The Town of Prosper provides computer networks, Internet access, email, instant messaging, telephones, pagers, digital cameras, voice mail, fax, and other communication systems for use by Town employees in the performance of their job duties. These communication systems and devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of Town employees and to encourage work-related communication and sharing of information resources within the Town. This policy governs user behavior pertaining to access and usage of the Town's electronic communications systems. This policy applies to all Town employees, contractors, volunteers and other affiliates who use the Town's electronic communications systems. The Town's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

I. Acceptable Use

A) Acceptable uses of the Town's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting Town business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the Town's internal network function. The Town prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

B) Users must understand that use of any Town-provided, publicly accessible computer network such as the Internet and email is a privilege. Minimal personal use of the Internet or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of Town business. The Town is not responsible for personal communications sent on its electronic communications systems.

II. Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers, citizens, 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 Town business.
- Using the systems in such a manner as to create a security breach of the Town network.
- Looking or applying for work or business opportunities other than for internal Town postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
- Transmitting or sharing information regarding a coworker's health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the Town.

- Expressing opinions or personal views regarding management of the Town or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates Town policy or is contrary to the Town's best interest.
- Playing games or gambling.
- Accessing or transmitting content containing violence or profanity; full or partial nudity; sexual or deviant acts; satanic/cult; militant/extremist; or anything illegal.

III. Responsibility

The person in whose name a Town 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 in the course of conducting Town business on the Town's electronic communications systems will be considered a communication of the Town and held to the same standards as formal letters. Failure to adhere to this policy will likely result in the suspension or revocation of the employee's privilege of access and/or other disciplinary action, up to and including termination of employment.

IV. No Right of Privacy/Monitoring

A) All passwords used for any electronic communications systems are to be on file with the network administrator designated by the Town Manager. These will be kept confidential and only used for security or investigative purposes.

B) Users of Town 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 Town will monitor their use. The Town Manager or his or her designee reserve the right to, with or without advance notice, monitor and view both business and personal usage, including but not limited to: employee email, voice mail, blogs, social media, and instant messages; information and material transmitted, received or stored using Town systems; and user Internet access and usage patterns to assure that the Town's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Even personal, password-protected, web-based accounts used or accessed on Town computers or other electronic communications systems are subject to review so employees have no expectation whatsoever of privacy. Contents of emails, texts, and pages, including those of a personal nature stored on a hard drive, can be retrieved.

V. Filtering

The Town may use software to filter Internet and instant message content for all employees.

VI. Copyright Restrictions

Any software or other material, including music, downloaded into a Town 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 Department Director is required before introducing any software into the Town's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

Employees should not make or receive excessive personal calls, texts, emails, or other forms of wireless communications on their personal or Town-provided cell phones during work time, or during non-work time in areas where other employees or citizens may be disturbed. Employees should also ensure that friends and family members are aware of the Town's policy restricting the frequent receipt of cell phone calls.

Cameras. Employees who have cameras or camera cell phones may not use the camera, audio, or video functions during work hours or while conducting Town business, unless necessary in the performance of the employee's job duties. Specifically, cameras may not be used to violate the Town's Sexual and Other Unlawful Harassment policy or any other Town policy, to invade a citizen's or another employee's privacy; to photograph confidential business records; or in any other way that is found to be inappropriate by the Town.. Photographs or video of Town properties, buildings, equipment, furnishings, employees, citizens, etc., taken within the course of job duties will not be sent or posted to personal web pages, blogs, social websites or any other graphical publication without the prior written authorization of the Town Manager or his/her designee. This policy applies to Town provided cameras and cell phones, as well as personal cameras and cell phones used by employees in connection with work.

Driving with Cell Phone. Employees are responsible for putting safety first whenever driving. While driving on Town business, employees should not make and/or receive cell phone calls while driving unless using a hands free device. While driving a Town owned/leased vehicle or a personal vehicle while on Town business, employees are prohibited from using other cell phone features including text messaging, browsing the Internet, reading or sending emails, downloading audio or other files, and playing games. While driving a Town owned/leased vehicle or on behalf of the Town, employees are also prohibited from utilizing hand held computers, video games, televisions receivers, video monitors, and items of a similar nature that will likely pose a distraction while driving. This policy shall exclude public safety personnel in so far as any equipment outlined above is used within the course of completing their job duties. Safety must always be the employee's first priority while driving and his/her attention should always be on the road.

Personal Use. Minimal personal use of Town-provided cell phones is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of Town business. The employee must reimburse the Town for any excess charges associated with personal cell phone use. Personal use of a Town-issued cell phone or the use of a personal cell phone while at work shall not in any way violate another's privacy, be in violation of the Town's Sexual and Other Unlawful Harassment policy or any other Town policy, or be used in any other way that is found to be inappropriate by the Town.

Employees who violate this policy will likely be disciplined.

Except for extraordinary circumstances, Town offices do not close. Employees should never assume Town offices will be closed.

All Town employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations. However, if an employee determines that the weather conditions constitute a danger to life and/or property, and therefore cause employees to be absent, the employee must notify his/her supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. The procedure for reporting absence due to inclement weather conditions is the same as for any other absence.

Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

Department Directors are responsible for assuring that their operations are sufficiently staffed during inclement weather days. Any Town service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the Town Manager's office.

When weather or other conditions are such that the Town Manager declares certain Town offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other Town departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the Town Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

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

I. Prohibition Against Alcohol and Illegal and Unauthorized Drugs

While on Town premises, while on duty, while conducting Town-related business or other activities off premises, while driving a Town-owned or leased vehicle, or while operating or using other Town-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol, inhalants, 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.

II. Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on Town premises, while on duty, while conducting Town-related business or other activities off premises, while driving a Town-owned or leased vehicle, or while operating or using other Town-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.

II. Permissive Use of Prescribed and Over-the-Counter Drugs

The legal use of prescribed and over-the-counter drugs is permitted while on Town premises, while on duty, while conducting Town-related business or other activities off premises, while driving a Town-owned or leased vehicle, or while operating or using other Town-owned or leased property or equipment only if 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.

III. Permissive Use of Alcohol

A) At no time may an employee under the influence of alcohol drive a Town-owned or leased vehicle or operate or use other Town-owned or leased property or equipment. Further, an employee on duty or conducting Town business, including Town-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol.

B) The use of alcohol by a Town employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol.

C) No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol.

D) Absent specific approval by the Town Manager, Town employees may not bring alcoholic beverages on Town premises, including parking lots adjacent to Town work areas, and may not store or transport alcohol in a Town-owned or leased vehicle.

IV. Fire and Police Department Employees

Certain Town Fire and 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 and Fire Department operating procedures.

V. Mandatory Disclosure by Employees

Employees taking prescription medication and/or over-the counter medication must report such use to either their Department Director or the Town Manager or designee 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, drowsiness, dizziness, confusion, or feeling shaky.

VI. 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, who 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 drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must immediately advise the appropriate supervisor on duty. The employee will not be required to report to work.

VII. Mandatory Reporting of Conviction

Employees must notify their immediate supervisor and the Town Manager or designee, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

VIII. Off-Duty Conduct

The Town may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs and/or alcohol is damaging to the Town'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.

IX. Rehabilitation/Treatment

A) It is the Town's desire to assist employees who voluntarily request assistance with their alcohol or dug dependency. For Town support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.

B) Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take 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 Town's sole discretion. Factors considered by the Town in deciding whether to grant leave include: the length of the employee's employment with the Town; 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 Town policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the Town due to the employee's absence. Unless otherwise required by law, it is the Town's policy to grant such a leave of absence only once during the course of an employee's employment with the Town. (Under certain conditions, treatment for substance abuse may be covered under the Town's FMLA policy.)

C) The cost of any rehabilitation or treatment may be covered under the Town's group medical plan. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

D) During time off for a Town-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, time off under this policy will also be designated as leave under the Town's FMLA policy.)

E) If the employee successfully completes his or her prescribed rehabilitation or treatment, the Town will make reasonable efforts to return the employee to his or her prior position or one of similar pay and status. However, employment with the Town following a Town-approved leave for rehabilitation or treatment is normally conditioned on the following:

(1) Initial negative test for drugs and /or alcohol before returning to work;

(2) A written release to return to work from the Town-approved rehabilitation or treatment facility/program;

(3) 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 the Town-approved rehabilitation or treatment program, if applicable;

(4) In addition to any testing required in connection with the employee's ongoing treatment or follow-up 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 Town during the two years following the employee's return to work following treatment;

(5) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Town Manager or designee. The employee must meet with the Town Manager or designee to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.

F) This policy will be administered in accordance with the Town's FMLA policy.

X. Policy Violation

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. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Town Manager or designee to receive assistance or referrals to appropriate resources in the community.

XI. Testing

A) Types of Tests

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally-accepted testing procedure.

B) Testing of Applicants

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and 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 future employment with the Town.

C) Testing of Employees

(1) Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.

(2) Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

(3) 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) and complete the appropriate checklist form provided by the Human Resources Department.

(4) Initial tests will be paid for by the Town. 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) In the event of a positive test result, the employee has the right to have a second test performed. This test must be performed by a Town-approved testing center. The second test must be performed the same day as the initial test. The employee is responsible for the cost of the second test.

(7) A second positive test result in the same incident is a violation of the Town's Drug and Alcohol Use Policy and will likely result in disciplinary action up to and including termination or employment. Any employee who is terminated for violation of the Town's Drug and Alcohol Use Policy is ineligible for future employment with the Town.

(8) The Town has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the Town of Prosper Employee Handbook, Reference No. 8.06 for the Town's Drug and Alcohol Policy for DOT Employees for additional Information.

D) Testing Procedures

(1) All testing must normally be authorized in advance by both the employee's Department Director and the Town Manager or designee. If the Department Director is unavailable within a reasonable period of time, the Town Manager or designee may, in his or her sole discretion, authorize the testing of an employee. If the Town Manager or designee is unavailable within a reasonable period of time, the Department Director may, in his or her sole discretion, 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 him or her 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 work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the Town's Drug and Alcohol Use policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated representative may be required to stay with the employee during the testing process. The Town may, in its discretion, reassign the employee or put him or her on administrative leave until the test results are received. The Town 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 Town. 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 Town Manager or designee, 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 Town.

DRUG AND ALCOHOL USE POLICY ACKNOWLEDGMENT FORM

Town of Prosper Personnel Policies and Procedures Manual, Reference No. 8.04F-1

I acknowledge that I have received, read, and understand the Drug and Alcohol 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.

9/23/2008 1:14:07 PM

SUPERVISOR'S CHECKLIST FOR MAKING REASONABLE CAUSE DETERMINATION

Employee's name_____

Department_____

Date(s)_____

KNOWING THE SIGNS

The indicators listed below are "warning signs" of drug and/or alcohol abuse and may be observed by supervisors:

Moods:

- Depressed
- Anxious
- Irritable
- Suspicious
- Complains about others
- Emotional unsteadiness (e.g., outbursts of crying)
- Mood changes after lunch or break

Actions:

- Withdrawn or improperly talkative
- Spends excessive amount of time on the telephone
- Argumentative
- Has exaggerated sense of self-importance
- Displays violent behavior
- Avoids talking with supervisor regarding work issues

Absenteeism:

- Acceleration of absenteeism and tardiness, especially Mondays, Friday, before and after holidays
- Frequent unreported absences, later explained as "emergencies"
- Unusually high incidence of colds, flus, upset stomach, headaches
- Frequent use of unscheduled vacation time
- Leaving work area more than necessary (e.g., frequent trips to water fountain and bathroom)
- Unexplained disappearances from the job with difficulty in locating employee
- Requesting to leave work early for various reasons

Accidents:

- Taking of needless risks
- Disregard for safety of others
- Higher than average accident rate on and off the job

Work Patterns:

- Inconsistency in quality of work
- High and low periods of productivity
- Poor judgment/more mistakes than usual and general carelessness
- Lapses in concentration
- Difficulty in recalling instructions

- Difficulty in remembering own mistakes
- Using more time to complete work/missing deadlines
- Increased difficulty in handling complex situations

Relationship to Others on the Job:

- Overreaction to real or imagined criticism (paranoid)
- Avoiding and withdrawing from peers
- Complaints from coworkers
- Borrowing money from fellow employees
- Persistent job transfer requests
- Complaints of problems at home such as separation, divorce and child discipline problems

OBSERVING AND DOCUMENTING CONTEMPERANEOUS INDICATORS

Patterns of any of the above conduct or combinations of conduct may occur but must be accompanied by indicators of current impairment in order to establish "reasonable cause." Please check all indicators that are **currently** present:

- ☐ Constricted pupils
- ☐ Dilated pupils
- ☐ Scratching
- ☐ Red or watering eyes
- ☐ Involuntary eye movements
- ☐ Sniffles
- ☐ Excessively active
- ☐ Nausea or vomiting
- ☐ Flushed skin
- ☐ Sweating
- ☐ Yawning
- ☐ Twitching
- ☐ Violent behavior
- ☐ Disorientation
- ☐ Poor eye focus
- ☐ Drowsiness / Nodding
- ☐ Odor of alcohol
- ☐ Nasal secretion
- ☐ Dizziness
- ☐ Muscular in coordination
- ☐ Unconsciousness
- ☐ Inability to verbalize
- ☐ Irritable
- ☐ Argumentative
- ☐ Difficulty concentrating
- ☐ Slurred speech
- ☐ Bizarre behavior
- ☐ Needle marks or bruises
- ☐ Incoherent speech
- ☐ Grinding teeth

☐ Possession of paraphernalia (syringe, small plastic bag, small mirror, straw, razor, pipe, "stem", roach clip, flask, rolling papers, small glass vial)

☐ Possession of substance that appears to possibly be a drug or alcohol

☐ Other _____

_____

_____

DETERMINING REASONABLE CAUSE

If you are able to document one or more of the indicators above, ask yourself these questions to establish reasonable cause:

Yes	No	
☐	☐	Has some form of impairment been shown in the employee's appearance, actions or work performance?
☐	☐	Does the impairment result from the possible use of drugs or alcohol?
☐	☐	Are the facts reliable? Did you witness the situation personally, or are you sure that the witness(es) are reliable and have provided firsthand information?
☐	☐	Are the facts capable of explanation?
☐	☐	Are the facts capable of documentation?
☐	☐	Is the impairment current, today, now?

Do **NOT** proceed with reasonable cause testing unless all of the above questions are answered with a **YES**.

TAKING ACTION

☐ Reasonable cause established

☐ Reasonable cause NOT established

Prepared by:

Supervisor's/Manager's
Signature:_____

Witnessed by:

Supervisor's/Manager's
Signature:_____

Town of Prosper
Employee Agreement
Drug and/or Alcohol Rehabilitation/Treatment

A) It is the Town's desire to assist employees who voluntarily request assistance with their alcohol or dug dependency. For Town support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.

B) Employees with drug or alcohol problems that have not result 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 Town's sole discretion. Factors considered by the Town in deciding whether to grant leave include: the length of the employee's employment with the Town; 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 Town policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the Town due to the employee's absence. Unless otherwise required by law, it is the Town's policy to grant such a leave of absence only once during the course of an employee's employment with the Town.

   Treatment for substance abuse may be a serious health condition for purposes of FMLA if the applicable conditions defining a serious health condition set forth in Regulations, 29 CFR Part 825.114 are met. FMLA leave, however, may only be taken for treatment for substance abuse that is provided by a health care provider or by a provider of health care services on referral by a health care provider. (See section 825.118.) On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave. (See section 825.114(d).)

C) The cost of any rehabilitation or treatment may be covered under the Town's group medical plan. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

D) During time off for a Town-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid.

E) If the employee successfully completes his or her prescribed rehabilitation or treatment, the Town will make reasonable efforts to return the employee to his or her prior position or one

of similar pay and status. However, employment with the Town following a Town-approved leave for rehabilitation or treatment is conditioned on the following:

1) Initial negative test for drugs and /or alcohol before returning to work;

2) A written release to return to work from the Town-approved rehabilitation or treatment facility/program;

3) 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 the Town-approved rehabilitation or treatment program, if applicable;

4) In addition to any testing required in connection with the employee's ongoing treatment or follow-up 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 Town during the two years following the employee's return to work following treatment;

5) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Town Manager or Designee. The employee must meet with the Town Manager or Designee to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.

I have read and understand the foregoing policy regarding Drug and/or Alcohol Rehabilitation/Treatment and agree to abide by the terms and conditions set forth therein. If I failed to meet any of the above agreed to conditions, I understand and agree that my employment will be terminated.

_____ _____

Employee Signature Date

_____

Employee Name

_____ _____

Town Manager or Designee Date

I. Employees/Applicants Subject To Testing

A) Town employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U. S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Town Manager or designee will advise the employee if he or she is subject to DOT testing and the terms of this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

B) Employees covered by this policy are also required to comply with the Town's Drug and Alcohol Use Policy (Employee Handbook, Reference No. 8.04). In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provision of the Town's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

C) Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating Town equipment.

II. Prohibited Alcohol Use

A) On-duty and Pre-duty Use

Reporting for, or remaining on, duty requiring the performance safety-sensitive functions is prohibited under the following conditions:

(1) While having a breath alcohol concentration of 0.04 or more as indicated via breath test;

(2) While using alcohol; or

(3) Within 4 hours after using alcohol.

B) Use Following An Accident

An employee who is required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

III. Prohibited Drug Use

Illicit use of drugs by safety- sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety-sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

IV. Required Alcohol and Drug Tests

DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the Town will notify the driver that the alcohol or drug test is required by DOT regulations.

A) Pre-employment Testing

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety-sensitive driver position.

B) Post-accident Testing

(1) Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

(a) When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;

(b) When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or

(c) In an accident involving a fatality, testing will be performed on anyone who was performing safety-sensitive functions with respect to the vehicle.

(2) An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the Town to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit and employee from leaving the scene of an accident for the period necessary to obtain assistance is responding to the accident or to obtain necessary medical care.

(3) In post-accident situations, the Town may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by a state or local law enforcement official using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the Town's behest.

(4) Post-Accident Alcohol Testing

If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Town Manager or designee by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the Town will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Town Manager or designee.

(5) Post-Accident Drug Testing

A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Town Manager or designee.

C) Reasonable Suspicion Testing

(1) Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee, the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of her/her suspicion. If the Department Director concurs, he/she may order the employee to undergo testing only after consultation with the Town Manager or designee. A written report of the reasonable suspicion observations and/or the appropriate reasonable cause determination checklist form provided by the Human Resources Department must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report and/or checklist must be promptly forwarded to the Town Manager or designee.

(2) Reasonable Suspicion Alcohol Testing

(a) Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before he/she is to perform, or just after he/she stopped performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Town Manager or designee. If alcohol testing

cannot be administered within 8 hours after the observation, the Town will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reason that the alcohol test was not administered; this report must be promptly forwarded to the Town Manager or designee.

(b) Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until an alcohol test measures the employee's alcohol concentration at less than 0.02; or 24 hours have elapsed since the reasonable suspicion observation was made.

(3) Reasonable Suspicion Drug Testing

A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug testing within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Town Manager or designee.

D) Random Testing

Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver selected will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety–sensitive function, other than driving a CMV, at the time of notification, the Town will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety-sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety-sensitive functions.

E) Return-to-Duty and Follow-Up Testing

Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety-sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the Town will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The Town is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the Town not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking

assistance as set out below and, based on individual circumstances and at the discretion of the Town, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

V. Refusal to Test

An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety-sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. A refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medial exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

VI. Additional Information About Alcohol Testing.

A) Consequences of a Positive Alcohol Test

An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety-sensitive functions and will be terminated. An employee who is tested and has an alcohol concentration of .02 to.039 will not be permitted to perform safety-sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, then he/she will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)

B) Alcohol Testing Procedures

A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a "negative" test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

VII. Additional Information About Drug Testing.

A) Drug Testing Procedures

Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. "Split" urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then he/she has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the Town's Town Manager or designee. The second test will be at the driver's own expense.

B) Drugs Tested For

DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms "drug," "drugs" or "controlled substances" are used in this policy, they refer to the substances listed above. The Town will not test for any other substances under this policy. The Town may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.

C) Review of Drug Test Results

All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the Town. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the Town.

D) Consequences of a Positive Drug Test

A driver will be removed from safety-sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

VIII. Confidentiality

Test results may be released only to the driver, designated Town officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Town Manager or designee. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. Town employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

IX. Information From Prior Employers

For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the Town is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The Town will obtain and review the information before allowing the person to perform safety sensitive functions. If the Town receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The Town will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The Town will also ask the person if he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety-sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the Town. If the driver refuses to provide the Town with the required written consent, the driver will not be permitted to perform safety-sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

X. Record Retention

The Town will maintain and retain records under this policy as mandated by DOT regulations. See 49 C.F.R. §382.401, Retention of Records.

XI. Notification to Applicants/Employees of Positive Test Results

The Town will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The Town will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The Town will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The Town will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

XII. Employee Admission of Drug/Alcohol Use

An employee who admits to alcohol misuse or drug use must do so in accordance with the Town's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety-sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety-sensitive function until the Town is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the Town's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and

alcohol counselor, will determine successful completion. Prior to the employee performing safety-sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

XIII. Safety Sensitive Functions

For purposes of this policy, safety-sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions/duties include:

- All time at a Town, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Town;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

XIV. Transportation to Testing Site

With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The Town will make arrangements to have the employee transported back to the Town or home, as appropriate, after the testing is complete.

XV. Questions

Anyone with questions regarding this policy should contact the Town Manager or designee.

The Town of Prosper tries 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.

I. 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 Town, whether the conduct occurs on duty or off duty, is prohibited.

II. Town's Response to Threats or Acts of Violence

A) The Town will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The Town's response will normally be coordinated by the Town Manager or designee, and where applicable, the Town's Police Department or other appropriate law enforcement agency. The Town Manager or designee will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on Town property, the offending person will typically be removed from the premises pending the outcome of an investigation. The Town may also suspend and /or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental heath care provider of the Town's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the Town to be appropriate under the circumstances.

B) No existing Town policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

III. All Weapons Banned

Unless specifically authorized by the Town Manager, no employee, other than a Town licensed peace officer, shall carry or possess a firearm or other weapon on Town property. Unless authorization is given by the Town Manager, the Town prohibits employees from carrying or using any weapons, concealed or otherwise, on Town property. This ban includes keeping or transporting a weapon in any vehicle in a Town-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in Town-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc.

IV. Mandatory Reporting

Each Town employee must immediately notify his/her supervisor, Department Director, the Town Manager or designee and /or the Police Department of any act of violence or of any threat involving a Town employee that the employee has witnessed, received, or has been told that another person has

witnessed or received. Even without an actual threat, each Town 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 Town property, a Town-controlled site or Town job site, or when that behavior is in any manner connected to Town 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 Town Manager or designee.

V. Protective Orders

Employees who apply for or obtain a protective or restraining order which lists Town locations as being protected areas must immediately provide to the Town Manager or designee and the Town's Police Department a copy of the petition and declarations used to seek 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. Town employees must immediately advise their Department Director and the Town Manager or designee of any protective or restraining order issued against them.

VI. Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the Town will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, Town management, and others on a need-to-know basis and as may otherwise be required by law.

VII. Town Property

For purposes of this policy, Town property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

VIII. Documentation

When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Town Manager or designee and/or the Police Department.

IX. Policy Violations

Violations of this policy will likely lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

I. Safety Program

A) The Town of Prosper is interested in the safety and well being of its employees. Accordingly, the Town has adopted a Safety Program. Each and every employee is required to obey safety rules established in the Safety Program 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 employee awareness of the importance of safety on the job. Employees can do much to prevent accidents and injuries by obeying the safety rules of the job, by remaining alert, and by THINKING SAFETY at all times.

B) Employees who see something that they believe is an unsafe act or an unsafe condition must immediately report it to their supervisor or to management at once.

II. Accident Reporting

A) All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor or the Department of Human Resources. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the Town can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

B) 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.

III. Accidents Involving Town Equipment and Vehicles

A) Any employee involved in an accident while operating Town equipment or vehicles shall report the accident immediately to his/her supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit it to his/her supervisor and to the Town Manager or designee.

B) 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 18 may operate a Town vehicle. Wearing of seat belts is mandatory.

C) Any traffic fines imposed upon a Town employee while operating a Town vehicle will be the personal responsibility of the employee and not the Town. Any employee involved in any type of accident involving Town 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.

TOWN OF PROSPER

EMPLOYEE'S ACCIDENT/INCIDENT REPORT

Town of Prosper Personnel Policies and Procedures Manual, Reference No. 8.07F-1

This report is to be completed and turned in to your immediate supervisor within twenty-four (24) hours of accident/incident unless injury has resulted in lost work time. If injury occurs, report to be completed as soon as medical attention has been sought.

Employee's Name: _____

Department: _____ Division: _____

Immediate Supervisor's Name: _____

Date of Accident: _____ Time of Accident: _____ Date of Report: _____

Where Accident/Incident Occurred: _____

If injury occurred, explain nature of injury or illness: _____

_____

_____

_____

What happened? (What acts, failure to act and/or conditions contributed most directly to this accident? What? Where? When? Who? How?) _____

_____

_____

Explain damage done to Town equipment/vehicle/property: _____

_____

Explain damage done to other equipment/vehicle/property: _____

_____

In your own words, why did it happen? _____

_____

_____

If vehicle(s) were involved and moved from the place of the accident explain why. _____

_____

_____

Please list any witnesses to this accident/incident _____

_____

_____ _____

Employee Signature Date Department Director Signature Date

9/23/2008 1:16:12 PM

TOWN OF PROSPER

SUPERVISOR'S ACCIDENT/INCIDENT REPORT

Town of Prosper Personnel Policies and Procedures Manual, Reference No. 8.07F-2

This report is to be completed and turned in to the Human Resources Department within 24 hours of accident/incident.

Employee's Name: _____

Department: _____ Division: _____

Supervisor's Name: _____

Date of Accident: _____ Time of Accident: _____ Date of Report: _____

Where Accident Occurred: _____

What happened? (What acts, failure to act and/or conditions contributed most directly to this accident? What? Where? When? Who? How?) _____

_____

_____

_____

In your professional opinion, why did it happen? _____

_____

_____

Do you believe this accident/incident could have been avoided? Yes ☐ No ☐

Recommended Action (What should be done?) _____

_____

_____

What corrective action have you taken? (A copy of the action is to be forwarded to the Human Resources Department.)

_____

_____

_____

If picture of the accident/incident are not included explain: _____

_____

_____

Was this accident investigated? Yes ☐ No ☐ If yes, by who? _____

Did employee seek medical attention? Yes ☐ No ☐ If yes, where? _____

_____ _____

Supervisor Signature Date Department Director Signature Date

9/23/2008 1:16:24 PM

TOWN OF PROSPER

WITNESS ACCIDENT/INCIDENT REPORT

Town of Prosper Personnel Policies and Procedures Manual, Reference No. 8.07F-3

Name of Witness: _____

Department: _____ Division: _____

Home Address (if not Town employee): _____

Name of Employee(s) involved in Accident/Incident: _____

Date of Accident: _____ Time of Accident: _____ Date of Report: _____

Where Accident/Incident Occurred: _____

FACTS: Describe exactly what happened (i.e., how accident/incident occurred; if injury resulted, state part of body injured and nature of injury; if property damage resulted, describe property and damage).

Statement of Witness: _____

_____

_____

_____

_____

_____

_____

_____

_____

Did the employee involved say anything following the accident/incident? Yes ☐ No ☐

If yes, please state remarks as accurately as possible: _____

_____

_____

_____

_____

Was a specific tool, vehicle, machine or piece of equipment involved? Yes ☐ No ☐

If yes, please describe: _____

_____

Signature of Witness: _____ Date: _____

9/23/2008 1:16:35 PM

The Town of Prosper may conduct unannounced searches or inspections of the work site, including but not limited to Town property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the Town may also conduct unannounced searches or inspections of the employee's personal property located on Town premises, including vehicles parked on Town parking lots.

All searches must be authorized and conducted under the direction of the Town Manager or designee. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

TOWN OF PROSPER

Town of Prosper
Employee Agreement
Drug and/or Alcohol Rehabilitation/Treatment

A) It is the Town's desire to assist employees who voluntarily request assistance with their alcohol or dug dependency. For Town support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.

B) Employees with drug or alcohol problems that have not result 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 Town's sole discretion. Factors considered by the Town in deciding whether to grant leave include: the length of the employee's employment with the Town; 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 Town policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the Town due to the employee's absence. Unless otherwise required by law, it is the Town's policy to grant such a leave of absence only once during the course of an employee's employment with the Town.

C) The cost of any rehabilitation or treatment may be covered under the Town's group medical plan. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

D) During time off for a Town-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid.

E) If the employee successfully completes his or her prescribed rehabilitation or treatment, the Town will make reasonable efforts to return the employee to his or her prior position or one of similar pay and status. However, employment with the Town following a Town-approved leave for rehabilitation or treatment is conditioned on the following:

1) Initial negative test for drugs and /or alcohol before returning to work;

2) A written release to return to work from the Town-approved rehabilitation or treatment facility/program;

3) 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 the Town-approved rehabilitation or treatment program, if applicable;

4) In addition to any testing required in connection with the employee's ongoing treatment or follow-up 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 Town during the two years following the employee's return to work following treatment;

5) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Town Manager or Designee. The employee must meet with the Town Manager or Designee to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.

I have read and understand the foregoing policy regarding Drug and/or Alcohol Rehabilitation/Treatment and agree to abide by the terms and conditions set forth therein. If I failed to meet any of the above agreed to conditions, I understand and agree that my employment will be terminated.

_____ _____

Employee Signature Date

_____

Employee Name

_____ _____

Town Manager or Designee Date

Access to the Internet using the Town's electronic communications and systems is a privilege and carries responsibilities, including responsible and ethical use. This is true whether access is for personal or private use. The Town may monitor access, use, and postings to the Internet to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and so on. Further, the Town expects all employees to use their good judgment and follow the guidelines set out in this policy when posting information to social networking sites, regardless if done during or after work hours. This policy encompasses blogs; wikis; tweets and twittering; Facebook; MySpace; LinkedIn; You-Tube; Napster and other social networking or media file sharing sites.

The use of social media on behalf of, or in the name, of the Town of Prosper ("the Town") or any of its departments or agencies shall be governed by this policy. The use of social media on behalf of the Town is to communicate positively with citizens, tourists, or others seeking information about the Town, including its events, opportunities or other information.

The use of social media is an important part of the Town's image, and it is our responsibility to maintain and enhance the Town's public image.

All employees and all departments shall follow this policy. A department may use social media only with the approval of the Town Manager. **Only with approval from the Town Manager will an employee enter information pertaining to the Town onto a social media site.** Any unauthorized posting of information will result in disciplinary action up to and including termination of employment.

I. User Guidelines

- Blogging, or posting information of a personal nature on the Internet, is not allowed during work hours unless specifically required as a part of an employee's job duties.
- Never disclose any confidential information concerning another employee of the Town in a blog or other posting to the Internet, regardless if done during or after work hours. Posting of confidential information may violate state law and subject the user to criminal penalty.
- Employees must abide by all federal and state laws with regard to information sent through the Internet.
- Do not identify yourself as a Town employee in connection with any posting or site use that may be considered inappropriate or controversial.
- No viewing or posting to social media sites during work time, unless related to Town business and properly authorized.
- Do not use a Town e-mail address when registering for social sites.
- Do not post any false or misleading information about the Town.
- Respect coworkers and the Town. Do not put anything on your blog or post any information and/or pictures that may defame, insult, demean or damage the reputation of the Town or any of its employees.
- Do not post any nude or pornographic picture of any type that could identify you as an employee of the Town or as working for any particular Town Department.
- Do not post pictures of yourself or others containing images of Town uniforms or insignia, Town equipment or Town work sites, unless posting on the Town's official website as part of your job duties.
-

- Under federal law, bloggers must disclose any material connection with any product or service described in a posting. Since Town employees are not to identify themselves on social media as Town employees, this means they are prohibited from blogging about Town products or services.
- The Town prohibits the unauthorized release or disclosure of any employee information through the Internet or other means that may be considered private and/or confidential by law.
- Exercise courtesy, discretion, and respect for coworkers, citizens, and others.

II. Town of Prosper Facebook Site

At this time, the Town's social media is not designed to be interactive. The site will contain a statement that the site is not open to citizen postings and that the site is not to be used as notification to the Town of an emergency. The site shall direct a user to contact 9-1-1 in the case of an emergency in bold letters.

If the Town elects to provide an interactive site in the future, the site will contain a message advising people that the site is NOT AN OPEN OR PUBLIC FORUM. Additionally, it will have a message such as the following:

> This site is intended to serve as a mechanism for communication between the public and Town of Prosper on the listed topics. Comments posted to this page will be monitored. Under the Town of Prosper's policy, the Town reserves the right to remove inappropriate comments including those that have obscene language or sexual content, threaten or defame any person or organization, violate the legal ownership interest of another party, support or oppose political candidates or ballot propositions, promote illegal activity, promote commercial services or products or are not topically related to the particular posting or to remove any other comments deemed inappropriate. By posting comments to this page, it is understood that you agree with this policy.
>
> Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Texas Government Code chapter 552. Public disclosure requests must be directed to the public disclosure officer.

If the site becomes an interactive site, the warning that the site is not to be used for emergency communications will remain. The site shall direct a user to contact 9-1-1 in the case of an emergency in bold letters.

III. Creating a New Account or Posting on Town of Prosper Sites by Assignment Only

An account for the Town of Prosper shall only be created after receiving approval of the Town Manager. Creation of an account will consider the terms of use, the cost, the staff time required to implement and maintain the site and other applicable considerations. Terms of use shall be reviewed by the Town Attorney before creation of a site.

Only with approval from the Town Manager will an employee enter information pertaining to the Town onto any of the Town's social media sites.

The inception or continuation of a social media site shall be governed by the Town Manager or designee. All departmental pages will be approved by the Town Manager or designee prior to initial posting and prior to updates.

Departments using social media shall monitor their sites at least once per business day. If the sites become interactive sites in the future, the method and time frame for response shall be established.

The webmaster will issue all passwords. Employees who are tasked with social media assignments shall not change or otherwise alter the passwords assigned by the Webmaster.

IV. Posting on Other Sites by Approval Only

If an opportunity arises to post to a social media site (not a Town of Prosper site) in a manner that would be advantageous to the Town, the opportunity and proposed posting shall be submitted to the Town Manager or designee for approval. Approval must be obtained from the Town Manager or designee prior to posting on any other site on behalf of the Town. Any unauthorized posting of information will result in disciplinary action up to and including termination of employment

V. Applicability of Other Policies

When an employee uses social media sites, all applicable Town policies shall be followed.

VI. Applicability <u>of Federal and State Laws</u>

All applicable federal and state laws and Town ordinances and policies will be followed in regard to posting material on social media sites.

All copyright, trademark and other intellectual property laws shall be followed. No logos, marks, markings, photographs, clippings, or other graphic or written content will be displayed unless it is original material belonging to the Town. If the material is not original material belonging to the Town of Prosper, the Town must have written permission from the owner of any copyright, trademark or other designation of intellectual property ownership.

At this time, there are no plans for the site to be interactive. If the site becomes interactive at a future date, all state laws shall be obeyed, including the Open Meetings Act. Annual memos shall be sent to elected and appointed members of the Town Council, Commissions, Boards, and other town bodies concerning the use of social media and possible Open Meetings issues.

VII. Archive

Each Facebook page will be set up in conjunction with a Town e-mail account, which will archive the business content that can send updates via email.

Content that cannot be retrieved from Facebook via the Application Programming Interface (API) and needs to be retained as a record needs to be printed and maintained according to the records retention policy.

VIII. Applicability

This policy applies to all employees and Town of Prosper officials.

IX. Definitions

Social media is a web based tool for information sharing. At this time, it includes Facebook.

X. Responsible Person / Getting Help

Employees who have questions regarding this policy may contact their department management team or the Human Resources division for clarification.

XI. Policy Authority

The Town of Prosper Town Council authorizes this policy. The Town's management team, Human Resources and Information Services are responsible for interpreting and enforcing this policy.

XII. Implementation Procedures

Employees are made aware of Town policies, including this policy, via The Employee Handbook and they are expected to adhere to those rules and guidelines. In the event that an employee violates one of the policies, the Human Resources Director or designee will work with the affected employee and Town Management to resolve the situation.