Publicly endorse or campaign in any manner for any person seeking a Town public office.
- Use his/her position or office in any advertisement or endorsement of products, persons or activities, without exclusive authorization by the Town Council to coerce political support from employees or citizens.

Employees who become a candidate or otherwise decide to seek or assume Town office must immediately resign their employment.

Employees appointed to Town offices shall be required to resign their employment upon acceptance of the office.

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.07 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: DRESS, APPEARANCE, IDENTIFICATION AND UNIFORMS	LAST REVISION DATE:

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the Town or conducting Town business. The Town allows business casual dress in the work place year-round, in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. Town Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

**I. Standards for Work Attire**

- A) All employees are expected to comply with safety regulations – e.g., types of shoes, shirtsleeve length, etc. – as directed by departmental and industry safety standards.
- B) All office and public contact employees are expected to be appropriately dressed and well groomed in order to reflect a professional businesslike atmosphere.
- C) Clothing should be clean, comfortable and attractive but not distracting. Clothing having pictures, designs, words, and/or advertising not conducive to a professional image, see-through and/or otherwise sexually provocative clothing are prohibited for all employees.
- D) The following are inappropriate:
  - Provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics;
  - Bare shoulders or tank tops with shoulder straps less than 1” wide;
  - Thong sandals (“flip-flop” shoes);
  - Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
  - Wrinkled, ripped and tattered clothing;
  - Visible tattoos which could be deemed offensive;
  - Nose rings/studs, eyebrow rings/studs; tongue studs or similar type facial jewelry.
  - Jeans, sweatshirts, sweat pants, athletic shoes, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by Town Management, or as specifically approved by the appropriate Department Director as work assignments dictate.

<b>Title:</b> DRESS, APPEARANCE, IDENTIFICATION AND UNIFORMS	<b>REFERENCE NO.</b> 7.07
	<b>PAGE NO.</b> 2 of 2

## **II. 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 severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

## **III. Identification Cards**

- A) As part of the employment process, all regular full-time and part-time employees will be issued an identification card. The identification card must be kept within reasonable access while employed by the Town for verification of employment. It is the responsibility of the employee to ensure that current information is reflected on his/her identification card.
- B) Lost, stolen or mutilated cards must be reported to the Human Resources Department. Police and Fire personnel must report lost, stolen or mutilated cards as stated in department operating procedures. Employees needing to acquire a replacement card and/or correct or updated information on their identification card should contact the Human Resources Department.
- C) Upon separation from employment with the card must be relinquished to the Human Resources Department prior to receiving final paycheck.

## **IV. Uniforms**

- A) The Town supplies many employees with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The Town will provide replacement uniforms as necessary. Uniforms must be clean and neat. Town-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. Town uniforms may be used by Town employees in connection with outside employment only with the Department Director's prior written authorization.
- B) Employees who are provided with uniforms are required to wear their uniforms 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.
- C) When an employee terminates, uniforms and other Town equipment, which the employee possesses, must be returned in good condition before final pay will be authorized. The cost of lost or damaged Town property and unreturned uniforms will be deducted from the employee's final paycheck.

## **V. Enforcement**

- A) In all cases, the Town will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department Director, or the Town Manager or Designee.
- B) Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.08 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: ATTENDANCE AND WORK HOURS	LAST REVISION DATE: 10-01-11

**I. Regular Work Hours**

Nonexempt employees of the Town, except for Fire Department and Police Department shift 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 workweek begins on Saturday and ends on Friday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m.

**II. Adjustment to Work Hours**

In order to assure the continuity of Town services, it may be necessary for Department Directors to establish other operation 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 a different schedule. Acceptance of work with the Town includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that he/she will be available to do such work.

**III. Meal Periods**

- A) Every effort will be made to ensure that all full-time employees receive a daily meal break during each shift. There may be instances, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.
- B) Full-time employees (excluding Fire Department and Police Department shift personnel) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order 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.

**IV. Rest Breaks**

- A) 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.
- B) Rest breaks shall be considered a privilege and not a right and shall never interfere with proper performance of an employee's work responsibilities and department work schedules.
- C) Rest breaks must be taken at, near, or in route to or from work sites within the fifteen-minute limits or as outlined in departmental policies. Employees whose work sites and or work schedules do not permit opportunities to obtain food or beverages should plan ahead and take provisions with them to the work sites.
- D) An employee may not combine two daily breaks into one thirty-minute rest period, "bank" rest break time from day to day, or save rest break time to extend a lunch period or shorten a shift.

**V. Attendance Records**

Employees are expected to be at their work stations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived at 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.

**VI. Attendance and Punctuality**

- A) To maintain a safe and productive work environment, the Town expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the Town and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. The employee must disclose to his/her supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival or return. For absences of a day or more, the employee must personally notify his/her supervisor on each day of his/her absence unless the supervisor expressly waives this requirement.
- B) In most instances, an employee who fails to properly notify his/her supervisor in advance of an absence or when he or she will be tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the Town of an absence and is absent for a period of one working day or shift may be presumed to have voluntarily resigned his/her employment.

**VII. Proof of Need for Absence**

In the case of absenteeism, if the supervisor has reason to suspect abuse, he or she may require the employee to present satisfactory proof of the need for the employee's absence.

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.09 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: SEXUAL AND OTHER UNLAWFUL HARASSMENT	LAST REVISION DATE:

The Town of Prosper is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All Town employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. Town employees are also prohibited from harassing citizens, vendors, and all other third parties.

## **I. Sexual Harassment**

- A) One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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.
- B) Sexual harassment may include a range of subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess; sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

## **II. Other Prohibited Harassment**

In addition to the Town's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to Town employees, citizens, vendors, and other visitors to the workplace.

Title: SEXUAL AND OTHER UNLAWFUL HARASSMENT	REFERENCE NO. 7.09
	PAGE NO. 2 of 2

### III. Mandatory Reporting

- A) The Town requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to his or her Department Director, the Town Manager or Designee or the Town Manager.
- B) Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and/or the Town Manager or Designee.
- C) Under this policy, an employee may report to and/or contact the Town Manager or Designee directly, without regard to the employee's normal chain of command:

Town Manager  
121 W Broadway Street (Town Hall)  
Prosper TX 75078  
972-346-2640

Voice messages or e-mails may be left at any time.

- D) In addition, the Town encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.
- E) An employee who reports a potential violation of this policy and who feels his/her report was not adequately or timely addressed, must then put his/her report in writing and submit it to the Town Manager or Designee and the Town Manager.

### IV. Investigation

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

### V. 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.

### VI. Responsive Action

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.



**SEXUAL AND OTHER UNLAWFUL HARASSMENT  
POLICY ACKNOWLEDGMENT FORM**

*Town of Prosper Personnel Policies and Procedures Manual, Reference No. 7.09F-1*

---

**I acknowledge that I have received, read, and understand the Sexual and Other Unlawful Harassment Policy of the Town of Prosper. I understand that failure to comply with the policy will likely result in disciplinary action up to and including dismissal.**

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

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

\_\_\_\_\_  
**Employee Name (please print)**

*Please return original to the Human Resources Department for filing.*

9/23/2008 1:10:17 PM

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.10 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: RETALIATION ACT	LAST REVISION DATE:

**Retaliation Prohibited**

The Town of Prosper supports the State of Texas Retaliation Act which protects a public employee who reports an alleged violation of law. The Town's Problem Solving Policy, Personnel Policies and Procedures Manual Reference No. 7.03, encourages employees to report any alleged infraction without fear of retaliation. The State Law provides that a state or local government body may not suspend or terminate the employee of, or otherwise discriminate against, a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith. Law is defined as a state or federal statute, an ordinance passed by a local government body, or a rule adopted under a statute or an ordinance.

TOWN OF PROSPER PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.11 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 10-01-2008
Title: POLYGRAPH EXAMINATIONS	LAST REVISION DATE:

Except for extraordinary circumstances, Town of Prosper employees (other than certain employees in the Police and Fire Departments) will not be subjected to polygraph examinations. Sworn Police and Fire Department employees will be required to submit to a polygraph test only in those situations permitted by law. Nothing in this policy prohibits an employee from volunteering to be polygraphed. No Town employee, however, whether in Police, Fire or another Town Department, may be polygraphed without the prior written authorization of the Town Manager or Designee