

PERSONNEL POLICIES AND REGULATIONS MANUAL



Town of Prosper

Personnel Policies



Town of Prosper Personnel Policies

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CHAPTER 1: INTRODUCTION AND GENERAL PROVISIONS

SECTION 1.01: PURPOSE AND OBJECTIVES

A. Purpose

The purpose of the Town of Prosper Personnel Policies Manual (Manual) is to provide department directors, supervisors, and employees with a written source of information about the policies, procedures, and administrative directives of the Town of Prosper.

B. Objectives

The objectives of the Manual are:

1. To promote good and uniform personnel practices and administration in the management of the Town's human resources.
2. To reduce questions about policies and procedures by having them readily available for reference.
3. To promote high morale by the consistent administration of policies and procedures through consideration of the rights and interests of all employees.
4. To ensure that policies and procedures are kept current by periodic updates of this Manual.

C. Relationship to the Code of Ordinances of the Town of Prosper, Texas

Every effort will be made to ensure that policies and procedures are consistent with the Code of Ordinances of the Town of Prosper, Texas. If, however, there is any discrepancy, the Code of Ordinances shall apply. Any person finding discrepancies should notify the Human Resources Department immediately.

SECTION 1.02: AMENDMENTS AND UPDATES

Amendments and/or updates to the policies, procedures, and directives contained in the Personnel chapters of the Policies and Regulations Manual must be approved by the Town Council, or their designee.

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SECTION 1.03: MANAGEMENT AUTHORITY

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

A. Management Authority

1. The Town may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of this Manual does not constitute a contract between the Town and its employees for any duration of employment. There is no specified length of employment, and either the Town or the employee can terminate the employment relationship at any time, for any reason.
2. Policy administration rests with the Town management and the Town management reserves sole authority to administer Town operations.

B. Department Policy and Procedural Requirements

Individual Town departments may develop policies and procedures that are consistent with Town policies and procedures. Department policies and procedures that are operational and that do not relate to those in this Manual, or other approved operational manuals, do not need to be reviewed and approved by the Town Manager. All others, however, are subject to approval by the Town Manager. Department directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

C. Miscellaneous

1. Policies and procedures apply to all employees of the Town, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by state and/or federal law.
2. Only the Town Manager has the authority to enter into an employment agreement, promise, or commitment contrary to these policies.
3. Any statement in a policy or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of such policy or procedure.

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4. Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.
5. Any conflicts, questions, or ambiguities in Town or departmental policies and procedures will be decided by the Town Manager.
6. The Town Manager may delegate rights and powers granted under these policies to the Director of Human Resources or to others as deemed appropriate at the Town Manager's sole discretion.

SECTION 1.04: APPLICATION OF POLICIES

It is the goal of the Town of Prosper to apply policies and procedures contained in this Manual consistently and uniformly to all Town employees, provided the provisions may be varied by the Town Manager when determined to be in the Town's best interest, including the case of an employee with a written employment agreement approved by the Town Manager or the Town Council. All employees must become familiar with and abide by these policies and procedures. The Town reserves the right to revise or rescind any policy or procedure at any time. The Town also reserves the right to make final decisions as to the interpretation and intent of all information contained in this Manual.

SECTION 1.05: AT-WILL EMPLOYMENT

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

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

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CHAPTER 2: EMPLOYMENT

SECTION 2.01: EQUAL EMPLOYMENT OPPORTUNITY

The Town of Prosper is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, disability, veteran's status or other unlawful basis, is prohibited.

Any employee who observes unlawful discrimination or who feels that he or she has been subjected to unlawful discrimination must report it immediately as set out in the Town's Sexual and Other Unlawful Harassment Policy. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

SECTION 2.02: AMERICANS WITH DISABILITIES ACT (ADA)

To ensure compliance with the ADA, the Town of Prosper offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The Town will provide a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The Town will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the Town, or constitute a direct threat to the safety of the individual or others.

Employees who have a complain involving potential violations of the ADA, including, but not limited to, harassment, discrimination, retaliation, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the Town's Sexual and Other Unlawful Harassment Policy.

SECTION 2.03: RECRUITMENT AND SELECTION

The Town hires employees based solely on their knowledge, skills, and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without

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regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law.

A. Applications

1. Anyone seeking employment, promotion, transfer, or re-employment with the Town in response to a posted job announcement must complete and submit an official Town employment application packet for the position desired. All information set forth on an application is subject to verification.
2. Applications will normally be considered active until sixty days after the vacancy is filled.

SECTION 2.04: RECRUITMENT/RELOCATION EXPENSES

The Town of Prosper may reimburse applicants for reasonable and necessary expenses incurred during position recruitment and relocation. Such reimbursements are typically reserved for the positions of Town Manager and department directors. The Town Manager must approve all reimbursements incurred for interview and relocation expenses and may, at his/her discretion, restrict the reimbursement of all unreasonable expenses. In order to be reimbursed for interview and relocation expenses, all expenses must be submitted, along with receipts, to the Town Manager.

A. Recruitment Expenses. The Town may reimburse applicants for the following expenses:

1. Travel: one round-trip economy airfare and economy car rental to and from the airport; or, reimburse for personal car mileage at a rate established by the Internal Revenue Service, not to exceed the cost of an economy air fare.
2. Lodging: up to three nights lodging on the interview trip.
3. Meals: for meals associated with the interview trip in accordance with amounts specified in the Town of Prosper's Administrative Manual.

B. Relocation/Moving Expenses. The Town may reimburse applicants for the following relocation expenses:

1. Moving: reasonable expenses in connection with packing, moving, unpacking, and insuring of household furniture.

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2. Storage: costs of temporary storage of household effects for a period of up to three months, prior to the move into the permanent living quarters, including insurance during storage.

SECTION 2.05: VALID DRIVER'S LICENSE

The Town of Prosper requires that every employee who operates a Town-owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the Town.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the Town with any authorization necessary for the Town to perform such a check. Moving traffic violations will be considered and may result in failure to hire in the case of prospective employees, and may result in disciplinary action of an active employee. Each report will be reviewed and considered on a case-by-case basis.

When a special classification of driver's license is required to operate Town equipment, it is the employee's responsibility to maintain the required license. The Town will pay the cost of renewing such licenses.

SECTION 2.06: NEPOTISM

The Town of Prosper through employment, in-house advancement, or transfer process, shall not contribute to the creation of a perceived impropriety among its employees. This policy is established to prevent conflicts of interest, avoid accusations and perceptions of biased conduct, and maintain the confidentiality of restricted information.

A. Kinship

For the purpose of this policy, the following shall constitute familial relationships:

First Degree:	Spouse		(or) in-law; (or) step (or) foster
	Mother		
	Father		
	Sister		
	Brother		
	Son		
	Daughter		

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Second Degree: Uncle

Aunt

Nephew

Niece

Grandfather

Grandmother

Granddaughter

Grandson

1st Cousin



(or) in-law

Other:

Former spouses

Significant others

Engaged couples

SECTION 2.07: MEDICAL EXAMINATIONS/FITNESS FOR DUTY

The Town of Prosper endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation. It is the policy of the Town to require certain applicants and employees to be examined by a physician under certain circumstances described below. Medical examinations may also be used to ensure that employees remain in good physical condition in order to perform the demands of the job.

A. Serious Health Conditions/Disabilities

The Town recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disability may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the Town will treat them consistently with other employees.

B. Payment of Medical Examinations

1. Medical examinations required by the Town will be paid for by the Town. A letter from the physician stating whether or not the employee is fit for duty is required to be submitted to the Town.
2. When the Town requires a physical examination or physician's report concerning an illness or injury suffered by an employee, the examination shall be at the expense of

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the Town and performed by the Town physician or a specialist the Town physician refers the employee to.

3. Employees who are not satisfied with the physician's determination may submit a report from a physician or their own choosing and at their own expense. In the event of conflicting opinions, the Town may employ a third physician to examine the employee. The Town will pay for this third physical examination. The reports of the physicians involved, along with the demands of the job and the employee's ability to perform the job duties will be the basis for a decision.

SECTION 2.08: OUTSIDE EMPLOYMENT

The Town of Prosper shall be the primary employer for all employees for which benefits are being supplied. An employee may be employed in any other business, trade, occupation, or profession while employed by the Town, as long as it is determined that such employment does not bring the Town into disrepute, or conflict with the best interests of the Town or his/her employment and effective performance as a Town employee. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform his or her job with the Town are also prohibited.

Employees must receive prior written approval from their department director before engaging in other employment. As the primary employer, the employee must recognize the Town's need for flexibility and changing schedules based upon the demand for services or departmental needs. An employee will not be covered by the Town's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official Town employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or unpaid leave of absence engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the department director and/or the Town Manager.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the Town.

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CHAPTER 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS, and RECORDS

SECTION 3.01: PROBATIONARY PERIOD

All new employees hired to fill regular full-time or part-time positions in the Town of Prosper must satisfactorily complete a performance probationary period of six months. The Police and/or Fire Departments may have extended probationary periods, per departmental guidelines. Additionally, all current employees who are promoted, or reclassified to a supervisory position, as well as former Town employees who are rehired must satisfactorily complete a performance probationary period of six months. The probationary period assists the Town in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. An extended orientation and/or training time may be added to the probationary period. Employees are considered probationary employees until they have actually performed their regular job duties for at least six months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

The successful completion of a probationary period does not create a contract of employment or guarantee employment for any specific duration or establish a "just cause" disciplinary or termination standard. The employee remains at all times "at-will" as described in the Town or Prosper Personnel Policy Manual.

A. Seasonal/Temporary Employees

Seasonal and temporary full-time and part-time employees do not serve a performance probationary period and have no right of appeal when terminated at any time.

B. Change in Assignment for Probationary Employee

Probationary employees may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period unless approved by their department director and the Town Manager. A probationary employee or an employee who receives approval for a reassignment, promotion, or transfer will serve a six-month probationary period in the new position beginning with the date of the position change.

C. Absences During Initial Performance Probationary Period

New employees may not use vacation leave during their performance probation period. Employees may use sick leave for qualifying absences. Compensatory time off or

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recognized holidays during the performance period may be used as approved per established Town/Departmental policy or practice.

Transferred or promoted employees serving probationary periods retain their eligibility for all types of leave established by Town policy.

D. Successful Completion of Probation/“Regular” Status Granted

An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance probationary period.

E. Failure of Probation

An employee is considered to have failed probation when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probation may occur at any time within the probationary period. An employee who fails probation will normally be terminated from the Town’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the Town. A transferred or promoted employee who fails probation may, at the sole discretion of the Town, be reinstated to his/her former position provided there is a vacancy and if approved by the affected department director(s). Department directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their probation period.

F. Termination of Probationary Employment

Probationary employees are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. A New Hire probationary employee who is terminated has no right of appeal. New Hire probationary employees are not entitled to progressive levels of discipline. Probationary employees are otherwise subject to all policies and procedures of the Town.

SECTION 3.02: EMPLOYMENT STATUS

It is the policy of the Town of Prosper to provide a systematic and organized approach for the administration of salaries for positions on a uniform, Town-wide basis and to provide equitable and competitive compensation based on position classification, performance, and market analysis.

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The Town of Prosper classifies Town employees for the purpose of employment status and benefit eligibility as follows:

1. **Performance Probationary:** A full-time or part-time employee during the performance probationary period of initial employment, promotion, or transfer. New hired probationary employees are not entitled to progressive levels of discipline and are not eligible to use the Town's employee appeals policy.
2. **Regular Full-Time:** An employee in a budgeted position with an officially scheduled work week of forty hours or more each work week (except for certain Fire and Police shift personnel who have different work cycles) who has successfully completed his/her initial performance probationary period. Generally, regular full-time employees are eligible for the Town's full benefit package, subject to the terms, conditions, and waiting periods of each benefit programs. Regular full-time employees receive benefits such as benefit hour accruals, medical benefits and participate in the Texas Municipal Retirement System (TMRS).
3. **Regular Part-Time:** An employee in a budgeted position with an officially scheduled work week of less than forty hours who has successfully completed his/her initial performance probationary period. Regular part-time employees who regularly work at least one thousand hours in a year will receive benefits such as benefit hour accruals (at a one-half of regular full-time rate) and/or participate in TMRS. Some benefit policies may require an employee to work more than twenty hours per week to qualify for coverage. In such cases, the official benefit policy and contract will govern.
4. **Temporary/Seasonal:** An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Human Resources Department. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the Town's other employment benefits. Temporary employees who are placed with the Town but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the Town and are not eligible for participation in TMRS.
5. **Contractor:** Occasionally, the Town may engage an independent contractor to perform certain services that cannot be readily performed by employees because of existing staffing constraints or due to the nature or urgency of the services required. An independent contractor relationship exists when the Town has the right to control

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only the result of a worker's service, not the manner of performance. Contract employees will invoice the Town and be paid through Finance Accounts Payable.

6. **Volunteers:** Volunteers are not employed by the Town in any capacity. Volunteers elect to donate their time and services as a volunteer for the Town without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits.

In addition, to being in one of the above categories, each employee is also designated as either exempt or non-exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or non-exempt at the time of their initial employment, or subsequently if their classification changes for any reason.

SECTION 3.03: EMPLOYEE DEVELOPMENT AND TRAINING

It is the philosophy of the Town of Prosper to support employee training and development opportunities that will prepare employees for increased responsibilities and enhance individual growth, promotion, and development.

A. Tuition Reimbursement

It is the policy of the Town to provide quality services for its citizens by encouraging upward mobility, employee development, and excellence of performance by sharing the expense of approved courses and educational programs. Tuition reimbursement assist employees in broadening their knowledge of their current position or preparing them for possible assumption of new job responsibilities within the Town.

1. **Eligible Employees.** To be considered for participation in the tuition reimbursement program, an individual must be a regular full-time employee and have successfully completed at least six (6) months of service with the Town prior to application approval.
2. **Termination.** If an employee resigns or is terminated for any reason prior to course completion, the Town shall not be obligated to reimburse any part of the expense. An employee who resigns or is terminated less than two (2) years after completion of a reimbursed course must reimburse the Town for all amounts paid to the employee under this policy within thirty (30) days of his/her separation date. The Town may reduce the final paycheck by any/all amounts owed. Employees terminated due to a reduction in force shall not be required to reimburse the monies.

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B. Department Directors/Supervisors

1. It is the responsibility of the employee's immediate supervisor to provide, or see that the employee receives department orientation and job training.
2. It is the responsibility of supervisors to respond to employee inquiries regarding Town and department policies, procedures, and guidelines.

SECTION 3.04: IN-HOUSE ADVANCEMENT

The purpose of the Town of Prosper's in-house advancement policy is to make every effort to fill job vacancies through in-house advancement, or promotion, of qualified employees to vacant positions within the Town. This shall not prohibit the Town Manager or other supervisory personnel from filling positions with persons not employed by the Town.

A. Consideration

1. Employees must have completed the six-month probationary period to be eligible for in-house advancement, unless otherwise approved by the department director and the Town Manager.
2. The decision for in-house advancement will be based on the quality of each applicant's prior performance on the job as well as the qualifications for the new position. Other areas to be considered are conduct, disciplinary history, education, records or progression, completion of training or developmental assignments, awards, letters of commendation, and details of leadership experience where appropriate.

B. Salary Increase

1. **Civilians:** Generally, when an employee is promoted through in-house advancement to a position with a higher pay classification, the employee will receive an increase to the minimum salary of the new position, or receive a promotional increase of five percent over the employee's present salary, whichever is greater, to recognize the employee's experience and acceptance of a more demanding position. Along with the promotional increase, the employee may be awarded an additional increase based on qualifications above the minimum requirements for the job.
2. **Public Safety:** Generally, a promotion is a change of an employee from one Public Safety step plan to a higher Public Safety step plan while continuously employed. Only Public Safety personnel promoted to a higher-level position will be advanced to the minimum step of the new position's pay grade, or no more than 5%, whichever is

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greater. If an individual's new pay falls in between two steps in the new pay grade then the new salary will be at the closest step above the new salary.

C. Probationary Period

1. An employee who does not work under a departmental step plan and who is promoted through in-house advancement to a higher position with a higher pay classification is required to complete a six-month probationary period.
2. Should a promoted employee not successfully complete the probationary period, the employee may be eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

SECTION 3.05: TRANSFERS

Transfers will be allowed within a division or from one division or department to another when they are in the best interest of the Town and/or employee.

Transfers may be used to allow employees to move to positions with greater career potential, to change career fields, to move to a position for which the employee is more suitably qualified, to vary work location or conditions, to accommodate shifts in workloads across Town departments, for disciplinary reasons, or other administrative reasons. In order for any employee to transfer, there must be a vacant position and the employee must meet all job requirements.

A. Purposes of Employee Transfers

1. Voluntary Transfer (employee initiated)
 - a. Generally, a voluntary transfer is initiated by an employee through request or by applying for an open position.
 - b. Employees must have completed the six-month probationary period to be eligible to transfer, unless approved by the department director and the Human Resources Department.
 - c. If the position has been posted or advertised, the employee must also complete all application, interviewing and other requirements in the job announcement.

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- d. The transferring employee must give at least two weeks' notice to the releasing department prior to transfer. The releasing supervisor may waive this requirement.
2. Involuntary Transfer (supervisor initiated)

In certain circumstances, a department director or supervisor may deem it necessary to place an employee in a position better suited to the employee's abilities.

3. Administrative Transfer (reassignment, reorganization)
 - a. In certain circumstances administrative transfer, or reassignment, may be used for reorganization purposes. The Town Manager must approve the transfer in advance.
 - b. Normally, administrative transfers will not result in a change of salary for the affected employee(s). Any salary changes will be determined by the department director and the Town Manager.

B. Benefits

Regular full-time employees who transfer from one position to another and remain full-time employees shall continue to accrue benefits without interruption. Benefits will be adjusted appropriately if a change of status occurs.

SECTION 3.06: EMPLOYEE RECORDS

It is the policy of the Town of Prosper that an effective system for keeping records on job applicants, current employees, and former employees is essential to the proper functioning of the Human Resources Department. The Town strongly believes, however, in respect for the rights and dignity of each employee, and the Town pledges to conduct its business in such a way that the privacy of all its employees is protected within the guidelines of federal and state regulations.

The Human Resource Department shall maintain the official personnel file of each employee. Employee files maintained at the department level shall contain only pertinent information related to the employee and the employee's performance for assessment and evaluation purposes.

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A. Employee Inspection

1. Any employee may inspect his/her personnel file. Employees desiring to inspect their personnel files should contact the Human Resources Department to establish a convenient time for this review. The employee may review the files and may take notes or request single copies of each page. No employee is allowed to alter or remove anything from any personnel files. An employee may request correction of inaccurate information.

B. Requests for Personnel Information

1. All requests for information, written or verbal, from outside the Town concerning job applicants and/or current, retired, or terminated employees must be referred to the Human Resources Department.
2. Without a signed release, the Human Resources Department will release only the dates of employment, position held, and verify final salary.
3. No other department or person is authorized to release such information without the prior authorization of the Town Manager.

SECTION 3.07: SEPARATION OF EMPLOYMENT

It is the policy of the Town of Prosper to request advance written notice of an impending voluntary separation from all positions of employment within the Town organization. Minimum notice is necessary in order to expedite employee out-processing and ensure a smooth transition without adversely affecting department efficiency.

A. Notice Requirements

1. Department directors and other top executives are requested to give twenty (20) working days advanced written notice of separation.
2. Department mid-managers are requested to give fifteen (15) working days written notice of separation.
3. All other employees are requested to give ten (10) working days advance written notice of separation.
4. Failure of an employee to provide the minimum notice requested could prohibit eligibility for rehire and cause the employee to be terminated immediately.

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CHAPTER 4: EMPLOYEE BENEFITS

SECTION 4.01: MEDICAL, DISABILITY, AND LIFE INSURANCE BENEFITS AND CONTINUATION OF COVERAGE

A. Medical, Disability, and Life Insurance Benefits

1. The Town furnishes medical, disability, and life insurance benefits to eligible employees. Certain coverage is effective on the first day of the month following the first day of employment for eligible employees. Other coverages are effective on the date of hire. For details of coverage, see the Town's Benefits Summary provided by the Human Resources Department.
2. Additional supplemental insurance coverage for employees and members of their families, beyond those amounts provided by the Town, may be available at the employee's expense.
3. The Town also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

B. Group Health Continuation of Coverage

1. COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying the cost of any such continuation of coverage, plus a small administration fee.
2. Under COBRA, employees may elect COBRA continuation of coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the Town within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.
3. Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the Town's group health plan and again when a qualifying event occurs. For more complete information on COBRA and the Town's health plan,

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employees should review their summary plan description or review a copy of the full health plan in the Human Resources Department.

SECTION 4.02: RETIREMENT

A. Texas Municipal Retirement System (TMRS)

The Town of Prosper participates in TMRS, which provides retirement benefits to eligible employees.

1. Eligibility for Enrollment

- a. At the time of employment, all eligible employees are enrolled in TMRS. Participation by every regular full-time or part-time employee who work more than one thousand hours in a year is a condition of employment.

2. Contributions

- a. Contribution rates and other policies of the Town's TMRS Plan are determined by the Town Council and are subject to change.
- b. Currently, the employee contributes seven percent of his/her earnings each pay period. The contributions are tax deferred and made through payroll deduction. The Town matches employee contributions at a rate of two-to-one.

3. Benefits at Retirement

- a. Generally, employees may retire after twenty years of TMRS service credit, regardless of age. Previous government employment may contribute service credit towards earlier retirement.
- b. TMRS benefits will be based on years of service, salary, the employee and Town contributions to the account, and the retirement option selected.
- c. Employees must contact the Human Resources Department at least thirty days before the planned retirement date to allow for completion of necessary paperwork.

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SECTION 4.03: EMPLOYEE ASSISTANCE PROGRAM

The Town of Prosper's Employee Assistance Program (EAP) is available to provide assistance to employees who may be experiencing personal or family problems with alcohol or drug abuse, financial or legal burdens, marital or other family problems. All employees who feel they may have an alcohol or drug problem are encouraged to utilize the program's resources before the problem adversely affects their job performance or employment status. Participation in this program is typically voluntary and confidential. However, a supervisor may make a mandatory or formal referral when some aspect of an employee's personal life negatively affects his or her performance on the job.

A. Participation

Employees may use EAP at their own initiation and without contact with supervisors or the Human Resources Department.

B. Mandatory or Formal Referral

A supervisor may make a mandatory or formal referral when some aspect of an employee's personal life appears to be negatively affecting his or her performance on the job. In such cases, the supervisor will contact the Human Resources Department to determine the need for a referral. If the Human Resources Department agrees with the request, they will contact the EAP to start the referral process.

C. Confidentiality

Employees and/or dependents seeking assistance through the Employee Assistance Program are assured that reasonable efforts will be made to provide the services within strict principles of confidentiality.

SECTION 4.04: WORKERS' COMPENSATION

A. Coverage of Employees

The Town of Prosper complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. This program covers an injury or illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation insurance coverage begins immediately upon employment with the Town.

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B. Salary Continuation while on Workers' Compensation Leave

Employees may be paid temporary income benefits (TIBs) if their work-related injury or illness causes them to lose all or some of their wages for more than seven (7) days. Temporary Income Benefits are equal to 70% of the difference between an employee's average weekly wage and the wages they are able to earn after work-related injure (i.e., if an employee was unable to earn any wages, he/she would receive 70% of his/her average weekly wage).

The Town will offer salary continuation to eligible employees, who have approved work-related injury or illness covered by workers' compensation insurance, after they have missed more than 7 days of work. Eligible employees may receive salary continuation which will supplement the employee's income up to their current rate of pay, excluding overtime. Employees who are eligible for salary continuation will be required to endorse their workers' compensation checks payable to the Town of Prosper for deposit by the Town. Salary continuation may be provided up to a maximum of 180 calendar days from the date of eligibility. Town of Prosper certified Police Officers and Fire Fighters are provided up to one year of leave with full pay for a work-related injury or illness.

Salary continuation will be suspended or initially denied if an employee fails to comply with Town policies and procedures. Specific grounds for suspension or denial or:

1. If the employee fails to report an injury in compliance with the Town's policy (Administrative Regulations, Section 6.03 (B)(1)).
2. If the employee submits a workers' compensation claim that is denied by the Town's workers' compensation carrier.
3. If the employee fails to comply with the directions of his/her treating physician.
4. If the employee engages in any kind of part-time, volunteer, or other outside work while receiving salary continuation (Administrative Regulations, Section 2.07).
5. If the employee refuses to accept modified or light duty work that is deemed within the employee's capability in the opinion of the treating physician (Personnel Policies, Section 4.05).
6. If the employee refuses to return to active duty after being released by his/her treating physician.
7. If the employee refuses to provide the necessary information and communication regarding the status of his/her workers' compensation injury.
8. If the employee suffers an injury due to his/her work violation of safety standards, or the employee caused or exacerbated hazardous or dangerous situations (Administrative Regulations, Section 6.03 (B)(2)).
9. If the employee reaches maximum medical improvement (the point that the employee's work-related injury or illness has improved as much as it is going to improved).

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10. If the employee refuses a post-accident drug or alcohol test (Administrative Regulations, Section 6.01 (a)(2)).
11. If the employee's workers' compensation payments are stopped.
12. If the employee is terminated.
13. If the employee is within his/her new hire probation period.
14. If the employee refuses to submit to any independent medical examination or treatment required by the Town in accordance with workers' compensation laws (Personnel Policies, Section 2.07 (B)(2)).
15. If the employee chooses to go to a doctor that is not recommended by the Town.

Exceptions to these conditions may be considered by the Town Manager on a case-by-case basis.

If the employee is denied, refused, or exhausts salary continuation while receiving workers' compensation benefits, the employee is eligible to use sick leave, compensatory time, and vacation leave in the amount necessary to make up the difference between workers' compensation benefits and the employee's normal rate of pay.

SECTION 4.05: LIGHT-DUTY ASSIGNMENTS

The Town of Prosper may make light-duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a light-duty assignment is made at the Town's sole discretion and not guaranteed. A light-duty assignment may be in the employee's own or another department in the Town. Factors considered by the Town in making its decision include, but are not limited to, the nature of the employee's illness or injury; the medical release provided in support of light-duty; the risk that a light-duty assignment may result in aggravation of the employee's injury or illness; the type of light-duty work available; the length of the employee's employment with the Town; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off-duty. In making light-duty assessments, the Town will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a light-duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of his/her medical release while on a light-duty assignment may lose the light-duty assignment and, in addition, may be disciplined up to and including termination of employment.

Light duty will not exceed beyond sixty calendar days from the date of injury without an evaluation by the employee's treating physician and a recommendation from the department director to the Town Manager. Only the Town Manager may approve an extension of a light-duty assignment. Employees still unable to return to regular duty within sixty calendar days from the date of injury must re-qualify for light-duty through evaluation by their treating

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physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave (FMLA), vacation, or other accrued benefits, if available.

An employee who is released for and offered light-duty by the Town, but who elects not to accept such an assignment, will normally be ineligible for paid sick leave benefits under the Town's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the Town's FMLA policy.

An employee's rate of pay during any light-duty assignment shall be at the same rate of pay as received prior to the injury.

All light-duty requests and assignments will be reviewed by and coordinated through the employee's department director and/or Town Manager. The employee's department director will work with the Town Manager in making a decision whether light-duty work will be offered. Before returning to regular job duties following a light-duty assignment, the employee must coordinate his/her return through the Human Resources Department.

SECTION 4.06: REQUESTS FOR ACCOMMODATION

The Town of Prosper will provide reasonable accommodation to the known physical or mental impairments of all otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The Town's obligation under this policy is limited to providing reasonable accommodation that will not result in undue hardship to the Town. All requests for accommodation must be in writing and directed to the Town Manager through the employee's department director.

Employees who have a complaint involving potential violations of the Americans with Disability Act, including, but not limited to, harassment, discrimination, or failure to provide reasonable accommodation, must immediately report such complaint to the Human Resources Department.

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CHAPTER 5: LEAVES OF ABSENCE AND PAID TIME OFF

SECTION 5.01: HOLIDAYS

The Town provides paid holidays to probationary, regular full-time and regular part-time employees. The following official holidays will be observed:

New Year's Day
Martin Luther King Day
Good Friday
Memorial Day
Independence Day
Labor Day (All employees except Fire Department Shift Employees)
September 11 (9/11 Commemoration – Fire Department Shift Employees Only)
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve
Christmas Day

A. Holidays

A holiday shall be defined as a period of eight hours at straight pay rates for regular full-time employees and four hours at straight pay rates for regular part-time employees who receive benefits. For employees who work on a shift, such as Fire Department shift employees who work on a twenty-four hours shift, a holiday will be defined as twelve hours.

B. Scheduling of Holiday

Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday. When a holiday is observed on a day other than the actual holiday, employees who work a shift other than Monday through Friday will be paid holiday pay on the actual holiday, rather than the observed day.

C. Eligibility for Holiday Pay

All regular employees are eligible for holiday pay after completion of one day of work. Seasonal and temporary employees are not eligible for holiday pay and will be paid their regular rates on a holiday only if required to work.

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D. Employees Required to Work on a Holiday

1. All non-exempt employees who are required to work a designated holiday may elect to be paid holiday pay in addition to the hours worked, or may elect to take a day off later in the year. Non-exempt employees required to work on a holiday will be eligible for holiday pay at two times the employee's base regular rate of pay. If "on-call" during a Holiday, the non-exempt employee will be paid in accordance with the compensation policy for "on-call" pay.
2. Fire and Police Department shift employees are given a bank of holiday hours each January 1st. The number of holiday hours provided for Fire Department shift employees each year is one hundred and twenty. The number of holiday hours provided for Police Department shift employees is eighty.
 - a. These holiday hours may be taken during the year, at the employee's discretion. Essential Fire and Police employees must schedule their holiday time off by utilizing the Request for Authorized Leave Form. Whenever possible, holiday time will be scheduled at the convenience of the employee. However, department directors or supervisors must be certain that holiday leave does not interfere with the normal functions and activities of department operations.
 - b. Fire and Police Department holiday hours expire each December 31st. The holiday hours are renewed each January 1st. In no case shall a Fire or Police Department employee carry over holiday hours from one year to the next. It is the employee's responsibility to ensure that his/her holiday hours are used before the expiration date each year.

E. Employees Scheduled "Off Duty" on a Holiday

When the holiday and regular holiday day off occur on the same day, those non-exempt employees who are scheduled off duty on that day will be entitled to regular holiday pay.

F. Ineligible for Holiday Pay

Employees on unpaid leave are not eligible for holiday pay. Likewise, non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

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G. Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the department director.

No payment of accrued holiday leave balance will be made upon separation of employment from the Town.

H. Holidays Occurring During Vacation Leave

A holiday that falls within an employee's vacation period will be counted as a holiday in lieu of a day of vacation.

I. Holiday Pay During Disability or Workers' Compensation Leave

An employee on Short-Term or Long-Term disability leave or on workers' compensation leave will not receive holiday pay.

J. Other Religious Holidays

Employees may request an approved absence to celebrate a religious holiday that is not a scheduled Town holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

SECTION 5.02: VACATION

All regular full-time and part-time employees shall accrue vacation leave upon employment. Eligibility and accrual rate of vacation benefits is determined by the date of regular full-time employment and length of service provided to the Town.

A. Accrual of Vacation

1. Regular full-time employees with less than two years of regular full-time service with the Town shall accrue vacation leave at a rate of 3.08 hours per pay period. Full-time employees who have less than five years of regular full-time service with the Town shall accrue vacation leave at a rate of 4.62 hours per pay period. Full-time employees who have less than ten years of continuous regular full-time service with the Town shall accrue vacation leave at a rate of 6.16 hours per pay period. Full-time employees

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who have ten or more years of continuous regular full-time service with the Town shall accrue vacation leave at a rate of 7.70 hours per pay period.

REGULAR FULL-TIME EMPLOYEES			
Years of Service	Hours Per Pay Period	Hours Accrued Per Year	Maximum Allowed
0 - 2	3.08	80	160
2 - 5	4.62	120	240
5 - 10	6.16	160	320
10+	7.70	200	400

2. Regular part-time employees (including part-time Public Safety Officer Personnel) with less than two years of continuous regular part-time service with the Town shall accrue vacation leave at a rate of 1.54 hours per pay period. Part-time employees who have less than five years of continuous regular part-time with the Town shall accrue vacation leave at a rate of 2.31 hours per pay period. Part-time employees who have less than ten years of continuous regular part-time service with the Town shall accrue vacation leave at a rate of 3.08 hours per pay period. Part-time employees who have ten years or more service with the Town shall accrue vacation leave at a rate of 3.85 per pay period.

REGULAR PART-TIME EMPLOYEES			
Years of Service	Hours Per Pay Period	Hours Accrued Per Year	Maximum Allowed
0 - 2	1.54	40	80
2 - 5	2.31	60	120
5 - 10	3.08	80	160
10+	3.85	100	200

3. Certified police officers with less than one year of regular full-time service with the Town shall accrue vacation leave at a rate of 3.08 hours per pay period. Full-time certified police officers who have between one and five years of continuous regular full-time service with the Town shall accrue vacation leave at a rate of 4.62 hours per pay period. Full-time certified police officers who have between five years and ten years of continuous regular full-time service with the Town shall accrue vacation leave at a rate of 6.16 hours per pay period. Full-time certified police officers who have ten or more years or more of continuous regular full-time service with the Town shall accrue vacation leave at a rate of 7.70 hours per pay period.

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FULL-TIME CERTIFIED POLICE OFFICERS			
Years of Service	Hours Per Pay Period	Hours Accrued Per Year	Maximum Allowed
0 - 1	3.08	80	160
1 - 5	4.62	120	240
5 - 10	6.16	160	320
10+	7.70	200	400

4. Pursuant to state and/or federal law, Firefighter Shift employees may be subject to special provisions regarding vacation leave. All such provisions shall be consistent with the Fair Labor Standards Act (FLSA) and Texas state law. Full-time Firefighter Shift employees with less than one year of continuous service with the Town shall accrue vacation leave at a rate of 4.62 hours per pay period. Full-time Firefighter Shift employees who have between one and five years of continuous service with the Town shall accrue vacation leave at a rate of 6.92 hours per pay period. Full-time Firefighter Shift employees with less than ten years of continuous service with the Town shall accrue vacation leave at a rate of 9.23 hours per pay period. Full-time Firefighter Shift employees who have ten years or more of continuous service with the Town shall accrue vacation leave at a rate of 11.54 hours per pay period.

FIREFIGHTER SHIFT EMPLOYEES			
Years of Service	Hours Per Pay Period	Hours Accrued Per Year	Maximum Allowed
0 - 1	4.62	120	240
1 - 5	6.92	180	360
5 - 10	9.23	240	480
10+	11.54	300	600

5. Department directors or designees shall schedule an employee's vacation giving consideration to the ability of the remaining staff to perform the work of the department. The employee has the responsibility to assure that the leave request is made within a reasonable length of time prior to the commencement of the leave. All vacation leave for department directors must be approved by the Town Manager.

Employees shall not be allowed to take in excess of ten consecutive vacation days or, in the case of firefighter shift personnel, five consecutive vacation shifts, without the prior written approval of the department director, as appropriate, except when the employee is using family and medical leave.

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6. Vacation leave may be accumulated from year-to-year; not to exceed two times the annual accrual rate. The Town Manager may waive this limitation, if the needs of the Town preclude the taking of vacation leave which would otherwise be lost because of this limitation.
7. All employees are encouraged to use vacation leave. Leave must be taken in a minimum of 15-minute increments. All leave requests must be approved by the department director so that schedules and duties may be adjusted to create minimum disruption of normal work operations.
8. Upon separation from service, regular employees who have completed six months of service to the Town shall be paid for any accrued, but unused vacation leave. All vacation leave is forfeited if the employee separates from employment prior to completion of six months of employment with the Town. Additionally, an employee who abandons his/her job, as defined by policy, shall be ineligible for payment of accrued vacation leave. To maintain eligibility for payment of accrued vacation leave, an employee who resigns his position with the Town must submit a written notice of such resignation, giving ten business days' notice, unless such notice has been waived by the department director.
9. An official holiday occurring during an employee's vacation shall not be considered vacation leave.
10. Vacation leave shall not be advanced to employees.
11. Vacation leave credits are not transferable between employees.
12. An employee on disciplinary suspension forfeits all claims to use vacation leave for the duration of the disciplinary suspension.
13. If an employee becomes ill while using vacation leave, vacation leave may be converted to sick leave. The presentation of a licensed physician's written statement may be required.
14. Vacation leave may not be used by an employee who is unable to work and is receiving full workers' compensation benefits.
15. Leave records shall be maintained by the Finance Department.
16. Temporary employees are not eligible for vacation leave.

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B. Vacation Cash-In

1. As approved and at times designated by Town administration, employees may elect to receive cash in lieu of unused, accrued vacation hours by completing a "Vacation Cash-In Request" form. Regular, full-time employees may cash in up to a maximum of eighty hours per calendar year. Regular, part-time employees may cash in up to a maximum of forty hours per calendar year. Fire Department shift employees may cash-in a maximum of one hundred and twenty hours. No more than one-half of the maximum cash-in hours may be requested during any one cash-in period.
2. Regular, full-time employees must maintain a vacation balance of forty hours after deducting the cash-in hours. Regular, part-time employees must maintain a vacation balance of twenty hours after deducting the cash-in hours. Fire Department shift employees must maintain a vacation balance of sixty hours after deducting the cash-in hours.
3. Cash-in vacation hours are non-reversible and will be paid as a lump sum on a separate check.

C. Restriction

1. Employees may not borrow unearned vacation time.
2. Employees shall not receive payment of vacation leave in lieu of taking time off except as allowed under the vacation cash-in policy.
3. Vacation time benefits will not be paid for the same time an employee receives sick leave pay, holiday pay, bereavement leave pay, or any other paid leave benefit.

D. Maximum Accruals

1. The maximum allowed accrual of vacation time is two times the annual accrual rate. Vacation hours will stop accruing when an employee's vacation hours reach two times their annual accrual rate. It is the employee's responsibility to ensure that their accrual is below the maximum allowable hours.

E. Compensation for Vacation Leave

1. Vacation leave is paid at the employee's base rate at the time of the leave. It does not include overtime or any special forms of compensation. Vacation time is paid only for scheduled hours the employee would ordinarily have worked.

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2. Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed their initial probationary period of employment with the Town are entitled to this payout provision of separation.

F. Use and Scheduling of Vacation Leave

1. Vacation leave may be used for time away from the work environment to pursue activities that will promote the well-being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave benefit hours have been exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in fifteen-minute increments.
2. The designated supervisor must approve all vacation time, giving due consideration to the needs of the service and the ability of the remaining staff to perform the work of the department or division. Employees must schedule their annual vacation leave in accordance with the department's guidelines governing vacation leave scheduling and utilizing the Request for Authorized Leave form. Whenever possible, vacation time will be scheduled at the convenience of the employees. However, department directors or supervisors must be certain that vacations/personal leaves do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation leave schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. If taking more than one day of approved time, an employee must make the request at least three working days in advance. The circumstances of individual departments or divisions may require that more advance notice be necessary in order to arrange such leave.
3. To ensure proper payment of vacation pay, employees must make sure they have an approved Request for Leave form on file before leaving for vacation and make arrangements for their time sheet to be turned in to the department.
4. Paid vacation leave is not considered hours worked for the purpose of performing overtime calculations.
5. Only scheduled working days taken off shall be counted as vacation days.

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SECTION 5.03: SICK LEAVE AND SICK LEAVE DONATION

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, to care for certain family members who are ill or injured, or for time off for the birth or adoption of a child (maternity/paternity leave). Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their departments.

A. Eligibility

1. All regular full-time and part-time employees who regularly work at least 1,000 hours in a year accrue sick leave on a per pay period basis as specified below, and are eligible to use accrued sick leave.
2. An employee who is released for and offered light duty by the Town, but who elects not to accept such assignment will generally be ineligible for paid sick leave benefits.
3. Frequent claims of sick leave, except as covered by the Family and Medical Leave Act, may constitute grounds for the assumption of the department director that the employee is unable to perform the essential functions of the job.
4. Records of employees' sick leave time used shall be maintained in the Finance Department.
5. An employee on disciplinary suspension forfeits all claims to use sick leave for the duration of the disciplinary suspension.

B. Accrual of Sick Leave

1. Sick leave shall be accrued by all full-time employees at the rate of 3.7 hours per pay period. Part-time employees who regularly work 1,000 hours in a year shall accrue sick leave at the rate of 1.85 hours per pay period. Pursuant to state and/or federal law, firefighter shift personnel and police patrol personnel may be subject to special provisions regarding sick leave. Full-time firefighter shift personnel shall accrue sick leave at a rate of 5.54 hours per pay period. Rules for sick leave accrual for firefighter shift personnel shall be promulgated by the Human Resources Department. All such rules shall be consistent with the Fair Labor Standards Act (FLSA) and applicable Texas laws.

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2. Regular full-time and part-time employees accrue sick leave upon employment and are eligible to use the leave upon accrual.
3. A regular employee who enters service with the Town shall earn sick leave for that month beginning the first full pay period of their employment.
4. After an employee's accumulated sick leave has been exhausted, accrued vacation, compensatory, or exempt leave may be used as sick leave with approval of the department director, provided there has been no abuse of sick leave, and that all provisions of the sick leave policy are met. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued until the employee returns to work.

C. Maximum Accrual

1. The maximum number of sick leave hours that may be accrued are 720 hours for regular full-time employees, 360 hours for regular part-time employees, and 1,080 hours for Fire shift employees.
2. Any accrued but unused sick leave shall be carried to the employee's credits for the following year.
3. Payment of accrued sick leave upon resignation or retirement from employment, or death while an employee, shall not exceed 120 hours for full-time employees, 30 hours for part-time employees, and 180 hours for Fire shift employees. In the event that an employee is allowed to resign in lieu of termination, a payment will be made for a maximum of 80 hours for regular full-time employees, 20 hours for regular part-time employees, and 120 hours for Fire shift employees.

D. Authorized Use of Sick Leave

1. Sick leave shall be granted and can be used in a minimum of fifteen-minute increments.
2. Sick leave may be allowed in case of doctor appointments, personal illness, physical incapacity of an employee's spouse, children, parents, sibling, or spouse's parents, or a dependent residing in the employee's household.
3. Employees who are absent due to illness for three or more consecutive days may be required to provide their supervisor with sufficient documentation from a licensed

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physician. The supervisor shall provide the documentation to the Human Resources Department.

4. A supervisor shall be responsible for notifying the Human Resources Department when an employee is absent due to illness for more than three consecutive workdays or two shifts for firefighters so the time may be evaluated for family and medical leave status.
5. Notice of an employee's absence due to a non-job-related injury or illness must be given daily by the employee to that employee's immediate supervisor no later than thirty minutes after the beginning of the employee's work shift. Failure to do so may cause the employee's absence to be charged to leave without pay. Emergency situations, which might prevent compliance with the provisions of this paragraph, shall be taken into consideration by the department director.
6. Sick leave shall not be advanced.
7. Sick leave may not be taken by any employee who is able to work and is receiving full workers' compensation benefits.

E. Sick Leave in Conjunction with Short- or Long-Term Disability

When an employee is out on paid Short-Term and Long-Term Disability, the employee may request to be paid from his/her accrued sick leave hours, such that the employee is receiving one-hundred percent of regular pay through a combination of Disability Pay and use of accrued sick leave.

F. Failure to Report Absence/Abuse of Sick Leave

It is anticipated that employees using paid Town sick time for their own illness/injury or that of a family member will use their sick leave to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointments as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or medical/dental appointments may be disqualified from using sick leave for their absences.

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G. Other Employment During Sick Leave

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their department director to work a second job. Exceptions to this policy must be obtained in writing from the department director and the Human Resources Department.

H. Use of Other Leave

1. Official holidays observed by the Town while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday.
2. Under certain circumstances and with the approval of the department director or supervisor, the employee may flex his/her work schedule to attend medical or dental appointments. This is acceptable provided that work is accurately recorded on the timesheet for the week or work cycle in which flex time was approved. Non-exempt employees may use flex time within the same work week while exempt employees may use flex time within the same pay period.
3. Sick leave will not be paid for the same time an employee received holiday pay, bereavement pay, vacation pay, or any other paid leave benefit.

I. Notification and Documentation

1. To receive paid sick leave, an employee shall notify the supervisor or authorized representative before or within thirty minutes after the time set for beginning work or as specified in department operating procedures.
2. Employees requesting paid sick leave must obtain written approval from their supervisor.
3. A supervisor may at any time require satisfactory proof of the proper use of sick leave and may disallow sick leave in the absence of such proof. Any absence greater than three consecutive working days may require a written notice from the employee's doctor.

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4. Department directors are authorized to undertake any investigations of sick leave claimed by an employee, when they may deem necessary, or to disapprove any claims not properly substantiated.
5. An employee who has been absent because of illness or injury may be required to submit to an additional examination (or a second opinion) by a licensed physician at the Town's expense in such cases that the Town is concerned about the employee's ability to return to work and perform essential job functions. The employee may return to work upon approval of the Town examining physician (second opinion). Under certain circumstances, a third opinion may be necessary at which time both the employee and employer must agree to the licensed physician used. If a third opinion is required, the recommendation from the third licensed physician will be deemed final and the requestor for the third opinion will be responsible for payment.
6. An employee who is released by an examining physician to return to regular duty, and refuses to report for work or perform his assigned duties is subject to disciplinary action, up to and including termination.
7. It is the employee's responsibility to contact his/her supervisor daily if absent for more than one day. Exceptions would be hospitalization, a prolonged or catastrophic illness, or a determination by the Town that the absences qualify as family and medical.
8. Employees who become seriously ill or injured during the period of their vacation may request that their vacation be temporarily terminated and that their time be charged to sick leave. In such cases, the employee may be required to furnish, at their expense, a physician's statement.

J. Family and Medical Leave

Any absence that qualifies for both family and medical leave and sick leave will follow the guidelines set out in this policy, and will be counted as both, depending on eligibility and applicability.

K. Sick Leave Donation

In the spirit of promoting an atmosphere of caring and concern, employees will be allowed to donate accrued sick leave hours in hourly increments to be used by other employees who are experiencing personal or family crises (e.g., personal or family illness due to a serious health condition as defined by FMLA guidelines). Refer to the Town of Prosper Administrative Regulations for definitions, accruals, compensation, eligibility and requirements.

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SECTION 5.04: FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Town of Prosper provides leave to eligible employees in accordance with the FMLA. Under the FMLA, eligible employees may take up to twelve weeks of job-protected leave each year for specified family and medical reasons or twenty-six weeks of leave to care for an injured or ill service member. Employee health benefits are protected under the FMLA, and the Town will continue to pay its portion of the employee's monthly premium for group health insurance. Refer to federal law for further guidance (reference: www.dol.gov).

SECTION 5.05: UNPAID LEAVE OF ABSENCE (LOA)

In extraordinary circumstances, the Town may grant employees an unpaid LOA for medical, emergency, legal, educational or any other legitimate purpose personal to the employee.

This policy will be administered consistently with the Town's obligations under the Americans with Disabilities Act. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the Town at the end of the approved leave period.

A. Authorization

Department directors are authorized to grant an unpaid LOA for up to thirty days. Any LOA beyond thirty days must be authorized by the Town Manager. The employee may seek extensions of leave, up to a maximum of one hundred twenty total days away from work.

B. Use of All Other Available Leave

All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing LOA.

C. Criteria

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

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D. Documentation

All requests for LOA must be submitted on the Request for Leave of Absence form and must be made to the employee's department director as far in advance as possible prior to the requested leave date. All medical LOA requests will be referred to the Human Resources Department to determine FMLA eligibility. Requests for an extension of leave must be in writing and submitted to the department director, who will forward the request to the Town Manager. The need for a medical LOA must be supported by documentation acceptable to the Town, included but not limited to, a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. The department director and/or Town Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from her or her doctor stating that the employee is able to resume his or her normal job duties. The Town may also impose additional return to work requirements as set out in the Town's Fitness for Duty policy.

E. Other Employment During Leave

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

F. Reinstatement

Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the Town's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the Town's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have abandoned his or her job, and will be considered an involuntary resignation from the Town.

G. Benefits/Premium Payments

1. LOA's are unpaid. Vacation and sick leave benefits will not accrue during an employee's LOA. Employees will not receive bereavement pay, holiday pay, or any other paid leave benefit during a LOA. These benefits will resume upon the employee's return to work. Sick leave benefit accruals held by the employee prior to the LOA will be maintained.

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2. Insurance: Employees who have group health insurance or any other kind of insurance through the Town continue to be responsible for paying their portion of the premiums while on LOA. An employee's failure to pay his/her portion of insurance premiums during a LOA may result in cancellation of coverage.

H. Revocation

The Town Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide medical status reports, physician's statements, or to contact the Town per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including termination.

SECTION 5.06: MILITARY LEAVE

The Town complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the Town and who have no reasonable expectation that their employment with the Town will continue indefinitely or for a significant period of time are generally ineligible for extended military leave in excess of fifteen days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

A. Notice to Town of Need for Military Leave

All requests for leave must be made within fifteen days of the first day for which leave is requested and must be accompanied within a reasonable period of time by a copy of the order, directive, notice, or other official military document requiring absence from scheduled work.

B. Paid Leave for Training and Duty

1. Leave pay shall not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.

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2. Travel time included in the order and pair for or reimbursed by the service shall be counted as military leave.
3. Military leave shall not be granted for a diagnosis or treatment of any service connected sickness or disability, for obtaining or sustaining any disability rating, or for treatment at any governmental facilities.
4. Time required for physical examinations for selection or admission to the military service to determine or maintain a selected service rating or to maintain a reserve status shall be counted as military leave. Pay shall be limited to the regularly scheduled hours lost.
5. Time over and above the fifteen days maximum allowed must be taken as eligible accrued leave except sick leave or unpaid leave.
6. The conditions of the preceding subsections shall be applied as required by applicable federal and state law.
7. Any full-time employee who leaves his position for the purpose of entering any branch of the United States armed forces for extended active duty shall be placed in military active duty status. The Town will supplement the difference between the employee's regular rate of pay and his military pay for up to one hundred eighty days. The employer will continue paying its portion and the employee shall continue to pay his/her portion of health insurance benefits during the supplemental period.

C. Benefits

The town will continue to provide employees on paid military leave with most Town benefits.

1. Group Health Benefits: While an employee is on paid military leave, or any military leave of less than thirty-one days, the town will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to twenty-four months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/her and eligible dependents. Employees must pay 102% of the applicable COBRA premium to cover the cost of elective continuation of coverage under the Town's group health plan.

Upon an employee's return to employment following military service, the Town will provide health insurance coverage immediately, even if a waiting period is normally

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required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

2. Other Benefits: While on paid military leave, employees continue to accrue vacation and sick leave benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most Town-provided benefits. Benefits, such as vacation and sick leave, unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual rates and longevity pay.
3. TMRS: Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the Town within ninety days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five years or three times the length of the military service to make up any TMRS contributions that were missed while on military leave.

D. Returning from Leave

1. Reemployment Rights: In accordance with Chapter 43 of Title 38, United States Code, entitled "Employment and Reemployment Rights of Members of the Uniformed Services," and employee may serve a total of four years of active duty in the armed forces, and an additional one year as requested by the United States government, and still be eligible for reappointment to the Town position. An employee's right to reappointment is not protected for periods of military active duty longer than five years.
2. Deadline to Notify Town of Intent to Return to Work: A full-time employee who leaves Town employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:
 - a. Is physically and mentally qualified to perform the essential duties of the position;
 - b. Was discharged, separated, or released from active military service under honorable or general conditions;

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c. Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service according to the following schedule:

Length of Period of Service	Reapply No Later Than
Less than 31 days	Next regular workday after completion of service and time to travel from place of service to residence
More than thirty days, but less than one hundred eighty days	Fourteen days after completion of service
More than one hundred eighty days	Ninety days after completion of service

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

e. Changed Circumstances: If the Town's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the Town has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the Town from its obligation to reemploy the employee. In addition, the Town is not required to make efforts to qualify returning employees for specific positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the Town.

SECTION 5.07: ABSENCE FOR VOTING

It is the policy of the Town of Prosper to allow employees short-term paid leaves of absence when work scheduling would prohibit participation as a voter in national, state, county, district and municipal elections. All employees should be able to vote either before or after regular assigned work hours. However, when this is not possible due to work schedules, supervisors are authorized to grant a reasonable period of time, up to three hours, during the workday to vote. Employees who need time off from work to vote must notify their supervisor at least three workdays prior to Election Day.

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SECTION 5.08: ABSENCE FOR JURY DUTY/LEGAL MATTERS

It is the policy of the Town of Prosper to grant approved leave to an employee who is required to participate in certain judicial or legal matters. The employee's leave may be paid or unpaid depending on the nature of the leave.

The Town provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the Town in a Town-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a Town employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave.

If applicable, jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation. Jury duty leave is not counted as hours worked for purposes of determining overtime.

Employees must submit a Request for Authorized Leave, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

SECTION 5.09: BEREAVEMENT LEAVE

It is the policy of the Town of Prosper to grant paid leave to probationary, regular full-time and regular part-time employees in cases of death of family members. Uses of this leave may include making funeral arrangements and attending funeral services, including travel time.

The following are considered family members for the purposes of this policy:

Immediate Family	Other Family
<ul style="list-style-type: none">• Spouse• Son• Daughter• Mother• Father• Brother• Sister• Stepchildren• Foster Children• Father-in-law	<ul style="list-style-type: none">• Mother-in-law• Brother-in-law• Sister-in-law• Son-in-law• Daughter-in-law• Grandparent• Grandchild• Stepparents• Step Grandchild• Step Grandparent <ul style="list-style-type: none">• Uncle• Aunt• Nephew• Niece• 1st Cousin• Grandfather-in-law• Grandmother-in-law• Former Spouse• Significant Other• Engaged Couple

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A. Eligibility

For each instance of death in the family all probationary, regular full-time, and regular part-time employees may be granted leave by the immediate supervisor, not to exceed three paid workdays for Immediate Family, or one paid workday for Other Family, if out-of-town. The maximum leave for Fire shift employees is two shifts for Immediate Family and one shift for Other Family, if out-of-town. The three-day length is at the option of the supervisor; it is not automatic. It is assumed that one day is needed to attend funeral services; however, two or three days may be necessary if travel is involved.

B. Funeral Service During Work Hours

All employees may be granted up to four hours of paid leave to attend funeral services when the services occur during scheduled work hours. Employee leave for such attendance is conditional upon supervisor approval, workload, and needs of the Town.

Employees may supplement bereavement leave with compensatory time, flex time, vacation time, or unpaid leave to attend and help arrange funeral services for an immediate family member at the discretion of the department director.

1. Employees on an unpaid leave status at the time of death in the family will not receive bereavement leave pay.
2. Bereavement leave benefits will not be paid for the same time an employee receives holiday pay, sick leave pay, vacation pay, or any other prescheduled paid leave benefit.

C. Calculation of Bereavement Leave Pay

Bereavement leave is paid at the employee's base rate at the time of absence. It is not counted as hours worked for purposes of calculating overtime.

D. Notification Requirement

Employees who wish to take bereavement leave must notify the supervisor immediately.

SECTION 5.10: PAID QUARANTINE LEAVE

The Town of Prosper will provide paid quarantine leave to all Firefighter/Paramedics and Police Officers as defined by law and in accordance with Section 180.008 of the Texas Local Government Code, as amended. Quarantine Leave shall be used to quarantine or isolate

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Firefighters or Police Officers due to a possible or known exposure to a communicable disease while on duty. This policy is effective June 15, 2021.

The use of quarantine leave will be provided after a Firefighter or Police Officer has had a possible or known exposure to a communicable disease while on duty and for which an approved health authority has ordered quarantine or isolation. When this occurs, the Town shall allow for the use of paid quarantine leave for the duration of quarantine or isolation as determined by an approved health authority. Employees may return to work when a release has been provided by the health authority.

This policy will be applied with the Workers Compensation Policy as this leave is granted for on-duty exposures.

A. Applicability

This policy only applies to certified Firefighters/Paramedics and sworn Police Officers employed by the Town of Prosper as defined in Section 180.008 of the Texas Local Government Code, as amended.

B. Requesting Quarantine Leave

An employee who has been exposed to a possible or known communicable disease while on duty must notify their immediate supervisor, or per the chain of command, immediately or as soon as possible. The Fire or Police Department will coordinate with Human Resources to ensure this policy is implemented and followed per Section 180.008 of the Texas Local Government Code, as amended. Paid Quarantine Leave will only be granted for on-duty exposures. Employees will be required to submit a First Report of Injury or Accident Report, as this leave will run concurrently with workers' compensation leave. Applicable employees on paid quarantine leave will be treated consistently with other worker's compensation claims and/or procedures.

Health protocols and other practices may be implemented to appropriately deal with the disease and to prevent community spread.

C. Benefits

An employee on paid quarantine leave will continue to be eligible for all employment benefits and compensation, including leave accruals, pension benefits, and health plan benefits for the duration of the leave. While on quarantine leave, an employee is not required to use other paid leave types such as vacation, sick or holiday leave. The

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reduction of a Firefighter or Police Officer's sick leave balance, vacation leave balance, or holiday leave balance is strictly prohibited.

When applicable, employees who must quarantine may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical expenses, and transportation. The employee must receive approval from Human Resources for reimbursement and all applicable receipts and documentation must be submitted to Human Resources prior to reimbursement.

SECTION 5.11: MENTAL HEALTH LEAVE FOR PEACE OFFICERS, FIRE FIGHTERS, AND TELECOMMUNICATORS

The Town of Prosper will provide paid Mental Health Leave to Peace Officers, Fire Fighters and Telecommunicators. If a Peace Officer, Fire Fighter or Telecommunicator experiences a traumatic event directly related to their job duties, Mental Health Leave may be allowed so that the Peace Officer, Fire Fighter, or Telecommunicator can recover or begin the process of recovery and accessing needed resources for treatment. This policy is effective September 1, 2021, and updated September 1, 2023.

A. Definitions

Peace Officer: A Police Officer, or may include other sworn personnel, licensed by the Texas Commission on Law Enforcement and actively employed by the Town.

Fire Fighter: A Fire Fighter licensed by the Texas Commission on Fire Protection and actively employed by the Town.

Telecommunicator: A Telecommunicator licensed as a Texas Law Enforcement Dispatcher and actively employed by the Town.

Traumatic Event: An event which occurs in the Peace Officer's, Fire Fighter's, or Telecommunicator's scope of employment when the employee is involved in the response to, or investigation of, an event that causes the employee to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

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1. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
2. Incidents involving multiple casualties which may include shootings or traffic accidents;
3. Line of duty death or suicide of a department member;
4. Death or serious injury of a child resulting from violence, sexual abuse, or neglect;
5. Officer(s) involved in the shooting of a person.

Mental Health Leave: Administrative leave with pay granted in response to a traumatic event that occurred in the scope of the Peace Officer's, Fire Fighter's, or Telecommunicator's employment.

Mental Health Professional: A licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist as approved by the Town of Prosper.

B. Requesting Mental Health Leave

A Police Officer, Fire Fighter, or Telecommunicator directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command and in consultation with the Human Resources Director. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional.

C. Duration of Mental Health Leave

A Police Officer, Fire Fighter, or Telecommunicator directly involved in a traumatic event may request up to 40 hours of paid mental health leave per event. Any hours utilized as mental health leave shall be calculated as regular hours worked. There shall be no deduction in salary or other compensation for mental health leave.

Extensions of leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The Chief shall grant the extension upon the receipt of sufficient documentation and in consultation with Human Resources.

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D. Confidentiality

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command and Human Resources and only as necessary to facilitate the use of the leave. Any Police Officer, Fire Fighter, or Telecommunicator or supervisor who becomes aware of behavioral changes and suggests the employee seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the employee seeking mental health leave. In addition, confidentiality may be waived under circumstances which indicate the officer is a danger to himself/herself or others and department personnel must confer with mental health professionals.

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CHAPTER 6: COMPENSATION

SECTION 6.01: OVERTIME, COMPENSATORY TIME, AND FLEX TIME

The Town of Prosper requires employees to work overtime when necessary and as requested by the supervisor. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

A. Non-Exempt Employees

1. Overtime
 - a. When the Town's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination or employment. Overtime work is otherwise subject to the same attendance policies as straight time work.
 - b. All non-exempt employees must receive their supervisor's and department director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time record, the appropriate supervisor must also approve any overtime before the time record is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including termination.
 - c. Generally, except for the Fire Department shift employees, overtime pay for non-exempt employees is paid at the rate of one and one-half times the employee's regularly hourly rate of pay for hours actually worked in excess of forty hours in the Town's work week. The Town's work week begins at midnight on Friday and ends at midnight the following Friday. An employee's regular hourly rate includes all pay incentives, such as longevity, certification pay, etc. Fire shift personnel are

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paid overtime based on the work cycle adopted by their department under Section 207(K) of the Fair Labor Standards Act (FLSA). For regular full-time employees who work a forty-hour per week work cycle, holidays, vacation time, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations. For Fire Department shift employees who work a FLSA fifty-six hours work cycle, holiday leave and vacation leave are considered hours worked. All other forms of leave will not be considered hours worked.

- d. Holidays, vacation time off, time off for sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of overtime calculations except for Fire Department shift employees, as described above.

2. Compensatory Time

- a. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time (comp time) accrues at a rate of one and one-half hours for every hour of overtime worked by non-exempt employees.
- b. Public safety (i.e., police officers and fire fighters) is subject to a one hundred and eighty hour cap on accrual of comp time. Other employees are subject to a cap of one hundred twenty hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below.
- c. An employee who has accrued comp time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The Town may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The Town may also require employees to take time off in order to reduce their accrued comp time. Otherwise, comp time off may be used the same as leave time.
- d. Payment of Compensatory Time
 - 1.) Upon termination, retirement, resignation, or death, unused comp time shall be paid at the rate of pay the employee was receiving at the time of separation.
 - 2.) Employees may be given the opportunity to sell back accrued comp time from time to time, if included as part of the annual budget. Unless otherwise specified by the Town Manager or the Town Council, when offered this sell

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back opportunity employees who have at least 80 hours of comp time available will be allowed to sell back up to 20 hours of comp time.

3. Flex-time Work Schedule

In situations where overtime payment is not feasible due to budgetary constraints, the department director or supervisor must consider flexing the employee's work schedule to minimize the need for overtime compensation. Flexing must be completed within the same work week that the overtime was worked and must be accurately reflected on the affected employee's time record.

B. Exempt Employees

1. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond forty hours in a work week. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.
2. "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Town Manager.
3. Absent accrued paid leave time, exempt employees need not be paid for any full day(s) or work week(s) in which he or she performs no work.

SECTION 6.02: RESPONSE TIME AND ON-CALL DUTY

The Town of Prosper provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.

A. Response Time

Response time is the length of time required for a reasonable response to an on-call request. Although residency within the Town limits is not a condition of employment per Town policy or State law, there are certain positions that require a reasonable response time to call outside normally scheduled work hours. Departments may establish guidelines for varying levels of response to callback situations depending upon the nature and importance of the services to be completed.

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B. On-Call and Return to Work Provisions

1. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via text, phone, or radio) within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required and adhere to all Town policies including the Drug and Alcohol Use Policy. Any variance from such policies may result in disciplinary actions, including termination. An employee is considered officially scheduled as on-call only when approved by his/her supervisor in accordance with procedures established by his/her department.
2. Department directors shall develop on-call schedules with no preferential treatment given to any employee based on departmental operations. Qualified employees are to be scheduled on a rotating basis to prevent fatigue and safety hazards from too many long hours.

C. Compensation

1. Non-exempt employees in the Public Works Department and Park Maintenance Division will receive one hour of pay at their regular rate of pay for each day of on-call assignment. This on-call assignment pay is not considered time worked and will not be included as hours worked when calculating overtime. In no circumstance shall the number of on-call assignment hours exceed seven hours per week.
2. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. An on-call employee who is called back to work outside his/her normal work schedule shall be paid only for time worked or a minimum of two hours, whichever is greater. Travel time will be considered hours worked.

Any subsequent call(s) received prior to completing the work associated with the original call will be considered an extension of the first call. If the call(s) are completed within the original two-hour timeframe, the on-call employee will be paid for a full two hours. If completing all of the calls received during the original two-hour timeframe take longer than two hours to complete, the on-call employee will be paid for actual hours worked.

Should the on-call employee complete the call(s) and return home and receive another call while still within the initial two-hour period, the call will be considered an extension of the original two-hour period. The employee will be paid for the initial two-hour call out, or the total time worked, whichever is greater.

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Should the on-call employee complete the initial call(s) and return home after the original two-hour period and receive another call for service, the new call starts a new two-hour period; which will start the cycle (described above) over again.

3. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met.
4. Time worked while on-call will be calculated at the employee's regular rate of pay; overtime compensation is applicable only when overtime requirements are met. Employees exempt from overtime are not eligible for compensation under the provisions of this policy.
5. When an employee is called in to work on a holiday, the hours worked will be at time and a half, even if the employee has not exceeded forty hours worked in the week. In addition, the employee will have the opportunity to elect to receive holiday pay, or may elect to take the holiday later in the year.

SECTION 6.03: LONGEVITY PAY

Longevity pay is provided to encourage retention of employees by recognizing the value of long-term service with the Town of Prosper. These payments are for regular full-time employees and regular part-time employees who receive benefits and are made according to the following schedule:

1. An employee's longevity months begin to accrue starting with the first full month of employment.
2. An employee must be employed for the entire fiscal year (October 1st through September 30th) and be employed the date the check is issued to receive longevity pay in that year.
3. Longevity accrual is at the rate of \$5.00 per month for each accrued month up to a maximum of twenty years.
4. Longevity pay is distributed in one lump sum each year in November.
5. Employees who retire before the end of the fiscal year will be entitled to the total longevity pay less \$5.00 for each month the employee was retired or changed status prior to the end of the fiscal year.

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CHAPTER 7: EMPLOYEE CONDUCT

SECTION 7.01: EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

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.

A. Progressive Discipline

In general, 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; or
- Dismissal.

B. Documentation

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

C. Supervisory Responsibility

1. 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;
 - Conduct evaluations of subordinates in a timely manner;
 - Discipline their subordinates as appropriate;

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- Address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.
- 2. 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.

D. Documentation

All forms of discipline must be documented. 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 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.

E. Supervisory Responsibility

- 1. 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 subordinate's 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 submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.
- 2. 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.

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F. Disciplinary Conference

A disciplinary conference will be scheduled prior to the imposition of a disciplinary suspension of one day (or one shift) or more, demotion or termination. The department director, affected employee, the Town Manager 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.

G. 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. 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. 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.

H. Prohibited Activities

Disciplinary action will be imposed for violations of Town or departmental policies and procedures, codes of conduct, and rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, code of conduct, and rules and regulations, 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 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:

1. Work Performance

- a. Inefficiency or incompetence in the performance of duties.**
- b. Neglect or carelessness in the performance of duties.**

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- c. Careless, negligent or improper use of Town property or equipment.
- d. Failure to satisfactorily meet performance standards for the position.
- e. 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.
- f. Violation of Town or departmental policies, code of conduct, rules and procedures.

2. Attendance and Punctuality

- a. 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.
- b. Failure to promptly notify supervisor of absence.
- c. Separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification;
- d. Absence or tardiness that causes significant curtailment to disruption of services without sufficient justification.
- e. Abandonment occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for three consecutive workdays. In such case, an employee is deemed to have abandoned his/her job and shall be terminated.
- f. Any employee who is absent due to an extended illness or injury leave after all eligible leave has been exhausted, except when the employee's absence is covered by the Family and Medical Leave Act.
- g. Excessive failure to remain at one's work station without notifying his supervisor, leaving work without permission, or taking excessive time or more time than allowed for eating or break periods.

3. Personal Conduct

- a. Insubordination, failure or refusal to follow lawful orders, or other disrespectful or unprofessional conduct.

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- b. Failure to follow routine written or verbal instructions; arguing over assignments or instructions or an accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.
- c. Unnecessarily disrupting the work of other employees, or interfering with work schedules or another employee's ability to work.
- d. Operating or conducting gambling on the job or on Town property.
- e. Violating safety rules or practices which may endanger the employee or others or damages Town property or equipment.
- f. Playing tricks or jokes or engaging in horseplay that adversely affects job performance or creates potential safety issues.
- g. Engaging in personal business while on duty without authorization of his or her supervisor, including reading unauthorized material, playing games, watching television, movies or other forms of entertainment, internet shopping, accessing unauthorized or inappropriate websites, unauthorized email usage, or otherwise engaging in entertainment while on the job and/or in public view.
- h. Misuse of Town telephones, computers, mail systems, etc.
- i. Utilizing Town data or information systems for any reason other than Town business.
- j. Unauthorized alterations, removal, destruction, or disclosure of Town records.
- k. Failure to report damage to Town equipment or property of others.
- l. Dishonesty, including misrepresentation during the hiring process, or any other falsifying.
- m. Action detrimental to the Town, Town employees, or others.
- n. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.
- o. Falsely reporting illness or injury, or otherwise attempting to deceive any official of the Town as to a health or medical condition.

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- p. Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations).
- q. Indifference toward work, including inattention, loafing, carelessness, or negligence.
- r. Violation of any local, state, or federal law.
- s. 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.
- t. Misusing or failing to use delegated authority in the performance of duties.
- u. Engaging in any employment activity or enterprise which conflicts with, or potentially conflicts with, Town interest.
- v. Acceptance of payment of any kind for activities related to Town employment.
- w. 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.
- x. Appropriating Town property, e.g., equipment, furniture, or construction materials which have been abandoned or discarded.
- y. Conduct which results in waste or damage of a coworker's, the Town's, or citizen's property.
- z. Causing or contributing to an accident by operating equipment in an unsafe or unauthorized manner.
 - aa. Willful damage to or defacing of public property or willful waste of public supplies, service or equipment.
 - bb. Using Town property or equipment without authorization.
 - cc. Discourteous or irresponsible treatment of the public, other employees, or third parties.
 - dd. Using abusive language.

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- ee. Making derogatory racial, age, ethnic, or sexist remarks.
- ff. Fighting, provoking, or instigating a fight, or threatening violence, or any other disruption of the work area.
- gg. Coercion, intimidation, or threats against citizens, supervisors, co-workers, Town officials, or others.
- hh. Possession, distribution, sale, transfer, or use of alcohol, a controlled substance (as defined in the Texas Health and Safety Code) or illegal drugs in the workplace, while on duty, or while operating Town-owned equipment.
- ii. Working and/or operating Town-owned equipment under the influence of alcohol, a controlled substance (as defined in the Texas Health and Safety Code) or illegal drugs.
- jj. Discrimination or harassment on the basis of race, color, religion, sex, national origin, disability, age or other protected classification.
- kk. Falsification of timekeeping or other records, including employment application.
- ll. Using an official position or office for economic gain or soliciting favors or gratuities for performing services required by the employee's position.
- mm. Unauthorized disclosure of confidential information.
- nn. Unauthorized use or possession of Town funds.
- oo. Employees may be disciplined, up to and including termination, for conduct which occurs during or outside regularly scheduled working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of Town government.
- pp. An employee shall maintain sufficient competence to properly perform his duties and to assume the responsibilities of his position. He shall direct and coordinate his efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Town. The fact that an employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as a result of job performance deficiencies. Apart from or in addition to, other methods of proof of incompetence, such as failure to achieve and maintain acceptable job proficiency and to accept and execute duties, responsibilities, instructions and orders with

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minimum supervision, a written record of repeated disciplinary actions for infractions of policies, rules, regulations, manuals or directives, or repeated adverse counseling reports and/or evaluations reflecting a need for improvement or indicating performance inadequacies, will be considered *prima facia* evidence of incompetence.

- qq. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. No employee shall use information gained from any Town information system for anything other than official Town business.
- rr. An employee shall cooperate in an internal investigation in which he/she is the primary focus, or for which he/she is a witness or affected party.
- ss. Any criminal offense or immoral conduct, during or after working hours, which, on becoming public knowledge, could have an adverse effect on the Town or the confidence of the public in Town government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest or confinement.

I. 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.

J. 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.

SECTION 7.02: DISCIPLINARY REVIEW HEARING

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;

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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.

A. General Disciplinary Review Hearing Information

1. 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.
2. 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. 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.
3. All requests for disciplinary review hearings must be filed with the Human Resources Department. An employee shall choose whether he 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.
4. An employee who requests a disciplinary review hearing must inform the Human Resources Department in writing of his 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.

B. Informal Hearing Process

1. An employee who has received discipline in excess of an oral warning, employee consultation, and/or verbal reprimand may request an informal hearing.
2. The employee must make the request for the informal hearing in writing within three 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.
3. By requesting an informal hearing, the employee shall waive a formal hearing.
4. Upon receipt of the request for an informal disciplinary review hearing, the Town Manager will assign a three-person disciplinary review panel ("panel"). The appointed panel will be disinterested parties.
5. The informal hearing will consist of the employee, the department director and/or the supervisor who imposed the disciplinary action, and the panel. The employee and

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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.

6. An informal hearing will be conducted within ten working days of the employee's request for an informal hearing, unless an extension is agreed upon by the parties.
7. Upon conclusion of the hearing, the panel will make a decision and recommendation to the Town Manager within five working days from the date of the hearing. The Town Manager will make a final determination within twenty working days of receipt of the panel's decision and recommendation. The Town Manager's decision is final and non-appealable.

C. Formal Hearing Process

1. An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request a formal hearing.
2. The employee must make the request for the formal hearing in writing within three 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.
3. Upon receipt of the request for a formal disciplinary review hearing, the Town Manager will assign a three-person disciplinary review panel. The appointed panel will be disinterested parties.
4. A formal hearing may include the presentation of evidence, witnesses, and justification of the action taken against the employee. The formal hearing will be heard by the panel according to guidelines outlined in Subsection D, below.
5. A formal hearing will be conducted within a reasonable time period after the employees' request for a formal hearing, unless an extension is agreed upon by the parties.
6. Upon conclusion of the hearing, the panel will make a decision and recommendation to the Town Manager within five working days from the date of the hearing. The Town Manager will make a final recommendation. The Town Manager's decision is final and non-appealable.

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D. Hearing Procedure for Formal Hearings

Any formal hearing shall proceed as follows: Town representative(s) shall be allowed to make a presentation of the Town's case, explaining and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed. After the Town's presentation, the employee shall be permitted to ask questions and/or cross examine witnesses. Thereafter, the affected employee shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf. After the employee's presentation, the Town representative shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to ask questions and/or cross examine witnesses. Both sides shall be permitted to make a closing statement, if desired. At any time during the hearing, the panel may ask questions of the Town's representative(s), the employee and any witnesses. The hearing presentation or procedure referenced herein may be modified and there is no absolute right to any hearing procedure or presentation. Further, the failure to follow any hearing presentation or procedure referenced herein does not create any additional appeal rights.

SECTION 7.03: POLITICAL ACTIVITIES

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 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 a Town office must immediately resign their employment.

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

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SECTION 7.04: ATTENDANCE AND WORK HOURS

A. Regular Work Hours

Non-exempt employees of the Town, except for Fire Department and Police Department shift personnel, normally work forty hours in a seven-day work week. Exempt employees may be required to work in excess of forty hours. The work week begins on Saturday and ends on Friday. The regular work day normally begins at 8:00 a.m. and ends at 5:00 p.m.

B. 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.

C. Meal Periods

1. 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.
2. 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, without prior supervisor approval.

D. Rest Breaks

1. 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 workday and the other during the latter part of the workday.
2. 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.

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3. 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 beverage should plan ahead and take provisions with them to the work sites.

E. Attendance Records

Employees are expected to be at their workstations and ready to work at their scheduled start time. Non-exempt employees are required to 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 workday.

F. Attendance and Punctuality

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.

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 an 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.

G. 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.

SECTION 7.05: SEXUAL AND OTHER UNLAWFUL HARRASSMENT

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-

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workers, citizens, and vendors. Town employees are also prohibited from harassing other employees, citizens, vendors and all other third parties.

A. Sexual Harassment

1. 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 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.
2. 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.

B. 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, email, and/or the internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age, or disability, will not be tolerated.

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C. Mandatory Reporting

1. The Town requires that employees report all 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 supervisor, Human Resources, department director, or the Town Manager.
2. Any supervisor, manager, or department director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her department director, Human Resources, and/or the Town Manager.
3. Under this policy, an employee may report to and/or contact the Town Manager, without regard to the employee's normal chain of command.
4. 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. This action may resolve the problem.
5. 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.

D. Investigation

All reports of prohibited conduct will be investigated promptly by management in as confidential 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.

E. 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.

F. 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

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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.

SECTION 7.06: TOBACCO USE

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

A. Prohibited Tobacco Use

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

B. Permitted Tobacco Use

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

SECTION 7.07: TOWN PROPERTY/EQUPMENT USE

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, courteous operation of vehicles and equipment. Any Town-provided safety equipment must be used at all times.

A. Town-issued Property/Equipment

From time to time, the Town may issue 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

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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.

B. 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 may result in disciplinary action, up to and including termination of employment.

C. 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.

D. 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.

E. Take-Home Vehicles

1. 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.
2. Employees authorized to take a Town vehicle to his or her residence during off-duty hours must complete and sign an Authorization to 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.

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3. 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 baking 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 shall family members or friends be transported in the take-home vehicles unless specifically authorized under the provisions of this policy.
4. 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 on-call employees, 24-hours are normally exempt from the fringe benefit tax liability.
5. 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.

F. Use of Town Vehicles

1. 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:
 - a. 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.
 - b. 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.
 - c. No personal use of Town-provided vehicles is allowed without the prior, specific approval of the department director.

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- d. 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.
- e. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of Town vehicles to the appropriate supervisor immediately.
- f. Drivers covered by Department of Transportation regulations must comply with them at all times.
- g. 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.
- h. 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 the Town Manager. Accident Reports, along with any law enforcement report, must be filed by the employee with the department director and the Town Manager.

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

- 2. 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.
- 3. Employees who are in jobs that require the driving/operating of Town vehicles or motorized equipment must notify their supervisor, department director, or the Town Manager by the end of the department's next working day when:
 - a. They are arrested and charged with DWI, DUI, or any other serious moving violation;
 - b. They have their driver's license suspended, cancelled, or revoked;
 - c. Their license expires without immediate renewal; or
 - d. An Occupation Driver's License or similar license has been issued to them.

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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.

4. 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 on a case-by-case basis.

SECTION 7.08: DRESS, APPEARANCE, IDENTIFICATION, AND UNIFORMS

A. Standards for Work Attire

1. 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.
2. All office and public contact employees are expected to be appropriately dressed and well groomed in order to reflect a professional businesslike atmosphere.
3. 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.
4. 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 one inch 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;
 - Wrinkles, ripped, and tattered clothing;
 - Visible tattoos which could be deemed offensive;
 - Nose rings/studs, eyebrow rings/studs; tongue studs or similar type facial jewelry; and

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- 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 the Town Manager, or as specifically approved by the appropriate department director as work assignments dictate.

B. Hair

Hairstyles and hair colors must be appropriate to the employee's position and extremes of any type or 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.

C. Identification Cards

1. 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.
2. 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 update information on their identification card should contact the Human Resources Department.
3. Upon separation from employment the card must be relinquished to the Human Resources Department prior to receiving a final paycheck.

D. Uniforms

1. 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.
2. Employees who are provided with uniforms are required to wear the 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.

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3. When an employee terminates employment with the Town, 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.

E. Enforcement

1. 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.
2. Employees in violation of this policy may be sent home. In such circumstances, non-exempt employees will not be paid for 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.

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CHAPTER 8: WORK ENVIRONMENT

SECTION 8.01: ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE

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 applies to all town employees, contractors, volunteers, and other affiliates who use the Town's electronic communications systems. The Town's electronic communications systems must be used in a professional, responsible, efficient, ethical, and legal manner.

A. Acceptable Use of Systems

1. 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.
2. 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.

B. Unacceptable Uses of Systems

1. Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers, citizens, or third parties.
2. Accessing, displaying, downloading, or distributing sexually explicit material.

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3. Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
4. Copying or downloading commercial software in violation of copyright law.
5. Using the systems for financial gain or for any commercial activity unrelated to Town business.
6. Using the systems in such a manner as to create a security breach of the Town network.
7. Looking or applying for work or business opportunities other than for internal Town postings.
8. 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.
9. Transmitting or sharing information regarding a coworker's health status without his/her permission.
10. Expressing opinions or personal views that could be misconstrued as being those of the Town.
11. Expressing opinions or personal views regarding management of the Town or other political views.
12. Using the systems for any illegal purpose or in any way that violates Town policy or is contrary to the Town's best interest.
13. Playing games or gambling.
14. Accessing or transmitting content containing violence or profanity; full or partial nudity; sexual or deviant acts; satanic/cult; militant/extremist; or anything illegal.

C. 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

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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 disciplinary action up to and including termination of employment.

D. No Right of Privacy/Monitoring

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 reserves 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 messaging; 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.

E. Filtering

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

F. 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.

SECTION 8.02: CELL PHONES AND CAMERAS IN THE WORKPLACE

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.

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Employees should also ensure that friends and family members are aware of the Town's policy restricting the frequent receipt of cell phone calls.

A. 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. 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.

B. 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 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 handheld computers, video games, television 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.

C. 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 (including recording a conversation with another person without that person's knowledge or consent), be in violation of the Town's Sexual and Other Unlawful

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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 may be subject to disciplinary actions.

SECTION 8.03: INCLEMENT WEATHER

This policy is to provide employees with guidelines about reporting to work during adverse weather conditions.

A. Applicability

This policy is effective immediately and is applicable to all Town employees, exclusive of Public Safety personnel and emergency response personnel, including certain Public Works and Utilities crews.

B. Policy

All employees are expected to make an effort to arrive at work each day prior to commencement of the work period, regardless of weather conditions. However, when an adverse weather warning is forecasted or in effect, department directors may use their discretion in permitting employees who live outside Prosper to report to work at adjusted report or leave times.

When weather conditions are such that the Town Manager declares the administrative offices officially delayed or closed due to severe weather conditions, employees will be excused for the day. The responsibility for designating those emergency service personnel who are required to be on the job regardless of weather conditions will rest with the appropriate department heads and the Town Manager.

C. Employee Responsibility

When driving conditions are such that an employee will not arrive at work prior to the commencement of the work period, he shall notify his supervisor immediately of his tardiness and expected time of arrival.

When driving conditions are such that an employee believes he would endanger his life or property in driving to work, but the Town has not been officially delayed or closed, the employee shall notify his supervisor immediately that he will not be reporting to work unless conditions improve. The employee shall contact his supervisor during the day providing an update on weather conditions to determine his/her ability to report to work.

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D. Leave

An employee working less than eight (8) hours during any work period due to inclement weather conditions will have accrued leave balances reduced, if available. If no leave is accrued and available, employees will be granted leave without pay for hours not worked. If an employee is on a prior approved scheduled leave such as sick or vacation, then no additional compensation or leave change will be applied.

When the Town Manager declares the administrative offices officially delayed or closed, regular employees who are scheduled to work that day, other than emergency personnel, will be excused for the day without penalty or loss of pay.

E. Procedure for Official Closing

The Town Manager shall notify the Human Resources Department that Town administrative offices will be officially delayed or closed as soon as such decision has been reached. The Human Resources Department will, as soon as practical, contact all department directors and appropriate media notifying them of the official delay or closing. Department directors are then responsible for notifying supervisors within their department, and supervisors are responsible for notifying their employees. Department directors are also responsible for ensuring that Public Safety personnel and emergency response personnel have been designated and report for duty. Any adjustments outside of the above guidelines must be approved by the Town Manager.

SECTION 8.04: WEAPONS BAN AND VIOLENCE PREVENTION

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.

A. 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.

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

1. 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, and where applicable, the Town's Police Department or other appropriate law enforcement agency. The Town Manager will evaluate the severity of the situation and the needed 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 the 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 healthcare provider of the Town's choosing, initiate criminal prosecution of the person(s) involved, and/or other actions as determined by the Town to be appropriate under the circumstances.

2. 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.

C. All Weapons Banned (*Adopted 2-9-16*)

Unless specifically authorized in writing by the Town Manager, no employee, other than a licensed peace officer, shall carry or possess a firearm or other weapon on Town premises. For any license issued pursuant to Chapter 411 of the Texas Government Code, pursuant to Section 46.035 of the Texas Penal Code, the term "premises" shall not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

D. Mandatory Reporting

Each Town employee must immediately notify his/her supervisor, department director, the Town Manager 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

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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.

E. Protective Orders

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

F. 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.

G. 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.

H. Documentation

When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Police Department.

I. 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.

