



CITY OF JAMAICA BEACH

16628 San Luis Pass Road
5264 Jamaica Beach
Jamaica Beach, Texas 77554
PH (409) 737-1142 FAX (409) 737-5211
www.jamaicabeachtx.gov



The City Council of the City of Jamaica Beach, Texas, will conduct a **Regular Meeting** scheduled at **6:00 pm on Thursday, March 14, 2024**, in the City Hall Council Chambers located at 16628 San Luis Pass Road.

To listen remotely:

- Dial **(469) 998-7466 (New Dial In Number)**
- Enter Pin **503 853 401#** and wait to be allowed into the meeting. **(PIN Number Updated Every Meeting)**

To participate **remotely** in Public Comments, you must sign up by 2:00pm on the day of the meeting.

To participate remotely:

Please complete the Remote Citizen Comment Form on the City's website www.jamaicabeachtx.gov listed under the City Council tab or follow this link. <https://www.jamaicabeachtx.gov/city-council/webforms/remote-citizen-comment-form>

1) CALL TO ORDER AND ROLL CALL OF MEMBERS

2) PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

3) INVOCATION, PASTOR KEL VAUGHAN, SEASIDE BAPTIST CHURCH

4) SPECIAL PRESENTATION

5) PUBLIC COMMENT

Members of the public are invited to give comments. Anyone will be allowed to speak on any subject other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council / Board discussion or action can take place on non-agenda items until such items are placed on an agenda and posted in accordance with law. (GC, 551.042.)

6) ANNOUNCEMENTS

1. Candidate Forums

- Wednesday March 27th
 - 6:30pm-8:00pm
 - City Park
- Sunday April 21st
 - 3:00pm – 4:30pm
 - City Park

7) REPORTS FROM DIRECTORS, POLICE, AND FIRE

1. City Administrator Francis - Attached
2. Chief of Police Garivey – Attached
3. Director of Operations Quintero - Attached
4. Fire Chief Baden – None

8) CONSENT AGENDA AND APPROVAL OF MINUTES

The following items are considered routine by the City Council and will be enacted by one motion. There will only be a separate discussion on these items if a council member requests and then the

item will be removed from the general order of business and considered in its typical sequence on the agenda.

1. Approval of minutes from the Regular City Council meeting on 02-22-2024.
2. Racial Profiling Report

9) **COMMENTS / REPORTS FROM MEMBERS OF COUNCIL**

10) **OLD BUSINESS**

11) **NEW BUSINESS**

1. Discussion, consideration, and take action to approve employee handbook.

The employee handbook represents the written personnel policies, procedures, and guidelines of the City of Jamacia Beach. These policies and procedures are designed to recognize the personal needs of the employee as well as provide administrative direction, conformity, and continuity necessary to the accomplishment of assigned job responsibilities.

2. Discussion, consideration, and take action to approve Ordinance 2024-04.

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, REPEALING ALL PREVIOUS MINOR CURFEW ORDINANCES THAT ARE IN CONFLICT WITH THE STATE OF TEXAS HOUSE BILL 1819 THAT BANS LOCAL GOVERNMENTS FROM ENFORCING CURFEWS FOR MINORS.

3. Discussion, consideration, and take action to approve the purchase of in-car camera system.

In-car video cameras, "Dash Cams", are used to record the interactions and activities that occur in and around a police vehicle. The benefits of these cameras include enhancing officer safety, providing an objective record of events which in turn generates admissible evidence, and allows for greater accountability and community transparency.

4. Discussion, consideration, and take action to approve updated building permit fees.

Fees cover the cost of reviewing, processing, and inspecting construction projects. These fees contribute to the maintenance of safety standards, compliance with building codes, and overall infrastructure upkeep. Additionally, the revenue generated helps support city services related to construction oversight and ensures that residential structures meet established regulations for the well-being of occupants and the community at large.

12) **MAYOR'S REPORT**

13) **EXECUTIVE SESSION**

The City Council may convene a public meeting and then recess into closed executive session, to discuss any of the items listed on this agenda, if necessary, and if authorized under chapter 551 of the Texas Government Code. Situations in which a closed executive session may be authorized by law include, without limitation; (1) consulting with the Council's attorney to seek or receive legal advice concerning pending or contemplated litigation, a settlement offer, or any other matter in which the ethical duty of the attorney to the Council clearly conflicts with the general requirement that all meetings be open, §551.071; (2) discussing the purchase, exchange, lease, or value of real property, §551.072; (3) discussing a prospective gift or donation, §551.073; (4) discussing certain personnel matters, §551.074; and (5) discussing security personnel or devices, §551.076.

14) **ADJOURN**

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, 16628 San Luis Pass Road, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: January 21, 2024, at 6:00 pm and remained so posted continuously for at least 72 hours before said meeting was convened.

Robert M. Quintero - Director of Operations / Interim City Secretary

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12) MAYOR'S REPORT

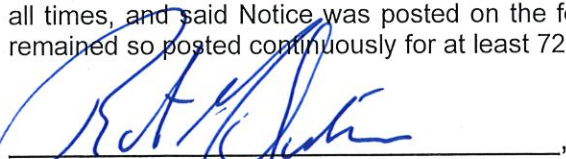
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City Administrator's Report

March 14, 2024

- Candidate Forums
 - Candidates will hold two forums.
 - Wednesday March 27th
 - 6:30pm-8:00pm
 - City Park
 - Sunday April 21st
 - 3:00pm – 4:30pm
 - City Park
- Water Project
 - The project is substantially complete.
 - A walkthrough was performed on Tues. 5th. A short punch list of items was given to Branch Construction for completion.
- Lift Station #6
 - All parts have arrived, and Branch expects completion today Monday 11th.
- Audit
 - The lead auditor is reviewing the 2019/2020 audit and will soon be sending the final report.
- Spring Heavy Trash Cleanup
 - Sat. April 6th. – Sign up form – “Latest News” section on website by April 3rd.
 - Will NOT pick up.
 - Household Trash
 - Hazardous Waste – Includes paints & freon.
 - Electronics
 - Lg. Construction jobs
 - Lg. Tree Trunks
- Kendal's Korner
 - I have set up a section under the Government Officials tab of the website called Kendal's Korner.
 - I will start posting monthly updates and other tidbits of interest such as answers to FAQ or things like that.



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Director of Development March 2024 Report

- I met with Sheryl Rozier and her staff with the Park Board on Coast Erosion and how we can enter an interlocal agreement for services.
- We are seeking bids to repair the damaged roof over the EMS apartment. We should have this completed this month.
- We met with Brian Kramer (city engineer) to discuss drainage issues at Boardwalk. We will be working on the problem with Ron Gentry and then see how we can utilize the area for other development.
- met with Michelle Culver from GLO, she sent me some additional information I needed as I am currently working on the beach nourishment permits.
- Creig Romero from the TDEM informed me that he has heard nothing back from FEMA as to whether they will allow us to reduce the number of dune crossovers from 5 to 3.
- The five aluminum cans recycling receptacles are on the beach. If it works out, we will anticipate that we will expand to the entire beach.
- Mr. Francis and I met with Builder/Developer Al Fichera about possibly building a restaurant on FM 3005. We had a second meeting that included Branch Construction, Brian Kramer (engineer) and David Ewald (via telephone). We discussed the infrastructure, TxDOT. Plans and engineering reports will be forthcoming.
- Kurt Henry with I Neglect (group of volunteers) will volunteer to clean the beach on Saturday, April 20, 2024.
- We've purchased new signs for the beach to get ready for the season. We are replacing street signs that are missing. A new yield sign has been placed near the post boxes on Buccaneer.
- We have placed deterrent posts so that cars and golf carts cannot drive over the dunes at Beachcomber.
- We are getting price quotes on porta-pots for the beach.

Respectfully submitted,

Robert Quintero



Jamaica Beach Police Department

Chief Raymond Garivey Jr.

16628 San Luis Pass Road (physical)
5264 Jamaica Beach (mailing)
Jamaica Beach, Texas 77554
Office (409) 737-1142 / Fax (409) 974-4307
RGarivey@jamaicabeachtx.gov



To: Mayor and Council

During the Month of January officers responded to 84 calls for service. Included are calls where we assisted the Galveston Police Department as back up units.

We also conducted routine business checks, residential checks (special watches), beach checks, and checks of the marina.

Alarm Calls (5)
Suspicious Vehicle (2)
Citizen Assist (45)
Animal Control (1)
Loud Noise (6)
Disturbance (2)
Reckless Driver (2)
City Ordinance Violation (1)
Welfare Check (1)
Parking Complaint (3)
Citations (172)
Arrest (1)
Accident (2)
Open Door (1)
Civil Matter (3)
Trespassing (2)
Intoxicated Person (1)
Missing Child (1)
Burglary Motor Vehicle (1)
Illegal Dumping (1)
Suspicious Activity (3)
Lost Property (1)

Significant Incidents:

On 02/03/24 at approximately 10:15pm, officer(s) were dispatched to the Galvestonite Bistro on a disturbance regarding an unpaid tab. Officer(s) spoke with all parties involved which resulted in the patron paying for his meal and leaving the establishment without further incident or action taken by officer(s).

On 02/04/24 at approximately 1:30am, officer(s) went out on a suspicious vehicle parked in the parking lot of our City Park. Four juveniles were in the vehicle but were not observed doing anything illegal. Their parents, who live in the city, were contacted and arrived at the park to take custody of the juveniles.

On 02/05/24 at approximately 4:40pm, officer(s) received a complaint by telephone regarding a suspicious person walking around the complainant's residence, located in the 4600 block of Jamaica Cove, during the early morning hours. The actor was caught on video surveillance, and he was identified and contacted and given a trespass warning not to go onto the complainant's property again.

On 02/06/24 at approximately 9:50pm, officer(s) were dispatched to a residence in the 16700 block of Edward Teach on a disturbance between husband and wife. Officer(s) counseled both parties and no further action was taken.

On 02/07/24 at approximately 6:50pm, officer(s) were dispatched to a residence in the 16700 block of Flounder Way on a possible Burglary of a Habitation. The victim reported a few items missing from her residence, but the officer(s) found no signs of forced entry. A possible suspect was contacted and issued a Criminal Trespass warning. No further action was taken.

On 02/11/23 at approximately 3:30am, officer(s) went out on a vehicle at the Circle K that was wanted by Galveston PD. There was a missing child that was in the vehicle in question. The child, along with two other people in the vehicle were all turned over to Galveston PD.

On 02/14/23 at approximately 11:55pm, officer(s) initiated a traffic stop on a silver Mini Cooper in the 16600 block of FM 3005. A wanted check revealed that the driver had outstanding warrant out of the Chambers County Sheriff's Department on the charge of Family Violence Assault. The driver was arrested and transported to the Galveston County Jail where he was booked and confined without incident. A passenger was released without charge.

On 02/18/24 at approximately 12:30pm, officer(s) were dispatched to a home in the 16600 block of Jamaica Inn Road on a Burglary of a Motor Vehicle call. The complainants 2012 Chrysler Pacifica had been burglarized but nothing stolen. The complainant did not secure the vehicle and it appeared that suspect(s) had rummaged through the vehicle.

On 02/22/24 at approximately 4:50pm, officer(s) contacted a subject who was sitting in a black Ford truck in the no parking area on Bob Smith. This subject was given a courtesy ride to his residence and his vehicle was removed from Bob Smith.

On 02/24/24 at approximately 12:50pm, officer(s) were dispatched to a home in the 4000 block of Bob Smith on a call of unwanted subjects playing football in the complainant's yard. Officer(s) arrived and found no one at the location and cleared the call unfounded.

On 02/25/24 at approximately 9:00am, officer(s) were dispatched to a home in the 4400 block of Pelican Road on a call of a missing boat. The boat was found a short way down from the complainant's address and appeared to have just floated off.

On 02/26/24 at approximately 2:25pm, officer(s) were dispatched to a home in the 16500 block of Trinidad Way on a suspicious person call. It turned out to be a person who was lost and at the wrong house.

On 02/27/24 at approximately 11:20pm, officer(s) were dispatched to the City Park on a suspicious person call. The complainant stated that someone was at the park with a flashlight, possibly flashing it into homes around the park. It turned out to be someone who was out walking their dogs.

On 02/28/24 at approximately 6:10pm, officer(s) were dispatched to a home in the 4200 block of Spanish Main on a suspicious activity call. The complainant received a suspicious package that he did not request. After speaking with the complainant, the call was cleared unfounded.

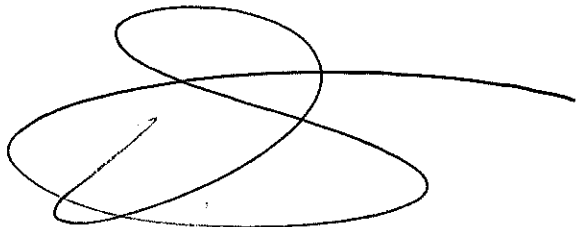
Community Events:

The Jamaica Beach Police Department participated in the annual Mardi Gras community parade. As always, we had a great turnout. Lots of fun and community interaction.

Open Positions:

We swore in new Reserve Officer Ezequiel Haro. Please welcome him to our community. We still have Reserve Officer positions available.

Chief Raymond Garivey Jr.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.



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CITY COUNCIL REGULAR MEETING MINUTES

February 22, 2024
6:00 P.M.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor Sharon Bower called the meeting to order at 6:00 pm

The following Council Members were present:

*Mayor Sharon Bower
Mayor Pro Tem Gil Madray
Alderman Lorraine Jones
Alderman Russell Rupertus
Alderman David Welch*

The following Council Members were absent:

Alderman Sherwood Green

The following staff were present:

*City Administrator – Kendal Francis
Police Chief – Raymond Garivey
Director of Development – Robert Quintero
Finance Clerk - Ester Abrego
Water Clerk – Tina Sifuentes*

PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

**INVOCATION: REV. JUDE EKENDEDILICHUKWU EZUMA, HOLY FAMILY PARISH
GALVESTON-BOLIVAR**

SPECIAL PRESENTATION: None

ANNOUNCEMENTS:

None

PUBLIC COMMENTS:

None

REPORTS FROM DIRECTORS, POLICE, AND FIRE:

- **City Administrator, Francis** – Oral / Read Aloud, provided important information on city happenings including new council candidates, water line project, STR registrations heavy trash cleanup– No Questions
- **Chief of Police, Garivey** – None
- **Director of Operations, Quintero** – None
- **Fire Chief, Baden** – None

APPROVAL OF MINUTES:

Mayor Sharon Bower presented the minutes for February 8th regular city council meeting.

*Motion made by Mayor Pro Tem Madray to **approve**, seconded by Alderwoman Welch*

VOTE

3 AYES (Welch, Jones, Madray)

1 ABSENT (Green)

0 NAYS

1 ABSTAIN (Rupertus)

MOTION PASSED

ALDERMAN REPORTS:

Mayor Pro Tem Madray: No report

Alderman Rupertus: No report

Alderman Welch: No report

Alderwoman Jones: Gave information on early voting times for the primary election. Fri 2/22 8am-5pm, Sat.2/23 7am – 7pm, Sunday 2/24 1pm – 7pm, Mon 2/26 – Fri 3/1 7am-7pm, Election Day is March 5th 7am – 7pm. Encouraged citizens to get out and vote.

NEW BUSINESS:

1. Discussion and consideration of employee handbook:

*Motion made by Mayor Pro Tem Madray to **discuss**, seconded by Alderman Welch*

Mayor Pro Tem Madray requested that a signed job application be submitted for every application.

In response to a citizen comment, Council asked Administrator Francis to have the policy reviewed by legal.

2. Discussion, consideration, and take action to approve resolution for the county's mosquito spraying services.

*Motion was made by Alderman Rupertus to **discuss**, seconded by Alderman Welch.*

Motion was made by Alderman Rupertus, seconded by Alderman Welch to approve the resolution.

VOTE

4 AYES (Welch, Jones, Madray, Rupertus)

1 ABSENT (Green)

0 NAYS

0 ABSTAIN

MOTION PASSED

3. Discussion, consideration, and take action to approve reduction of sewer tap charge for Jack Birdsong.

*Motion made by Mayor Pro Tem Madray to **discuss**, seconded by Alderman Welch*

Motion made by Alderman Welch, seconded by Alderman Rupertus to approve a reduction in the sewer tap fee that will result in a \$2,250 refund to Mr. Jack Birdsong

VOTE

4 AYES (Welch, Jones, Madray, Rupertus)

1 ABSENT (Green)

0 NAYS

0 ABSTAIN

MOTION PASSED

4. Discussion, consideration and take action to approve appointment to the Board of Adjustments.

Motion made by Alderwoman Jones to appoint Susan Armstrong to Board of Adjustments, seconded by Alderman Rupertus

VOTE

4 AYES (Welch, Jones, Madray, Rupertus)

1 ABSENT (Green)

0 NAYS

0 ABSTAIN

MOTION PASSED

5. Discussion and consideration of potential criteria for city-wide parking ordinance.

*Motion made by Alderwoman Jones to **discuss**, seconded by Mayor Pro Tem Madray*

The mayor facilitated a discussion of possible options for a city-wide parking ordinance including no parking on the streets, no parking at certain times, or leaving it as it is.

Rupertus wanted to leave it as it is.

The mayor reported that approximately 120 parking citations were issued in 2023 in the city and another 47 on the beach. Parking too close to an intersection or parking facing the wrong direction were the majority of the citations issued.

The narrow width of the streets was stated as a concern and that it should be considered in any new ordinance.

Alderman Welch mentioned the importance of protecting the Right to Assemble.

Citizens asked about the legality of parking in the City Park/Pool parking lot and for how long.

Mayor Bower said more research will be done and a draft ordinance will be brought forward at a later date.

MAYOR'S REPORT:

Mayor Bower thanked the three current Aldermen, Rupertus, Welch, and Green for their service. She also reminded everyone that May 4, 2024, is General Election Day.

She also announced a new format for remote citizen input. The call-in system will be stopped. Beginning with the March 14, 2024, meeting, citizens will submit their comments in writing electronically. Those comments will be read aloud at the council meeting at a normal speaking rate. When the three (3) minute time limit expires, reading will stop.

EXECUTIVE SESSION: None

ADJOURNMENT:

Motion made by Mayor Pro Tem Madray to **adjourn**, seconded by Alderman Welch. Meeting adjourned at 7:02p.m.

Racial Profiling Report | Full

Agency Name: JAMAICA BEACH POLICE DEPT.
Reporting Date: 02/20/2024
TCOLE Agency Number: 167210

Chief Administrator: RAYMOND A. GARIVEY JR

Agency Contact Information:
Phone: (409) 737-1142
Email: rgarivey@jamaicabeachtx.gov

Mailing Address:
16628 San Luis Pass Rd.
Tiki Island, TX 77554

This Agency filed a full report

JAMAICA BEACH POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the JAMAICA BEACH POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the JAMAICA BEACH POLICE DEPT. if the individual believes that a peace officer employed by the JAMAICA BEACH POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the JAMAICA BEACH POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the JAMAICA BEACH POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The JAMAICA BEACH POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: Raymond Garivey
Chief of Police

Date: 02/20/2024

Total stops: 2407

Street address or approximate location of the stop

City street	118
US highway	263
County road	4
State highway	2001
Private property or other	21

Was race or ethnicity known prior to stop?

Yes	6
No	2401

Race / Ethnicity

Alaska Native / American Indian	18
Asian / Pacific Islander	83
Black	272
White	1352
Hispanic / Latino	682

Gender

Female	668
Alaska Native / American Indian	4
Asian / Pacific Islander	15
Black	93
White	441
Hispanic / Latino	113
Male	1739
Alaska Native / American Indian	13
Asian / Pacific Islander	68
Black	167
White	986
Hispanic / Latino	594

Reason for stop?

Violation of law	6
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	0
White	1

Hispanic / Latino	3
Preexisting knowledge	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Moving traffic violation	2012
Alaska Native / American Indian	16
Asian / Pacific Islander	77
Black	224
White	1128
Hispanic / Latino	554
Vehicle traffic violation	389
Alaska Native / American Indian	2
Asian / Pacific Islander	5
Black	48
White	209
Hispanic / Latino	125
Was a search conducted?	
Yes	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	1
No	2404
Alaska Native / American Indian	18
Asian / Pacific Islander	83
Black	271
White	1337
Hispanic / Latino	681
Reason for Search?	
Consent	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1

Hispanic / Latino	0		
Contraband	2		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	1		
White	0		
Hispanic / Latino	1		
Probable	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Inventory	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Incident to arrest	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Was Contraband discovered?			
Yes	0	Did the finding result in arrest?	
		(total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	0	Yes 0	No 0
White	0	Yes 0	No 0
Hispanic / Latino	0	Yes 0	No 0
No	3		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	1		
White	1		
Hispanic / Latino	1		

Description of contraband

Drugs	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Result of the stop

Verbal warning	173
-----------------------	------------

Alaska Native / American Indian	0
Asian / Pacific Islander	7
Black	17
White	114
Hispanic / Latino	35
Written warning	603
Alaska Native / American Indian	1
Asian / Pacific Islander	21
Black	79
White	395
Hispanic / Latino	104
Citation	1629
Alaska Native / American Indian	17
Asian / Pacific Islander	55
Black	175
White	830
Hispanic / Latino	543
Written warning and arrest	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Citation and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	0
Hispanic / Latino	0
Violation of Traffic Law	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0

Was physical force resulting in bodily injury used during stop?

Yes	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	2405
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	0

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	March 14, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Personnel Policy	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	To approve the revised employee handbook	
BACKGROUND	<p>The employee handbook represents the written personnel policies, procedures, and guidelines of the City of Jamaica Beach. These policies and procedures are designed to recognize the personal needs of the employee as well as provide administrative direction, conformity, and continuity necessary to the accomplishment of assigned job responsibilities.</p> <p>The revisions were discussed at the February 22nd council meeting.</p> <p>The draft has been reviewed and approved by the city attorney.</p>	
TEAM RECOMMENDATION	Approve the employee handbook	
REFERENCE DOCUMENTS ATTACHED	Policy	

Employee Handbook
City of Jamaica Beach



Adopted
March 14, 2024

Welcome to the City of Jamaica Beach

This employee handbook represents the written personnel policies, procedures, and guidelines of the City of Jamacia Beach. These policies and procedures are designed to recognize the personal needs of the employee as well as provide administrative direction, conformity, and continuity necessary to the accomplishment of assigned job responsibilities.

The manual shall be available to all employees for review and discussion. It will be provided to all new employees during orientation. In addition, each existing employee will be provided a copy of this revised manual.

Each Department Head and supervisor is responsible for the knowledge, representation, and execution of the policies contained herein.

Each employee is responsible for knowing the policies, procedures, and guidelines contained in the manual, and becoming aware of any changes.

The policies, procedures, and guidelines contained in this manual are not exclusive, and may not address every personnel issue. Each department within the City may have additional policies that pertain to their department that are in addition to the policies listed in this manual.

The City Secretary shall see that all authorized changes are prepared and distributed to all employees.

Any questions concerning interpretation of policy, procedures to be followed, or clarification of any other subjects concerning personnel matters of the City of Jamacia Beach will first be directed to the appropriate Department Head. However, the City Administrator has ultimate responsibility for the formulation and implementation of the Employee Handbook and may waive any provisions of the policy as deemed necessary.

We are happy to have you as part of our organization. We hope this Employee Handbook will answer many of the questions that you may have about your job.

Our desire is to hire employees whose integrity, loyalty, teamwork, and productivity will make the City of Jamacia Beach an outstanding organization. We are proud of our organization and hope you will share in that pride.

We also hope you will find that employment with the City of Jamacia Beach has much to offer. We are working to ensure that the City is a pleasant place to work and is highly regarded in the community. It takes the hard work of every City employee to make this happen.

Public employment requires that all employees be aware of their responsibility to provide prompt, efficient, and courteous service to all members of our community. Remember that all work performed and all employee behavior, both on and off the job, is subject to critical review by the taxpayers of Jamacia Beach.

Please read this handbook thoroughly so that you can become familiar with the City's policies, as well as your role and responsibilities as a City employee.

The policies and information contained in this handbook may be changed or amended at any time by the City, with or without notice.

The City of Jamacia Beach Employee Handbook does not represent a contract of employment, either expressed or implied. Our relationship is, and will always be, one of voluntary employment "at will".

If you have any questions regarding this handbook or any personnel issues, please feel free to discuss them with your Department Head or the City Administrator.

Table of Contents

Section A. Introduction

- A-1. Rules Established
- A-2. Application of Policies
- A-3. Administrative Responsibility
- A-4. Department Regulations
- A-5. Jamacia Beach City Government
- A-6. Residency
- A-7. Definitions
- A-8. Amendment of Policies
- A-9. Hiring and Termination

Section B. Ethics Policy

- B-1. Policy
- B-2. Coverage and Definitions
- B-3. Ethics Policy Guidelines
- B-4. Sanctions
- B-5. Whistleblower Protection Policy

Section C. Position Classification

- C-1. Objectives and Purpose
- C-2. Job Descriptions
- C-3. Pay Plan
- C-4. Maintenance of the Position Classification Plan

Section D. Recruitment, Selection, and Placement

- D-1. Employment Applications
- D-2. Recruitment
- D-3. Qualifications for Employment
- D-4. Employment Process
- D-5. Promotion
- D-6. Transfers
- D-7. Training Period
- D-8. Nepotism
- D-9. Employment-Eligibility Verification

Section E. Compensation

- E-1. Pay Plan
- E-2. Salary Range for New Employees
- E-3. Pay Increases
- E-4. Cost-of-Living Adjustment
- E-5. Performance Evaluations
- E-6. Pay Periods
- E-7. Pay on Termination
- E-8. Overtime
- E-9. Emergency Pay
- E-10. Bonuses
- E-11. Call Back Duty
- E-12. Reimbursable Travel Expenses
- E-13. Direct Payroll Deposit

Section F. Attendance and Leave

- F-1. Hours of Work
- F-2. Daylight Savings Time Pay Practice
- F-3. Breastfeeding
- F-4. Holidays
- F-5. Vacation
- F-6. Sick Leave
- F-7. Parental Leave
- F-8. Bereavement Leave
- F-9. Military Leave
- F-10. Civil Leave
- F-11. Family and Medical Leave Act
- F-12. Meetings and Seminar Leave
- F-13. Educational Leave
- F-14. Domestic Violence and Sexual Assault Leave
- F-15. Request for Leave
- F-16. Credits for Paid Leave

Section G. Employee Benefits

- G-1. Retirement-OASDI Benefits
- G-2. Worker's Compensation Benefits
- G-3. Mandatory Retirement Plan (401a)
- G-4. Health Insurance
- G-5. Dental and Vision Insurance
- G-6. Life Insurance
- G-7. Unemployment
- G-8. Funeral Memorials/Flowers
- G-9. General Disclaimer
- G-10. Employee Transitioning to Full-Time Employment

Section H. Disciplinary Action

- H-1. Authority to Discipline
- H-2. General Policy
- H-3. Disciplinary Actions
- H-4. Procedure for Disciplinary Action
- H-5. Misconduct Subject to Disciplinary Action
- H-6. Causes for Termination
- H-7. Discipline Retention
- H-8. Procedure for Appealing Disciplinary Action
- H-9. Duty to Cooperate

Section I. Grievances

- I-1. General Policy
- I-2. Grievance Procedure
- I-3. Hearing Procedure

Section J. Separation

- J-1. Resignation
- J-2. Reduction in Work Force
- J-3. Reinstatement of Benefits
- J-4. Exit Interviews

Section K. Other Policies

- K-1. Vehicle and Equipment Usage
- K-2. Political Activity
- K-3. Outside Employment
- K-4. Worker Safety
- K-5. References
- K-6. Solicitation
- K-7. Use of Official Badge or Credentials
- K-8. Outside Activities
- K-9. Personal Appearance
- K-10. Telecommunications Policy
- K-11. Social Media Policy-Public Relations & Employee Use
- K-12. Tobacco Policy
- K-13. Workplace Conduct Statement
- K-14. Workplace Violence Statement
- K-15. Sexual Harassment
- K-16. Substance Abuse Policy
- K-17. City-issued Cell Phones/Electronic Device
- K-18. Use of Personal Cell Phones
- K-19. Guns or Other Weapons

Section A Introduction

A-1 Rules Established

The following rules, regulations, and other provisions for personnel administration in the City of Jamacia Beach, hereinafter referred to as City, are established to:

- a) Provide fair and equal opportunity to all employees and applicants for City employment through reasonable methods of selection without regard to race, color, sex, disability, religion, age, national origin, ancestry, genetic information, or sexual orientation.
- b) Develop a program of recruitment, retention, and advancement, which will make service to the City attractive as a career and assure equitable treatment of all employees and persons seeking such a career.
- c) Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in service to the City to assure a fair and equitable wage or salary to all employees.
- d) Establish and promote high morale by providing good working relationships, uniform personnel policies, and equitable opportunity for advancement.
- e) Promote and increase efficiency and economy in service to the City.
- f) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights. All employees are "at-will" employees for the purposes of City employment.

A-2 Application of Policies

These policies and guidelines shall apply to all employees in the service of the City except elected officials who are required to follow the City's Ethics Policy found in Section B.

A-3 Administrative Responsibility

- a) The human resource program consists of policies and procedures related to employment with the City and shall be administered by the Administration Department under the direction of the City Administrator.
- b) Personnel Records. The City Secretary, with assistance from other departments, shall keep adequate accurate records of all persons employed by the City. The records shall include the employees': pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick, or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under appropriate state or federal law. An employee's personnel file shall be available during office hours for inspection by that employee.

A-4 Department Regulations

The head of any department may formulate in writing reasonable administrative regulations for the conduct of the department, which shall be available to all departmental employees and on file in the City Secretary's office. However, no department is authorized to adopt regulations in violation of, or in conflict with, these or any other personnel regulations approved by the City Administrator or Governing Body.

A-5 Jamacia Beach City Government

- a) The City of Jamacia Beach is a Type A General Law city. The mayor and five (5) Aldermen are elected at large for two (2) year terms. Elections for the Mayor and two (2) Aldermen occur in odd numbered years, while the remaining three (3) Aldermen are elected in even-numbered years. This ensures continuity and stability in the city's governance. The City Council is responsible for setting the city's strategic vision, enacting local ordinances, approving the annual budget, and appointing the City Administrator.
- b) The City Administrator is directly responsible to the Mayor and City Council to coordinate departmental activities and carry out the day-to-day responsibilities of the City.
- c) An employee may discuss anything that affects or concerns he or she as a private citizen of Jamaica Beach with the Mayor, City Council, or City Administrator. However, in matters related to employment, employees shall follow the Grievances and Hearings procedures outlined in Section I of this manual.

A-6 Residency

- a) The City recognizes that employment of persons outside its geographic boundaries is sometimes necessary and desirable. Except where residency within the City is required by state law, employees may reside outside the City limits.

A-7 Definitions

As used in this handbook:

- a) **Immediate family** means the spouse, son/stepson, daughter/stepdaughter, mother, father, brother, sister, grandparents, or grandchildren of the employee or the employee's spouse.
- b) An **exempt employee** is one who is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
- c) A **non-exempt employee** is one who, under the provisions of the Fair Labor Standards Act (FLSA), must be paid overtime (time and one-half) for time worked in excess of forty (40) hours in a calendar week.
- d) A **regular employee** is one who has satisfactorily completed the initial 6-month training period established for his/her position.

- e) A **probationary employee** is an employee who, because of unacceptable performance, has been placed on probation to determine if the employee can improve his / her performance to an acceptable level.
- f) A **full-time employee** is one who fills a position classified as full-time and in which the employee is entitled to the City's employee benefit package.
- g) A **part-time employee** is one who fills a position classified as part-time and in which the employee is not entitled to the City's employee benefit package.
- h) A **seasonal employee** is one who works a pre-determined short period of time; an example of this would be the life-guards who start in May and finish in August.
- i) A **volunteer firefighter** is one who is not employed on a scheduled full or part time basis. Rather, a volunteer firefighter is one who might be called to work in the event where additional help is needed.
- j) **Governing Body** refers to the Mayor and City Council.
- k) **Job-related injury** is an accidental injury arising out of, and in the course of, employment for which the employee would be entitled to draw compensation under the worker's compensation law of the State of Texas.

A-8 Amendment of Policies

These policies may be amended from time-to-time in the same manner as they were adopted.

A-9 Hiring and Termination

The Governing Body shall establish all employee positions for the City. When the Governing Body establishes a new position, they shall set a base salary for that position. The City Administrator shall write a job description for each such position established by the Governing Body. The City Administrator shall hire and terminate all City employees, except department heads and appointed positions.

Section B Ethics Policy

B-1 Policy

The City of Jamacia Beach has established a Code of Ethics to guide its employees in the performance of their duties on behalf of the citizens of Jamacia Beach.

- a) Conflicts of Interest:
 - a. Legal Standards pertaining to Conflicts of Interests
 - i. During the performance of their official duties and responsibilities, City Employees should not participate in any matter:
 - 1. In violation of Chapter 171 of the Texas Local Government Code, which is the Texas Statute dealing with Conflicts of Interest, and all Employees shall make themselves aware of the provisions of these statutes; or,
 - 2. When the Employee determines factors exist, related to the Employee, which would prevent him or her from acting in the best interests of the community or organization, as a whole, and instead would tend to cause the Employee to act in his or her own self-interest or the special interests of others to the detriment of the community or organization as a whole.
 - b. Promoting Fairness and Transparency/Higher Standards of Conduct above Legal Conflicts
 - i. Even if an Employee's actions are in compliance with the provisions of Section B.1.a., the Employee shall disclose to his or her supervisor any factors related to the Employee in connection with any matter in which the Employee is involved in his or her official capacity, and which the Employee deems relevant to the concept of fairness and transparency in dealing with public business, before participating in such matter
 - ii. It shall be the Employee's responsibility to determine the relevant factors necessary to make the decisions set forth in Sections 1) and 2). Employees are encouraged to seek clarification and/or assistance from their supervisors, peers, the City Administrator or his/her designee, or any other person the Employee deems appropriate, in reaching his/her decision. In determining such relevant factors, the Employee shall consider all factors they believe a reasonable person in the community would consider.
- b) Acceptance of Gifts, Gratuities, or Benefits:
 - a. City Employees should not accept any gifts, gratuities, or benefits, which a reasonable person would believe is provided to the City Employee primarily because of his/her official position, if ANY of the following apply:
 - i. A reasonable person would believe it is intended or is likely, to cause the Employee to act in a preferential manner towards the donor; or
 - ii. the item consists of cash, or anything easily convertible to cash, such as, but not limited to, entertainment tickets, regardless of the amount or value; or
 - iii. the value of the gift exceeds \$25, or the accumulation of the value of gifts from a single donor to the Employee exceeds \$50 in a 12-month period.
 - iv. For the purposes of this section, the terms gift, benefit and gratuity shall mean the transfer of cash, goods, or services without reasonable and valuable

consideration in evaluating what a reasonable person in the community would believe in connection with this section, Employees are encouraged to seek assistance from their supervisors, peers, the City Administrator, or his/her designee, or any other person the employee deems appropriate, in reaching his/her decision.

- v. If after consideration of the circumstances surrounding the potential acceptance any gift or gratuity, an Employee determines it is reasonable to accept the gift or gratuity, he or she shall disclose the nature of the gift or gratuity and all the relevant circumstances to his or her supervisor.
- c) Contracting with Former Employees or Their Principles:
 - a. All City Employees are reminded that, for a period of six months after the effective date of their termination from City employment, they cannot directly participate in entering into a contract with the City or any similar arrangement for goods or services, either for themselves or on behalf of another entity, if they have participated significantly in negotiating the terms of contract or agreements, or regulating that entity.
 - b. When necessary, the City Administrator will determine if this guideline should result in the City refusing to participate in a contract or similar arrangement for goods or services with the former employee or the entity that they represent.

B-2 Coverage and Definitions

- a) This Ethics Policy shall apply to all elected officials, city employees, and appointed members of the city boards, authorities, committees, or commissions. Individuals covered by the Ethics Policy shall be referred to as "Public Officers and Employees."
- b) The term "Direct Financial Benefit" shall mean any monetary or material compensation or reward that is directly received by, or provided to, an individual covered by the Ethics Policy.

B-3 Ethics Policy Guidelines

All City public officers and employees shall observe the following guidelines:

- a) Avoid any appearance of impropriety.
- b) Refrain from voting, advocating or taking action on a City contract, transaction, or regulatory action which will result in a direct financial benefit to the public officer or employee. Public officers or employees should not use their public position for private gain.
- c) Uphold the constitution, laws and regulations of the United States of America, the State of Texas, and the City of Jamacia Beach.
- d) Refrain from making any promise, private in nature, which would compromise the integrity of his/her position as a public officer and employee.
- e) Refrain from engaging in any business with the City which is inconsistent with the conscientious performance of his/her governmental duties.
- f) Refrain from using any confidential information obtained in the performance of governmental duties as a means for making a private profit or gaining benefit.
- g) Refrain from revealing any information made known through his/her public office or employment which is by law confidential, or by custom is a protected right of privacy.
- h) Refrain from misleading or allowing others to mislead the public or other governmental officials.

- i) Disclose or report to appropriate officials any corruption whenever discovered.
- j) Stand as a representative of the government and the public trust and never intentionally act outside the scope of his/her authority.
- k) Refrain from assisting and representing the private interests of another before any City commission, board or agency.
- l) Abstain from participation in the decision-making process, including discussion and voting, as necessary to avoid conflict with these guidelines.
- m) Refrain from using one's position as a public officer or employee to influence others for personal gain. (For example, no public officer or employee should use their position to influence anyone to dismiss traffic tickets or criminal charges, interfere with investigations, etc.)

B-4 Sanctions

- a) Violation of this Ethics Policy by a city employee is punishable under the provisions of Section H-3 of the City Employee Handbook.
- b) Violation of this Ethics Policy by a member of the Governing Body shall be subject to action by the Governing Body.

B-5 Whistleblower Protection Policy

- a) **Application.** This whistleblower protection policy applies to all City employees, volunteers, and other individuals providing contract services.
- b) **Reporting Credible Information.** A protected person shall be encouraged to report information relating to illegal practices or violations of policies of the City. That such person in good faith has reasonable cause to believe is credible. Information shall be reported to any of the following: any Department Head, the City Administrator or any Governing Body Member. When deciding who to report the concern to, individuals should start with their direct supervisor unless the concern involves someone in the individual's chain of command. If the concern involves someone in the individual's chain of command, the concerns should be reported to the next level of command the individual deems appropriate. If individuals are uncomfortable discussing concerns with the above- mentioned individuals, the City has engaged Safe Hotline to be its third-party ethics and compliance hotline provider to collect allegations anonymously. Reports can be made 24 hours a day/7 day a week. You can call or text 1-855-662-SAFE or report online at www.safehotline.com. The City's Company ID number is 6142604412. Anyone reporting a violation must act in good faith and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred. Individuals reporting false information are subject to disciplinary actions up to termination.
- c) **Investigating Information.** The City Administrator shall promptly investigate each such report and prepare a report for the City Attorney. If the City Administrator, City Attorney, or any member of the governing body is the subject of the complaint, the City shall hire an independent third-party investigator to investigate the complaint. The third-party investigator shall provide the report to the City Attorney who shall review the report and discuss it with necessary parties.
- d) **Confidentiality.** The organization encourages anyone reporting a violation to identify himself or herself when making a report in order to facilitate the investigation of the violation. All information disclosed in the complaint procedure will be held in strictest confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.
- e) **Protection from Retaliation.** No person entitled to protection shall be subjected to retaliation, intimidation, harassment, or other adverse action for reporting information in accordance with this policy. Any person entitled to protection who believes that he or she is the subject of any form of retaliation for such participation should immediately report the same as a violation of and

in accordance with this policy. Any individual within the City who retaliates against another individual who has reported a violation in good faith or who, in good faith, has cooperated in the investigation of a violation is subject to discipline, including termination of employment or volunteer status.

Section C

Position Classification

C-1 Objectives and Purpose

Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each position shall, on the basis of the duties, responsibilities, skills, experience, education, and training required of the position, be assigned to an appropriate class.

C-2 Job Descriptions

Each position shall have a job description that includes a description of the duties and responsibilities of the position, and a statement of the essential and marginal functions and tasks of the position and a statement of the qualifications for the position. Job descriptions shall be approved by the City Administrator and shall be kept on file in the office of the City Secretary. They shall be open to inspection by any interested party during regular office hours.

C-3 Pay Plan

The Governing Body shall adopt a pay plan, with minimum and maximum amounts of pay for each class of the positions. The pay ranges assigned to each class of positions shall be periodically reviewed and revised by the Governing Body.

C-4 Maintenance of the Position Classification Plan

The position classification plan shall be the responsibility of the City Administrator or his/her designee which will include the reclassifying, reassignment, or transfer of any employee when such action is deemed essential or desirable for the improvement of City operations or the benefit of the employee. From time-to-time, the plan should be reviewed to provide for changes in classification brought about by adjustments to organizational structure, improved methods, or new or revised service programs. The City Administrator shall approve all new or revised job descriptions.

Section D

Recruitment, Selection, and Placement

D-1 Employment Applications

A person seeking employment with the City of Jamacia Beach may apply through the City Secretary's office or may also apply electronically through the city website or any other digital format where current openings may be posted by using an approved application form. All applicants for any position must provide a signed application.

D-2 Recruitment

It shall be the policy of the City to provide fair and equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin, ancestry, genetic information or sexual orientation.

D-3 Qualifications for Employment

To be considered for a position with the City, all applicants must meet the minimum qualifications for the position as set forth in the job description. Each applicant must complete an application form and may also submit a resume. A medical examination or other testing, including drug testing, may be required only after an offer of employment has been made, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. Where required, the offer of employment is contingent upon applicant passing required tests.

D-4 Employment Process

It shall be the policy of the City to follow an employment process which will result in the hiring of the best available employees and to provide an equitable employment opportunity for all applicants. The City's employment process will be as follows, unless the City Administrator approves an exception.

- a) Current open positions are posted internally to allow interested candidates an opportunity to apply, and to provide a significant pool of candidates from which to choose.
- b) The City reserves the right to publicize any open position outside of the
 - a. organization in an effort to hire the best available candidate.
- c) In order to be considered for employment, each candidate for a non-exempt position must submit to the City Secretary's office, a completed application form. A candidate for an exempt position may submit a resume in lieu of an application.
- d) Evaluation of applicants for employment will be based upon the duties of the vacant position. During the selection process, at least two (2) candidates (if two are available) will be interviewed. No applicant will be formerly hired until:
 - a. All applications have been considered, and
 - b. Appropriate interviews have been conducted, and
 - c. Appropriate testing (if required) has been completed
- e) The goal of the City's employment policy is to obtain the best available employees while observing all applicable statutes and regulations which govern the hiring process.

D-5 Promotion

- a) It is the policy of the City to fill vacancies for supervisory, skilled, or upper-level positions with current employees whenever possible; however, the City reserves the right to seek candidates from outside of the organization to ensure the hiring of the most qualified candidate. Employees seeking promotion shall be expected to meet the minimum qualifications for the position.
- b) City employees may apply for any vacant position that is on the current jobs posting list.
- c) A medical examination or other testing may be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon an applicant passing required tests, when deemed necessary by the City Administrator.

D-6 Transfers

- a) Employees may request a transfer to another department at any time a vacancy exists for which the employee desires consideration.
- b) Supervisors and/or Department Heads will give deliberate and impartial consideration to each such request. However, the City reserves the right to seek candidates from outside of the organization to ensure the hiring of the most qualified candidate. Employees seeking a transfer shall be expected to meet the qualifications for the position.
- c) City employees may request a transfer by submitting a written statement outlining the reasons for wanting to transfer. This request should be submitted to the City Secretary.
- d) City employees may apply for any vacant position and request a transfer during the period when the position has been posted, as outlined in Section D-4 (b).

D-7 Training Period

- a) Specialized Training - Specialized on-the-job training is the responsibility of each department.
- b) General and formal training may be necessary as dictated by position requirements. Training sessions on topics relevant to all Department Heads and/or supervisors will be offered periodically by the City.
- c) All outside training must be approved in advance by the appropriate Department Head.
- d) Determining whether training time qualifies for hours worked will be handled according to the regulations established under the Fair Labor Standards Act (FLSA).

D-8 Nepotism

The City is an equal opportunity employer and hires individuals based solely on their qualifications and ability to do the job to be filled.

- a) The City will consider a member of an employee's immediate family for employment if the applicant possesses all of the qualifications required for the open position. An immediate family member may not be hired, however, if the employment would 1) create either a direct or indirect supervisor/subordinate relationship with a family member or 2) create an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee. No person shall be employed in a position in any department if the person is a member of the immediate family of another employee within that department, with the exception of part-time/seasonal staff. These criteria will also be considered when assigning, transferring or promoting an employee.

- b) Employees who marry or become members of the same household may continue employment as long as there is not:
 - a. a direct or indirect supervisor/subordinate relationship between the employees or
 - b. an actual conflict of interest or the appearance of a conflict of interest and
 - c. are not employed in the same department.

Should one of the above situations occur, the City will attempt to find a suitable position within the company to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the affected employees will be permitted to determine which one will resign.

- c) The City Administrator will make the final determination on any questions or issues that arise from this policy.
- d) This policy will apply only to those immediate family relationships that develop after March 14, 2024.

D-9 Employment-Eligibility Verification

All employees hired for any position with the City, shall complete an employment-eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986.

Section E Compensation

E-1 Pay Plan

The City's pay practices shall adhere to the following provisions:

- a) All employees shall be paid at rates that fall within the salary range assigned to the position in which they are employed. Any exceptions must be approved by the City Administrator.
- b) The involuntary transfer of an employee from one position to another, where the employee's current salary falls within the pay range of the new position, shall have no effect on the employee's salary.
- c) When an employee voluntarily transfers laterally to another position, the employee's salary will fall within the salary range established for the new position and be set at the discretion of the Department Head.
- d) The promotion of an employee to a position with a higher salary range shall include an increase in the employee's salary to at least the minimum for the new position, if the employee's current salary is below such minimum.
- e) In the event an employee's position is reclassified to a lower grade, or the employee is demoted, the employee's salary may be reduced to any amount in the pay range of the lower classification. However, due to the overlap in salary ranges, in no event shall the employee's salary be fixed at an amount greater than what they were earning immediately prior to the change.

E-2 Salary Range for New Employees

A new employee will enter employment at the minimum rate of pay for the position in which the employee is employed. Any exception to this policy must first be approved by the City Administrator.

E-3 Pay Increases

Pay increases are not routine or automatic and are subject to approval by the Governing Body. City employees may be eligible to receive pay increases as follows:

- a) All full-time employees, who have been employed with the city for longer than six (6) months, are eligible for an annual pay increase according to the score on the employee's annual evaluation. Annual pay increases will take effect the second pay period of January. If the full-time employee is at the top of the pay range for the employee's position, and a pay raise is determined to be warranted based on the employee's annual review, the employee will receive a lump sum payment equal to the percentage of the pay increase, to be paid the second pay period of January.
- b) Upon successful completion of the first six (6) months of employment, new full-time employees, shall be eligible for an increase, which shall take effect the first full pay period following their evaluation.
- c) Part-time employees, who work year-round, shall be eligible for a pay increase according to the score on the employee's annual evaluation.
- d) Employee's whose performance has been deemed to be unacceptable as reflected in his/her evaluation, will not be eligible for a pay increase.
- e) Employees on suspension, or who have been demoted within the past year are not eligible for a salary increase.
- f) Current employees who move laterally from one job classification to another, whether within his/her current department or to another department shall not receive a raise at the time of the transfer.
- g) Employees promoted to a higher job classification shall receive at minimum a raise to the bottom of the new range. Wages higher than the minimum for that pay level must be approved by the City Administrator.

E-4 Cost-of-Living Adjustment

Each year the City Administrator reviews factors related to the cost of living and presents this information to the Governing Body. The Governing Body reviews the information during budget work sessions, and, if cost of living increases justify the need, the Governing Body may agree to adjust the salary ranges for City positions. If adjustments are made that year, the salary resolution reflecting those changes will be presented and passed at a council meeting following adoption of the budget, to take effect the first pay period of the upcoming calendar year.

E-5 Performance Evaluations

As discussed in Sections E-1, E-3 & E-10, employee performance evaluations will be considered in determining the following employment matters: salary increases and decreases within the limits established in the pay plan, promotions, demotions, order of layoffs, transfers, terminations and bonuses. Performance evaluations will be conducted as follows:

- a) Performance evaluations, for all full-time employees, will be completed during the 4th quarter of each calendar year. Performance evaluations must be completed, signed by all parties and turned into the City Administrator as instructed for the current evaluation period. At the discretion of the Department Head in conjunction with the City Administrator, the evaluation of a new employee may be delayed until the employee has completed his/her first six

months of employment.

- b) All departments shall use the approved form for employee evaluations.
- c) Each employee shall be evaluated by his/her immediate supervisor. Indirect supervisors shall also review the evaluation and make comments as appropriate. Evaluations will be discussed with the employee following approval by the appropriate immediate supervisor and/or Department Head.
- d) The City Administrator's evaluation shall be completed by the Governing Body.

E-6 Pay Periods

All City employees are paid on a bi-weekly basis.

E-7 Pay on Termination

- a) An employee who is terminated and appeals his/her termination will be considered suspended without pay pending the outcome of his/her appeal. Final regular wages will be paid on the next regularly scheduled payday. Payment of accrued vacation will be withheld until final determination of the appeal. These wages will be paid on the next regularly scheduled payday following final determination.
- b) An employee who is terminated and does not appeal his/her termination will be compensated for his/her final regular wages, applicable unused vacation and sick leave reserve accruals on the first regularly scheduled payday following the five (5) business day appeal limit period.
- c) An employee who resigns voluntarily or who retires in good standing as defined in Section J-1, shall receive his/her final pay on the first regularly scheduled payday following the date of resignation or retirement. Such final pay shall include pay for all vacation, compensatory time, and sick leave reserve days as defined in Section F-5 & F-6.

E-8 Overtime

- a) Overtime compensation will be paid at 1.5 times the employee's regular rate of pay. The City does not allow compensatory time (comp time) for non-exempt employees.
- b) No person employed in an administrative, executive, or professional position, as defined by the federal Fair Labor Standards Act (FLSA), and who meets the salary threshold test of the FLSA, shall be eligible for overtime pay. These positions are defined as "FLSA- Exempt".
- c) All "FLSA - Non-Exempt" employees shall be eligible to receive overtime compensation for all hours worked in excess of the normal city work week (as defined in F-1), except for full-time police officers. Hours worked only includes hours actually worked and does not include paid sick leave, vacation time, bereavement leave, personal leave, holiday pay, injury leave, and unpaid leave.
- d) Full-time police officers, who work 12-hr shifts, shall be eligible to receive overtime compensation for work hours in a work week which exceed 40 hours per 7-day work period.
- e) All overtime work must have prior authorization by the employee's Department Head and or immediate supervisor. The Department Head shall maintain records of any overtime worked.

E-9 Emergency Pay

Emergency Pay: This policy applies to all non-exempt and exempt employees, and is intended to outline the compensation policy for employees when a state of emergency is imminent or has been declared by the Federal, State and/or Local Government. This policy recognizes that some emergencies provide no

advanced warning. In the event of a Federal, State and/or Local Disaster Declaration, and/or a long-term emergency, all non-exempt and exempt employees that are declared "Essential Personnel" and are required to work the duration of the event, will be eligible for overtime at the rate of one and one-half times (1.5x) their regular hourly rate of pay for actual hours worked. By providing for the payment of overtime for exempt personnel during a declared emergency, the City in no way has waived or altered the FLSA "exempt" status of those employees. All Essential Personnel that are required to work shall be supplied meals (breakfast, lunch and dinner) during the Disaster Declaration.

E-10 Bonuses

Bonuses are not routine or automatic and are subject to annual budget approval by the Governing Body. City employees may be eligible to receive bonuses as follows:

- a) All full-time employees, who have been employed with the city for longer than three months are eligible for a bonus of up to the equivalent of 80hrs. worked at their base rate of pay according to the score on the employee's annual evaluation.
- b) Payout shall be as follows:
 - a. Employees hired in the 1st quarter of the calendar year are eligible for up to 100% of the total bonus.
 - b. Employees hired in the 2nd quarter of the calendar year are eligible for up to 75% of the total bonus.
 - c. Employees hired in the 3rd quarter of the calendar year are eligible for up to 50% of the total bonus.
 - d. Employees hired in the 4th quarter of the calendar year are not eligible for a bonus.

E-11 Call-Back Duty

- a) Call-back duty shall be an obligation of each employee of the City, and call-back duty is considered a part of the job requirement of each position when employed. Call-back is that time when it is necessary for the City Administrator, a Department Head or a supervisor to call an employee or group of employees to perform functions necessary or related to the operations of the City or a department where the employee is assigned at times other than regularly scheduled work hours. If possible, the employee may be given alternative time off to help cut the potential for overtime due to being called back to work. This will be at the discretion of the City Administrator and/or Department Head.
- b) On-call employees will receive a minimum of 2 hours when being called out. For employees who may be called back but are not required to come to work when called, no additional compensation will be paid other than their clocked hours. Any employee who is "on-call" and does not report when called may be subject to disciplinary action up to and including termination. If an employee is scheduled in a call rotation and has scheduling conflicts, they may work with another employee to trade call but this must be approved by the Department Head. It shall be the responsibility of any employee who is contacted to report for call-back duty to notify his/her supervisor if he/she is mentally or physically impaired in such a way that reporting for duty might present a safety hazard to the employee or others. Examples of such impairment would be consumption of alcohol, the taking of medication that induces drowsiness or fatigue. The supervisor making the contact will decide whether to require an employee to report when the employee has reported an impairment.
- c) For the purpose of this policy, "call-back" means an "unscheduled" return to duty to meet staffing needs. Things such as scheduled meetings and training are not considered "call-

back".

- d) Police Department employees will be paid 1.5 times their regular rate of pay for any "call-back" or "minimum staffing" hours worked in the pay period the hours occurred. For the purpose of this policy, "call-back" means an "unscheduled" return to duty to meet staffing needs. Things such as scheduled meetings and training are not considered "call-back".

E-12 Reimbursable Travel Expenses

- a) It is the policy of the City to reimburse employees for the expense of travel, including the cost of transportation, meals, and lodging, provided such travel occurs in the course of conducting city business.
- b) Activities that justify the reimbursement of travel expenses include attendance at meetings, conventions, and seminars or other educational functions related to the employee's job. Prior approval of such travel must always be obtained from the employee's Department Head and in the case of a Department Head who is requesting travel, it must be approved by the City Administrator.
- c) The employee may use a City vehicle or rental vehicle, if available, for trips requiring driving. If circumstances require the employee to use the employee's own vehicle while traveling on City business, the employee shall receive a mileage allowance of the standard rate allowed by the IRS which will be communicated at the start of each year from the City Secretary. The mileage allowance covers all transportation costs except parking fees or turnpike tolls.
- d) Arrangements for air travel should be made utilizing the most economical plan available.
- e) Lodging will be paid at the single occupancy rate. A cash advance for expenses of approved travel may be obtained by submitting a request form to the City Secretary. Upon completion of travel, the employee will fill out an expense reimbursement request and attach appropriate receipts. Requests for reimbursements without all appropriate receipts attached will not be approved, except meals that will be reimbursed at the current approved rate per meal.
- f) When an employee is required to travel away from home overnight for city business, the meals will be provided by the City and are excludable as wages to the employee under IRS regulations. The employee may pay cash or charge the meal to the City credit card with prior approval. Meals will be reimbursed at the current approved meal rate as determined by the City Administrator. Meal allowances will not apply where luncheons or banquets are provided (i.e., meals are provided as part of a training class or seminar) unless the meal is brought in as a courtesy, so the meeting can continue through lunch, and is not a part of the registration fee. In this case, the meal will be reimbursed at actual cost.
- g) Meals reimbursed by the City for city business when overnight travel is not required will be taxable income to the employee. Reimbursement will be made through the payroll system. Meals will be reimbursed at the current approved rate. Meal allowances will not apply where luncheons or banquets are provided (i.e., meal are provided as part of a training class or seminar) unless the meal is brought in as a courtesy so the meeting can continue through lunch and is not a part of the registration fee. In this case, the meal will be reimbursed at actual cost. Specifically, if you travel out of town and return home on the same day, any meals that are to be reimbursed will be considered taxable income and must pass through the payroll system as per IRS regulations except in the circumstances listed below:
 - a. Meals associated with overnight travel
 - b. Meals that are directly related to a business meeting where the main purpose is the active conduct of business.
 - c. Meals that are provided on an infrequent basis such as an occasional employee party or employee picnic.

- d. Occasional meals that are provided for overtime work that exceeds the normal work schedule.
- h) The amounts claimed, less any cash advance, must be approved by the Department Head before being submitted to the City Secretary for payment. If expenses were for a Department Head, they must be approved by the City Administrator. Reimbursement requests should be submitted within five (5) business days of returning to work. Reimbursement of expenses for lodging, and transportation will not be approved if they are obviously unreasonable. Unreasonable expenses will be determined by the approving authority.

E-13 Direct Payroll Deposit

The City of Jamacia Beach provides direct payroll deposit as a safe and secure way to have your pay deposited directly into the checking or savings account of your choice. This program is strictly voluntary. If you choose, you may directly receive a paycheck instead of having your pay deposited into your account.

Section F: Attendance and Leave

F-1 Hours of Work

- a) **General Employees.** The normal work week for general employees, which includes all employees other than police officers shall be 40 hours. Due to differing shifts and work requirements, each department will establish the regular working hours for its employees and notify its employees of those hours. The work week shall begin on Sunday and end on Saturday except as otherwise provided.
- b) **Police Officers.** Police Officers working 12 hours shifts normally work 36 hours one week and 48 hours the next week. Detectives and clerical staff in the Police Department normally work 8-hour shifts, 40 hours per week.
- c) **Normal Work Hours.** No employee shall be permitted to work in excess of his/her normal work week except when so directed by the employee's Department Head, or City Administrator.
- d) **Flex Time.** Department Heads may adjust an employee's normal work hours on a weekly basis, based on the needs of their department. Flex time shall never result in overtime or any added financial liability to the city.

F-2 Daylight Savings Time Pay Practice

The City will pay employees actual time worked in the spring and fall on the dates when a change in time occurs due to Daylight Savings Time. Vacation and sick time taken on the dates of Daylight Savings Time will be paid based on scheduled hours.

F-3 Breastfeeding

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The City will designate a private location at each City facility for this purpose. Please check with your Department Head for this information. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the

breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Additional rules for use of the room and refrigerator storage are posted in the room. Employees who work offsite or in other locations will be accommodated with a private area as necessary. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

F-4 Holidays

The following days shall be observed holidays:

New Year's Day	January 1 st
MLK Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19 th
Independence Day	July 4 th
Labor Day	First Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24 th
Christmas Day	December 25 th

- a) If a paid holiday falls on a Saturday, it shall be observed on the preceding Friday.
- b) If it falls on a Sunday, it shall be observed on the following Monday. To be eligible to receive pay for an observed holiday, an employee must not have been on "leave without pay" status on all or any part of the workday prior to or following the holiday.
- c) The City Council may designate any other day as an official holiday and grant a day off with pay for City employees.
- d) Full-time non-exempt employees, other than Police Officers, scheduled to work on an observed holiday shall receive eight (8) hours of holiday pay (at the regular rate of pay), plus regular pay for the hours they work on the holiday. Police Officers, working 12-hr. shifts, will receive regular pay for the hours they work on the holiday.
- e) Holiday pay will not count as time worked for the purpose of calculating overtime.
- f) Police officers, working 12-hr. shifts and part-time employees shall not receive paid holidays. If required to work, they shall receive their regular hourly wage, or overtime if applicable under Fair Labor Standards Act (FLSA) standards.

F-5 Vacation

- a) **Amount of Vacation Leave.** Full-time employees, except for police officers working 12-hr. shifts, shall earn vacation leave as follows for each full month of continuous service:

Full-time Employees

0-4 years of service	6.67 hours per month (80 hrs.) 2 weeks
5-9 years of service	10 hours per month (120 hrs.) 3 weeks
10-14 years of service	13.34 hours per month (160 hrs.) 4 weeks
15+ years of service	14 hours per month (200 hrs.) 5 weeks

Full-time police officers, working 12-hr shifts shall earn vacation leave as follows for each full month of continuous service:

Full-time Police Officers (Working 12-hr Shifts)

0-4 years of service	10 hours per month (120 hrs.) 2 weeks
5-9 years of service	15 hours per month (180 hrs.) 3 weeks
10-14 years of service	20 hours per month (200 hrs.) 4 weeks
15+ years of service	25 hours per month (300 hrs.) 5weeks

- b) Part-time employees who work at least twenty (20) hours or more per week or one thousand forty (1040) hours per year shall earn vacation credit at the rate of four (4) hours for each month of employment. Seasonal employees shall not earn vacation leave.
- c) **Use of Vacation Leave.** Vacation leave shall be accrued and posted from the date of employment, but it may not be used until the employee completes three (3) months of service. Employees who begin work on or after the 16th in any month shall not accrue vacation for that first month.
- d) **Accumulation of Vacation Leave.** Maximum accrual for full-time employees, except police officers working 12-hr. shifts, will be 160 hours. Maximum accrual for full-time police officers working 12-hr. shifts shall be 200 hrs. Police officers working 12-hr. shifts shall, on January 1 of each year, receive the maximum yearly accrual of vacation, for which they are eligible based on seniority as well as all city-observed holidays. Any police officer, working 12-hr. shifts, who is hired after January 1 will receive a prorated amount of vacation and holiday leave. Holiday leave for officers shall be used in the calendar year in which it was earned and shall not carry over to subsequent years.
- e) Vacation leave shall be scheduled with the approval of the employee's supervisor and Department Head.
- f) **Computing Vacation Leave.** Employees may be permitted to use vacation leave in one-hour increments.
- g) Vacation hours will only be paid up to the employees regularly scheduled weekly shift/hours.
- h) Holidays, for employees eligible for paid holidays, which occur during the use of an employee's authorized vacation leave, will not be counted as a day of vacation.
- i) Upon termination after three months of employment, an employee shall be compensated for all earned but unused vacation leave at their final rate of pay.
- j) Vacation time will not count as time worked for the purposes of calculating overtime. Final accrued vacation hours payout will not count towards overtime.
- k) **Substitution of Sick Leave.** After providing substantiation of illness from a licensed medical provider, sick leave may be substituted for scheduled vacation leave if an employee becomes sick while on vacation leave.
- l) In cases where the requested vacation leave of two or more employees' conflict with the efficient operation of the City, said leave shall be granted on the basis of who requested the time off first.

F-6 Sick Leave

Full-time employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacity, occurring either on or off the job. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. The provisions of the Family and Medical Leave Act may apply in some circumstances, please see F-11 below.

- a) **Amount of Sick Leave.** Full-time employees, except police, shall earn sick leave at the rate of eight (8) hours per calendar month of service. Police personnel working 12-hr shifts, shall earn

sick leave at the rate of twelve (12) hours per calendar month of service. Sick leave begins accruing with the completion of each full month of continuous service. Accruals will be credited and available to employees on the first day of the month following a completed month of service. Employees who begin work on or after the 16th in any month shall not accrue sick for that first month.

- b) **Accumulation of Sick Leave.** Full-time employees, except for police officers working 12-hr. shifts, may accrue a maximum of 240 hours of paid sick leave. Police officers working 12-hrs shifts may accrue a maximum of 360 hours of paid sick leave.
- c) **Computing Sick Leave.** If less than one-half (1/2) hour of sick leave is used, no time will be charged against the employee accumulation. If one-half (1/2) hour or more of sick leave is used, a full hour will be charged against the employee accumulation.
- d) **Doctor's Certificate.** A Department Head may require a signed statement from a health care provider verifying the employee's inability to perform their assigned duties because of illness or injury or that an employee is fit to return to duty following sick leave. The City reserves the right to require a physical capacity test to ensure the employee's ability to perform their essential job functions. Employees who are allowed sick leave of longer than fourteen (14) calendar days must submit a statement of condition from their health care provider at least every two (2) weeks, unless their health care provider specifies in writing that a longer period between exams is appropriate.
- e) **Use of Sick Leave.** No employee shall be allowed to use the employee's accumulated sick leave until he or she has completed three (3) months of employment. Employees may use accrued sick leave for appointments with a licensed medical provider with reasonable notice to their immediate supervisor. Employees may also use accrued sick leave for the illness of an immediate family member when the presence of the employee is considered essential to their care. Such absences may require a written physician's statement that the employee's presence is required for the care of an immediate family member. If an employee has used all of his/her available sick leave in conjunction with an injury leave, he or she may use available vacation leave to similarly supplement their temporary disability. Sick leave will only be paid up to the employees normally scheduled weekly shift/hours.
- f) **Notification.** To be eligible for paid sick leave, an employee, or his/her representative, shall notify his/her immediate supervisor and give the reason for the absence no later than the beginning of the first workday in which sick leave is taken. This notification requirement may be waived by the employee's supervisor in extraordinary circumstances.
- g) When employees are sick or on scheduled sick leave at the time of a holiday on which they are scheduled to work, sick leave will be charged only for that part of their work schedule (if any) which exceeds the holiday benefit of 8 hours.
- h) Employees who are absent from work because of illness or an off-the-job accident, but who do not have accrued sick leave available may, upon recommendation of their supervisor or Department Head and upon approval of the City Administrator, be granted leave without pay. Before leave without pay may be granted, the employee must first have exhausted all of his/her accrued benefit time.
- i) Upon termination of employment, an employee shall not be compensated for any earned but unused sick leave.
- j) An extended absence from duty, due to illness, may be grounds to request a special leave of absence, without pay, not to exceed sixty (60) calendar days. Such leave of absence without pay, if approved, shall begin upon the expiration of accrued sick leave and earned vacation time. The Department Head may, at his/her discretion, extend this special leave depending on workloads, schedules, or other factors affecting the department.
- k) **Abuse of Sick Leave.** An employee who abuses sick leave shall be subject to disciplinary action, up to and including termination. Actions that may lead to determination of abuse include, but are not limited to, falsifying illness or reasons for using sick leave, unsubstantiated excessive

use, and/or not complying with reporting requirements.

F-7 Parental Leave

The City promotes a family-friendly workplace by providing full-time employees paid parental leave to care for and bond with new family members when a child is born or adopted. If you have been full-time less than one year when the child is born/adopted, parental leave is three weeks. If you have been a full-time employee at least one year when the child is born/adopted, parental leave is six weeks. If both parents work for the City, regardless of their length of employment, their combined parental leave is six weeks and they can decide how to split the time.

Parental Leave runs concurrently with FMLA, if applicable. After exhausting parental leave, employees may use sick leave (if applicable), vacation, or comp. If additional time is needed, it will be taken without pay and with the City Administrator's approval.

You may be required to submit appropriate documentation to substantiate the birth or adoption. Employees on workers' comp are not eligible for parental leave. Do not work another job while on parental leave.

Employees may take parental leave only once per rolling 12-month period from the first day of parental leave. Employees may not extend parental leave by working part-time.

F-8. Bereavement Leave

In the event of the death of an immediate family member employees may be granted paid leave not to exceed three (3) consecutive working days not including days off. Bereavement time will not be paid to any employee who is not scheduled during the needed days off. Additional time will be considered vacation time. In situations where the funeral/memorial service is postponed to a later date, the employee may work with their Department Head to coordinate the use of Bereavement Leave. Total time taken may not exceed what is listed in this policy.

F-9 Military Leave

The City recognizes and adheres to all applicable state and federal laws regarding leaves for uniformed service to the State of Texas as well as the United States. Any employee who needs time off for uniformed service is to immediately notify his/her supervisor and the City Administrator, both of whom will provide a detailed explanation to the employee of his/her reemployment rights under K.S.A. 48-517 (governing members of the Texas national guard, Texas air national guard, and the Texas state guard that are 'called or ordered to duty') and the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301 et seq., covering persons performing duty, voluntarily and/or involuntarily in the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, and Public Health Service commissioned corps.

Any employee, including full- and part-time, who notifies the City that he or she intends to return to employment once military service is completed shall be eligible for military-leave benefits including:

- a) Reinstatement of the veteran to the position he or she would have held if his/her employment had not been interrupted by military service provided one of the exceptions in 38 U.S.C. §4312(d)(1) have not been triggered;

- b) Retention and accrual of benefits tied to seniority;
- c) Continued health care coverage at the employee's expense; and
- d) Continued participation in insurance and other benefits not determined by seniority to the same extent as employees granted other types of leave.

F-10 Civil Leave

Civil Leave with Pay. An employee shall be given necessary time off without loss of pay under the following circumstances:

- a) when performing jury duty;
- b) when appearing in court as a witness in answer to a subpoena when the
- c) City is a party to the case being tried;
- d) when performing emergency civilian duty in connection with national defense;
- e) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work; and
- f) For purpose of donating blood.

Any compensation received while on jury duty shall be returned to the City. City employees are required to return to work if they are on duty once they have fulfilled their civil duties for that day.

Civil Leave without Pay. If an employee is involved in court in a case either as plaintiff, defendant, or witness in a legal proceeding not resulting from his/her duties with the City, the employee may be granted leave without pay unless he/she elects to utilize any available vacation or personal leave.

F-11 Family and Medical Leave Act

- a) Upon request, any employee will be granted up to 12 weeks of unpaid family and medical leave during a 12-month period measured forward from the date of the employee's first FMLA leave usage. Such leave will be available as the result of the birth, adoption, or placement of a child for foster care; to care for a spouse, child, or parent with a serious health condition; or due to an employee's disabling illness; or because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Where possible, employees are required to provide at least 30-days' notice before beginning to take leave. The employer may require any accrued paid vacation, sick, or personal leave of the employee be substituted for the 12 weeks of leave provided under this law.
- b) Upon request, any employee will be granted up to 26 weeks of unpaid military care giver leave during a single 12-month period to care for the serious injury or illness of a son, daughter, spouse, parent or next of kin who is a member or veteran of the Armed Forces as defined in 29 CFR 825.122.
- c) **Eligibility.** An employee must have worked for the City at least 12 months and for a minimum of 1,250 hours during the previous year. Where a husband and wife work for the City, the total number of weeks leave in which both are entitled will be limited to 12 weeks measured forward from the date an employee's first FMLA leave. Where leave is requested as a result of a serious health condition, the employee shall provide the City a certification statement issued by a healthcare provider. Should there be a question of validity of the certification provided by the employee, the City may, at its own expense, require an opinion from a second healthcare provider. Where there is a conflict between the two opinions, the City may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.
- d) **Restoration.** An employee returning from family medical leave will be entitled to return to his/her

position or to a position with equivalent benefits, pay, and other terms and conditions of employment.

- e) **Vacation and Sick Leave.** Employees on unpaid family medical leave will not accrue any seniority, vacation, or sick leave benefits.
- f) **Health Insurance Coverage.** The City will continue to provide healthcare coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the City can recover the premium(s) paid on behalf of the employee to maintain healthcare coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control, the employee will not be liable for healthcare premiums paid while on family leave. In such cases, a certification issued by a healthcare provider will be required.
- g) **Outside Employment or Moonlighting.** An employee on family medical leave may not perform any type of outside employment with another employer.

F-12 Meetings and Seminar Leave

- a) Any employee may be granted leave with pay to attend meetings, seminars, and conventions related to the employee's work when such attendance is authorized by the employee's Department Head.
- b) Whenever an employee participates in, or attends, a recreational activity such as a golf tournament or a baseball game that coincides with a conference, meeting, vacation leave must be taken if the activity falls on a weekend or evening and is not scheduled as part of the actual conference or meeting.

F-13 Educational Leave

- a) Full-time employees may be granted special leave with pay to follow a course of study related to his/her career, or to visit other cities in the interest of the City when approved in advance.
- b) This will be limited to no more than one request during a rolling twelve-month
- c) period which begins the first day of an approved request.
- d) With the approval of the Department Head and City Administrator, an employee may attend schools or professional training of up to three (3) weeks and the fourteen (14) week course for police officer's training.

F-14 Domestic Violence and Sexual Assault Leave

The City will not discharge, or in any manner discriminate against, an employee who is a victim of domestic violence or sexual assault and who takes time off from work to obtain relief, including restraining orders and other injunctive relief. The employee must be permitted time off to seek medical attention, obtain services from domestic violence programs, or make court appearances related to domestic violence. The employee must give advance notice when feasible. Employee must also provide to the City certain documentation such as a copy of the police report or restraining order within 48 hours of returning from requested time off. The employee may use accrued paid leave or, if paid leave is unavailable to the employee, up to 8 days per calendar year of unpaid leave for these purposes.

F-15 Request for Leave

Except as provided under the City's sick leave and FMLA policies, all leave must be authorized in writing by the employee's Department Head prior to leave being taken. A copy of each leave record shall be maintained in the employee's personnel file.

F-16 Credits for Paid Leave

- a) An employee while on paid sick leave, vacation leave, or other leave with pay shall continue to earn credit for sick leave and vacation leave.
- b) An employee shall earn no leave credit while on leave without pay.

Section G Employee Benefits

G-1 Retirement-OASDI Benefits

All eligible employees of the City are under the federal OASDI social security system and receive the benefits of it in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution subject to payroll deduction.

G-2 Worker's Compensation Benefits

All employees of the City receive the benefits of the Texas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

- a) All employees receive the benefits of the Texas Worker's Compensation Act in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.
- b) Employees will be given instructions at the time of new employee orientation that outline the steps to be followed if a work-related accident occurs. New employees will be required to sign an acknowledgment form regarding these guidelines that will be placed in their personnel file.

G-3 Mandatory Retirement Plan (401a)

- a) All full-time employees are required to join the City's 401(a) plan.
- b) This program is funded solely by the City. The City will contribute 10% of the employee's base salary to the plan. Employees returning from active military duty will receive any employer contributions missed during their absence upon their return.
- c) Vesting in the employer's contribution to the plan is as follows:
 - 20% after two years of service,
 - 40% after three years,
 - 60% after four years,
 - 80% after five years
 - 100% after six years.
- d) Eligible employees are allowed to determine their own investment strategy and manage their investment decisions. For retirement plan purposes only, retirement age is fifty-nine and one-half (59½). If an employee leaves the service of the city prior to age fifty-nine and one-half (59½), they will be reimbursed for his/her vested portion of the contribution.
- e) Participation in the plan begins on the first day of the full quarter following three (3) months of service.

G-4 Health Insurance

- a) Group health insurance is available to all eligible employees.
- b) Full-time employees are eligible to participate in this program. A part-time employee who becomes a full-time employee shall be eligible for group health insurance under the guidelines established in Section G-10.

- c) Coverage under this plan becomes effective on the first day of the month following employment for full-time employees. If an employee fails to enroll at their first opportunity as a new hire, they will only be able to sign up for group health coverage during the annual open enrollment period.
- d) The Governing Body annually determines the plans to be offered, and the City's contribution toward coverage.
- e) The employee's share of the premium cost, if any, is handled through a payroll deduction.
- f) The employee shall pay all costs toward health care insurance during any period the employee is on leave without pay, is on suspension without pay, or is on unauthorized leave.
- g) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- h) The City complies with the provisions of the Federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon resignation/termination of employment.
- i) State law provides for the extension of employer-sponsored group coverage to any employee who retires from the City with at least 10 years of service. This coverage is available until age 65 solely at the retiree's expense.
- j) Information on insurance premium costs can be obtained from the City Secretary.

G-5 Dental and Vision Insurance

- a) All full-time employees are eligible to participate in the group vision and dental insurance programs.
- b) The Governing Body annually determines the plans to be offered, and the City's contribution toward coverage.
- c) The employee's share of the premium cost, if any, is handled through a payroll deduction.
- d) If an employee fails to enroll at their first opportunity as a new hire, they will only be able to sign up for coverage during the annual open enrollment period.
- e) The employee shall pay all costs toward dental insurance during any period the employee is on leave without pay, is on suspension without pay, or is on unauthorized leave.
- f) Eligibility for this program begins on the first of the month following the start of employment. A part-time employee who becomes a full-time employee shall be eligible for the dental insurance plan under the guidelines established in Section G-10.

G-6 Life Insurance

- a) All full-time employees are automatically enrolled in the City's Group Life Insurance Policy which becomes effective the first of the month following the start of employment. A part-time employee who becomes a full-time employee shall be eligible for the life insurance plan under the guidelines established in Section G-10.
- b) The cost of this coverage is paid for by the City.

G-7 Unemployment Compensation

All employees receive the benefits of the Texas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

G-8 Funeral Memorials/Flowers

- a) In the event of the death of a current City employee, their spouses, significant other or child, the City will make a memorial contribution in the amount of \$50. A memorial contribution will be made to charities listed in the obituary in the following order: local charities, education funds, national charities. The City has the option of dividing the memorial equally if more than one local charity

- is listed. If no memorial is listed, the City will send a \$50 floral arrangement to the funeral home.
- b) The City Secretary or their designee is responsible for handling this process.
 - c) Department Heads are responsible for notifying the City Secretary if a memorial gift or flowers need to be sent in the event of the death of an employee, employee's spouse/significant other or child.

G-9. General Disclaimer

- a) In the event of a conflict between the terms of our benefits as outlined in this policy manual and the terms as outlined under our formal plan documents, please note that the formal plan documents will take precedence.
- b) The City of Jamaica Beach reserves the right to modify our benefit plans at any time, with or without notice to employees.

G-10. Employee Transitioning to Full-Time Employment

Part-time employees moving into a full-time position have the same waiting period for benefits as new hires.

Section H Disciplinary Action

H-1 Authority to Discipline

Authority is delegated by the City Administrator to Department Heads and supervisors to discipline personnel in their departments for the violation of City personnel rules and department regulations. The City has a progressive discipline policy but recognizes that this is not always possible and each situation that may need disciplinary action depends upon its own factual evidence. Certain serious infractions or misconduct may justify skipping one or more steps, including moving to immediate termination. If steps are to be skipped, there will be consultation with the City Administrator and/or the City Attorney first. Supervisors and Department Heads shall exercise good judgment and discretion in taking or recommending disciplinary action. They shall work to ensure that the extent of the penalty is not unreasonable or excessive in relationship to the seriousness of the violation or circumstances for which the employee is being disciplined.

H-2 General Policy

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. It is the duty of employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies, and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his Department Head or supervisor to consider disciplinary action to correct the problem. An employee is subject to disciplinary action if:

- a) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works.
- b) The employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations.

- c) The employee has performed an act of misconduct or has failed to perform an act that results in misconduct.

H-3 Disciplinary Actions

The following types of disciplinary actions are recognized by the Governing Body, although there is no obligation to follow them in this particular order:

- a) **Counseling/Coaching.** Counseling is an opportunity to visit with the employee regarding concerns and to clarify any expectations that need to be met.
- b) **Verbal Warning.** A verbal warning is an oral reprimand given to an employee by his/her supervisor or Department Head. A written record of the verbal warning shall be placed in the employee's file. The employee is also entitled to a copy.
- c) **Written Warning.** A written warning is a written censure to an employee by his/her supervisor or Department Head. A written warning shall state all pertinent information related to reasons for the reprimand, corrective action to be taken by all parties involved, and future consequences of repeating the action. A copy of the warning shall be placed in the employee's file. The employee is also entitled to a copy.
- d) **Probation.** Probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on-the-job behavior. Failure to meet probationary requirements may result in further disciplinary action.
- e) **Salary Reduction.** A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- f) **Denial or Delay of Step Increase.** A supervisor or Department Head may deny or delay a step increase to an employee as part of their disciplinary action.
- g) **Demotion.** A demotion is the placement of an employee into a position of a lower pay range.
- h) **Suspension.** A suspension is the removal of an employee from service, without pay, for a specified period of time. In the case of both suspension and demotion, an employee shall be given notice in writing stating the date of occurrence, cause, length of time, and other pertinent information. A suspension without pay shall not exceed ten (10) business days for any given offense except an employee charged with a criminal offense not related to his/her job. In this case, the employee may be suspended without pay pending a full investigation. Following such investigation, the employee may be reinstated with the approval of the City Administrator. Suspensions, except those in lieu of termination, will not end until the hearing process, if any, has reached a definitive conclusion.
- i) **Termination.** Termination is the removal of an employee from City employment. An employee being involuntarily terminated shall be given written notice of the reason for discharge from employment.

H-4 Procedure for Disciplinary Action

Whenever the misconduct of an employee justifies the application of disciplinary action, the supervisor or Department Head shall:

- a) Document the misconduct in writing. Describe what happened, when, where, etc.
- b) If appropriate, include written statements from any witnesses.
- c) Following an investigation involving all necessary parties to determine the facts, determine the appropriate disciplinary action to correct the problem. If the action is to involve anything more serious than a verbal warning, the supervisor and/or Department Head shall consult with the City Administrator and/or the City Attorney before meeting with the employee.
- d) Meet with the employee to review the disciplinary action. The meeting should be held in private and include only the employee, supervisor, and/or Department Head.

- e) Provide the employee an opportunity to dispute the facts or argue against the disciplinary action by submitting comments in writing to be attached to the record of the disciplinary action.
- f) Make a final decision as to the disciplinary action.
- g) Notify the employee of the action in writing, except in cases of counseling. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the City Administrator for insertion in the employee's personnel file. Documentation for all forms of disciplinary action should include the employee's signature. This does not imply that the employee agrees with the documentation but ensures that the employee is aware of the contents of the documentation. In the event the employee refuses to sign the documentation, a notation to that effect shall be witnessed by a third party and become part of the record.
- h) At the time a disciplinary action commences, the employee's supervisor or Department Head shall notify the employee in writing of their right to appeal suspension and terminations as described in this section. Verbal warnings and written reprimands may not be appealed.

H-5 Misconduct Subject to Disciplinary Action

The following is a list of misconduct that may subject an employee to disciplinary action. This list is not exclusive; it is only representative of the types of misconduct that subject an employee to disciplinary action. Nothing in this list is intended to, or should be construed to, limit an employee's right to engage in protected free speech or freedom of association under the 1st Amendment or to exercise his/her rights under the Americans with Disabilities Act.

- a) Conviction of a violation of any state or federal criminal law.
- b) Conviction of a violation of any City law.
- c) Failure to follow prescribed safety procedures including failure to notify his/her supervisor of unsafe working conditions.
- d) Violation of personnel policies and guidelines or departmental policies and guidelines.
- e) Inattention to duty, carelessness, breakage, or loss of public property or funds.
- f) Poor performance, incompetency or inefficiency in the performance of the duties of the employee's position.
- g) Insubordination or other breach of discipline.
- h) Discourteous or disruptive conduct or other offensive behavior in public, to other employees of the City, or to any member of the public while in the course and scope of City business.
- i) Abuse of leave, excessive absenteeism, or tardiness.
- j) Temporarily leaving the workplace without the approval of his / her supervisor.
- k) Failure to give proper notice of absence.
- l) Sleeping on the job.
- m) Use of alcohol or drugs while on duty. Also, use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired.
- n) Inducing or attempting to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- o) The open carrying of a firearm, if not authorized by the City.
- p) In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be suspended immediately, with or without pay, pending an investigation and review of the matter. An employee may be suspended with or without pay or terminated when he or she has been arrested for a crime and is awaiting legal adjudication. An employee may be suspended with pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

H-6 Causes for Termination

Examples of serious misconduct for which an employee may be immediately terminated include the following. The list is not exclusive. It is only representative of the types of misconduct that may subject an employee to termination. Reasons listed for termination under this section may also constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- a) Conviction of a felony or conviction of driving under the influence while operating a City vehicle.
- b) Willful or continued violation of City or departmental safety policies and procedures or negligent creation of unsafe conditions in the workplace.
- c) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- d) Negligent or willful damage to public property or waste of public supplies or
- e) equipment.
- f) Taking or using any funds or property of the City for personal use or for sale or gift to others or the making of any false claim against the City.
- g) Gross incompetence, neglect of duty or willful or continued failure to provide satisfactory service.
- h) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Head, or knowingly making a false statement to any employee or officer of the City.
- i) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- j) Absence without leave.
- k) Possession or use of alcohol or drugs, except when prescribed by a physician, while on duty.
- l) Sale of, or offering for sale or giving away, alcohol or drugs while on duty or at the workplace.
- m) Sexual harassment.
- n) Disclosing confidential records or information unless directed to do so by a supervisor or Department Head.
- o) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of City employment.
- p) Material falsification of application for City employment or making a false statement or report regarding any test, certification, or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- q) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- r) Taking or offering to take from any person for the employee's personal use, any fee, gift, or service of value, in the course of his/her work or in connection with it, when such gift or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person.
- s) Accepting a bribe, gift, money, or other things of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion with the intent of obtaining money or other things or service of value through his/her position in the service of the City.
- t) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability, national origin, genetic information, or sexual orientation.

H-7 Discipline Retention

Verbal warnings will remain "valid" for a period of 1 year. Written warnings and suspensions will remain valid for 2 years. During this time, disciplines will be considered when determining raises and promotions. Any and all disciplinary actions will permanently remain in the employee's personnel file. However, after these time periods, the disciplines will not impact the employee's ability to receive pay increases or promotions based on performance. For the purpose of this policy, the term "discipline" refers to verbal warnings, written warnings, suspensions and demotions.

H-8 Procedure for Appealing Disciplinary Action

- a) Employees who have worked for the City for longer than 6 months are entitled to file an appeal of any disciplinary action other than verbal or written warnings.
- b) An employee who chooses to file an appeal should do so in writing no later than five (5) business days after the disciplinary action has been handed down.
- c) The appeal should be provided to the City Secretary, who in turn will forward it to the appropriate party in the normal chain of command.
- d) A written response to the appeal will be provided to the employee by the
- e) appropriate supervisor within five (5) business days. If the employee disagrees with the response, he or she may continue the appeals process through the normal chain of command as outlined in Section 1-2 until the appeal reaches the City Administrator or his/her designee. As the appeal proceeds through the normal chain of command, a written response will be provided to the employee by all appropriate supervisors.
- f) Disciplinary action involving probation, salary reductions, denial or delay of step
- g) increases, demotions, suspensions and termination may eventually be appealed to the City Administrator or his/her designee. Oral or written warnings may not be appealed.
- h) The decision of the City Administrator or his/her designee will be final with the exception of appointed positions which must then be reviewed by the Governing Body.

H-9 Duty to Cooperate

In the course of an employer's operations, it is often necessary to interview employees in the context of a workplace investigation relating to a variety of issues, such as alleged discrimination, workplace injuries, or rules violations. Employees may be required to participate in such an investigation. Failure to cooperate with such an investigation is grounds for disciplinary action, up to and including termination.

Section I Grievances

I-1 General Policy

An employee has the right to present a complaint or grievance concerning his /her job, working conditions, salary, relationship between employees and co-workers, supervisor, or Department Head, or other inner office dynamics. Grievances should be considered issues related to non-disciplinary matters. If an employee feels he or she is facing harassment in the workplace, the employee should follow the steps outlined in K-13, K-14, and K-15 of this policy rather than proceeding with a Grievance Complaint under this Section. Our desire is to try to resolve differences utilizing the recognized chain-of- command. A sincere attempt should be made by each employee and supervisor to resolve their disagreements before it becomes necessary to resort to the grievance procedure.

I-2 Grievance Procedure

- a) An employee who feels that he/she has a concern related to any of the above reasons must first meet with his/her immediate supervisor (or his/her Department Head in the supervisor's absence) to resolve any issue before it becomes necessary to resort to the grievance procedure.
- b) Official grievances must be filed in writing with the City Secretary within five (5) calendar days of the grievance. The city secretary shall review the complaint and immediately notify the employee's Department Head of the complaint.
- c) An answer to the grievance shall be provided by the supervisor to the employee, in writing, within five (5) calendar days of the notice being filed with the City Secretary
- d) If the employee disagrees with the decision of the supervisor, the employee may request to forward the written complaint or grievance to his/her Department Head within five (5) calendar days. The Department Head shall provide an answer to the employee in writing within five (5) calendar days.
- e) If the employee disagrees with the decision of the Department Head, the employee may request to *forward the written complaint or grievance to the City Administrator or his/her designee within five (5) calendar days and request a hearing, provided the employee has informed their Department Head of the intent to do so.*
- f) The City Administrator or his/her designee shall conduct a hearing within thirty (30) calendar days after receipt of the written complaint or grievance. A record of such hearing shall be made.

I-3 Hearing Procedure

- a) At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witnesses as deemed relevant by the City Administrator or his/her designee. All parties shall have the right to cross-examine adverse witnesses and evidence.
- b) All parties shall be allowed the right to have legal counsel present.
- c) The City Administrator or his/her designee may call for additional evidence as he/she deems necessary.
- d) The City Administrator or his/her designee shall not be bound by the rules of evidence.
- e) No City employee serving as a witness shall be subject to any restraint, interference, discrimination, or reprisal for any of his/her testimony in such hearing.
- f) The City Administrator or his/her designee shall render a decision in writing within ten (10) business days of the conclusion of the hearing. Such decision shall be supported by the evidence.
- g) A copy of the finding shall be provided to the employee and the Department Head and filed in the employee's personnel file.
- h) The hearing shall not be open to the public unless the employee and the City both agree in writing to a public hearing.
- i) The decision of the City Administrator or his/her designee regarding the grievance complaint shall be final.

Section J Separation

J-1 Resignation

An employee resigning his/her position in good standing must submit a written resignation to his/her Department Head at least two weeks prior to the effective date of such resignation, giving a reason for his/her planned departure and the proposed date. In some instances, the Department Head may waive the two-week notice.

J-2 Reduction in Work Force

- a) From time to time, it is necessary for the City to reduce its work force. The reduction in work force may come about due to the lack of work, lack of funds, a move to become more efficient, a shift in focus, or a move to save money. If properly qualified, employees may be offered other work and placed in another department of the City; however, this cannot be guaranteed.
- b) In all cases of a reduction in work force, the employee shall be given two weeks' notice before being laid off. If the employee chooses to cease working immediately upon notice of this final two weeks, a final check will be issued for all accrued vacation leave, personal leave, and applicable sick leave on the next regular payroll. If the Department Head wishes to terminate the services of that employee immediately, they would need to get the approval of the City Administrator and then the employee would be paid for two weeks of severance pay.
- c) If a reduction in work force is necessary, the vacant positions will not be filled until conditions necessitate these vacancies to be filled. Former employees that are qualified may be given an opportunity for re-employment as these positions become available.

J-3 Reinstatement of Benefits

- a) Benefits accrued from length of service are forfeited when an employee voluntarily leaves City employment. If an employee is re-employed at a later date, length of service rights begins to accrue from the date the employee is re-employed. Separation from service because of sickness does not affect accrued rights, if an employee returns to work when recuperated.
- b) If an employee is terminated due to a reduction in work force, and re-employed within one year, the employee's prior length of service will be restored.
- c) Employee leave for military service is addressed under Section F-11 of this policy.

J-4 Exit Interviews

The Department Head will attempt to conduct an exit interview with all terminating employees -either voluntary or involuntary- whenever possible.

Section K Other Policies

K-1 Vehicle and Equipment Usage

- a) At the discretion of the City Administrator or Department Heads, certain employees may be assigned a City Vehicle to take home to assure a quicker response to incidents when their specific skills may be needed to complete a task.
- b) City vehicles and equipment shall be operated only in the performance of City business and only by those authorized personnel qualified to do so. City personnel shall be the only authorized passengers in City vehicles or equipment except for those non-City individuals who may be assisting with a City project or on authorized City business. Due to the need for some City employees to be available on call 24 hours a day, some positions may require a take-home City vehicle. If a city employee's job requires, he or she to be available 24 hours a day, the employee will not be considered in violation of city policy when city vehicle is used for incidental personal use. The primary purpose of the take home vehicle is to keep the employee accessible and responsive to the city's demands around the clock.
- c) It shall be the responsibility of the respective Department Head and/or supervisor to ensure that their employees are legally licensed to operate City-owned vehicles and equipment.

- d) It will be the City's policy to require a valid Texas driver's license of City employees whose position requires them to drive a City vehicle on public roads. Anyone driving a City vehicle must also be insurable under the City's vehicle insurance policy.
- e) Any employee found to be responsible for damage or loss of City property or equipment through negligence, carelessness, or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss.
- f) No equipment, material or supply belonging to the City of Jamacia Beach shall be removed from its location or used without proper authority. The Supervisor, Department Head, or City Administrator shall be the only people with jurisdiction and authority to grant such permission.
- g) Vehicles and other equipment assigned to individual personnel shall be used only as authorized by the City Administrator and/or Governing Body.
- h) No City employee shall operate a motor vehicle upon a public highway while using a mobile telephone while the employee's vehicle is in motion. The only exception to this policy is if the employee is using a hands-free device while engaging in a telephone call.

K-2 Political Activity

It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups, and to become involved in political activities subject to the restrictions of this article.

- a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective office is incompatible with the employee's City employment. Any employee choosing to become a candidate for any elective office shall first inform his/her Department Head and/or the City Administrator. Any employee filing a declaration of candidacy for a public office that is incompatible with City employment and has not already arranged to take an unpaid leave of absence, automatically resigns from his/her city employment at the time of such filing. If the employee arranges to take an unpaid leave of absence, and is ultimately unsuccessful in seeking such elective office, he/she shall be returned to employment on the same terms and conditions as any other employee who has taken a leave of absence without pay.
- b) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on-duty hours.
- c) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- d) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

K-3 Outside Employment

- a) Outside employment constitutes a City employee holding a second job with another employer.
- b) Outside employment by a full-time employee is permitted only when such outside employment:
 - a. Is considered secondary to employment with the City.
 - b. Does not interfere with the performance of duties for the City.
 - c. Does not create legal, financial, or ethical conflict of interest because of such employment.
- c) No employee should conduct, or in any way engage in, another occupation or field of endeavor

while on duty with the City.

K-4 Worker Safety

- a) All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy.
- b) Failure to comply with safety policies may result in disciplinary action up to and including termination.
- c) Employees shall exercise good judgement and take appropriate precautions in the performance of their work.
- d) Prompt action shall be taken to repair faulty equipment and correct hazardous conditions in work areas.

K-5 References

General inquiries that are received either by telephone or in writing regarding a present or past employee shall be referred to the City Secretary. The City will provide verification of employment, dates of employment, the employee's title or position, and whether they are eligible for rehire. Only when an employee or former employee submits a request in writing will additional information be released related to their pay level, wage history, nature of employment termination, and reason(s) for separation.

K-6 Solicitation

- a) It is the policy of the City to prohibit solicitation on its premises by individuals not associated with the City.
- b) Exceptions may be made with the approval of the City Administrator and/or Department Heads.

K-7 Use of Official Badge or Credentials

- a) Officials or employees who wear a badge or other official insignia or who bear credentials as evidence of their authority and/or identity, shall not permit such badge or insignia to be used or worn by any other person, or to otherwise leave their possession.
- b) The Department Head shall not grant such approval except as to persons regularly and formally appointed to the position designated by the badge or insignia.
- c) Official badges or credentials shall not be used by any employee for personal gain.

K-8 Outside Activities

- a) You are encouraged to participate in civic organizations, business and professional organizations, and charitable organizations in our community; however, if these activities involve significant time away from the employee's City responsibilities, the employee must first obtain approval of his/her Department Head or the City Administrator.
- b) Supplies, material, or any property belonging to the City should not be used in more than an incidental way in the performance of these activities unless the employee's position at the City requires the employee's participation, or the City benefits substantially from the employee's involvement.

K-9 Personal Appearance

- a) An important part of the impression made by the City is the general effect of personal grooming of City employees. The City expects neat, clean, appropriate dress and grooming.
- b) We expect conservative choices of dress appropriate to our environment.
- c) Therefore, a highly casual and unkempt appearance is unacceptable.
- d) The key to proper dress is good judgment.
- e) It is the responsibility of each supervisor and/or Department Head to see that this policy is observed.
- f) Employees shall comply with the requirements of their respective departments related to wearing apparel, personal appearance, hygiene, and safety.

K-10 Telecommunications Policy

The City's e-mail, computer, internet, and voicemail systems are City property. These systems are in place to facilitate the employee's ability to do his/her job efficiently and productively. To that end, these systems are solely for City purposes, and abuse of these systems for personal use is prohibited. The City may intercept, monitor, copy, review, and download any communications or files employees create or maintain on the systems. When using the internet, exercise discretion. Sending materials of a sensitive nature or materials constituting "confidential information" is prohibited unless the information is properly encrypted to prevent interception by third parties. Employees have no expectation of privacy while accessing social media at work or on City-owned equipment.

Employee communications and use of City e-mail, computer, internet, and voicemail systems will be held to the same standard as all other business communications, including compliance with anti-discrimination and anti-harassment policies. It is expected that employees will use good judgment in the use of the City's system. Management should be notified of unsolicited, offensive materials received by any employee on any of these systems.

Any City business performed on an employee's personal device is subject to the Texas Open Records Act. If the information requested is on an employee's personal device, the employee agrees to participate in fulfilling the records request. If the employee refuses to provide the requested data, the employee may be subject to discipline up to and including termination.

Employee consent and compliance with e-mail, computer, internet, and voicemail policies is a term and condition of employment. Failure to abide by these rules, or to consent to any interception, monitoring, copying, reviewing, and downloading of any communications or files, is grounds for discipline, up to and including termination.

K-11 Social Media Policy-Public Relations & Employee Use

- a) **Purpose.** The City of Jamacia Beach emphasizes excellent customer service, valuing the roles individuals play within the organization as well as creating an external sense of community, and measuring its performance against public expectations. As technology evolves, the City has expanded the scope of its communications plan to include social networking and other technologies in order to reach a broader audience. The City encourages the use of social media to enhance customer's capacity to learn and to enhance communication. This policy provides guidance for the public relations of City Social Media pages and for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, photo and video sharing, wikis, microblogs, podcasts, message boards, chatrooms, electronic newsletter, online

forums, social networking sites, mashups, virtual worlds and other sites and services that permit users to share information with others in a contemporaneous manner.

It is extremely important that the City of Jamacia Beach take a measured, strategic approach to the implementation of social media to avoid potentially damaging consequences such as the presence of out-of-date information, the failure to provide appropriate information to citizens who have requested it, or the misrepresentation of the City of Jamacia Beach's policies, services, or values.

The City Administrator shall approve what social media outlets may be suitable for use by the City and its departments. All departments requesting a presence on an approved social media site must submit a written request to the City Administrator. Once approved, the Department Head will meet with the Community Coordinator to establish the social media account. The Community Coordinator must be added as an Administrator and/or have the username and password covering each site. This allows access for all Department Heads to examine all City pages if necessary.

b) Definitions

- a. Social Media: Generally, social media is any site or online process designed to facilitate simple and streamlined communication between users. Social media sites differ from conventional communication media such as online newspapers and magazines in that they tend to be less structured and complex, and more friendly, personal, and intimate in nature, and they tend to offer tools which allow for quick, unfiltered, and often a common form of spontaneous communication opportunities.
- b. Social Network: For the purposes of this policy, the term "social network" or "social networking" refers to any interaction between a participant and any site deemed by the City of Jamacia Beach to be social media, including, but not limited to: Facebook, LinkedIn, Snapchat, Instagram, TikTok, X, and YouTube. Interaction is not limited to accessing the website of such social media sites, but also sending to or receiving from such sites any e- mails, text messages, or any other electronic interaction.
- c. Official: In terms of this policy, "official" refers to any site or process set up by the City of Jamacia Beach, its employees, agents, or contractors, which serves to communicate sanctioned City of Jamacia Beach information or engages citizens in discussion about topics, services, or processes under the auspices of the City of Jamacia Beach.
- d. Comments: Includes without limitation, any content, information, articles, pictures, videos or any other form of communicative content posted through Social Media. May also be referred to as "Posts" or "Postings."

c) Policy for Public Relations on City Pages

- a. All official City appearances on social media sites or services are considered an extension of the City's information networks and are governed by the Telecommunications Policy (K-10) contained in the City of Jamacia Beach Employee Handbook.
- b. Departments that use social media are responsible for complying with applicable federal, state, and local laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), the Texas Open Meetings Act, the First Amendment, privacy laws, and information security policies established by the City of Jamacia Beach.
- c. Whenever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.
- d. Employees representing the City via social media outlets must conduct themselves at all times as representatives of the City. Employees that fail to conduct themselves in an

appropriate manner shall be subject to the disciplinary procedures outlined in the City of Jamaica Beach Employee Handbook and the Telecommunications Policy.

- e. Employees shall have no expectation of privacy when using social media sites. With that, employees are not to publish, post or release any information that is considered confidential or not public. This includes both city sites and personal sites. City employees should remember that even on personal accounts, they are considered a representative of the City of Jamacia Beach.
- f. The City will monitor content on each department's social media sites to ensure adherence and compliance with the Social Media Policy for use, messages, and branding consistent with the goals of the City.
- g. Each site that represents and/or contains City of Jamacia Beach material, department information, attraction information, etc. shall remain Jamacia Beach property even if the employee who developed it is no longer an employee. That employee will be removed from the site on the day of termination or before if necessary.
- h. Violations of these standards may result in the removal of department pages and/or personal administrative rights from social media outlets. Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to both Supervisor and Community Coordinator for documentation purposes.
- i. If and when an employee uses social media to communicate on behalf of the City of Jamacia Beach, it will be considered time worked and should be done during regular work hours.
- j. If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- k. Employees who are authorized to use social media to promote the City must also fulfill all other duties identified in their job descriptions and should see to it that they are not spending time on personal social media sites while performing the duties of their job related to social media use for the City.
- l. If a social media account is created and represents a department or area of the City, the City Secretary must be named an Administrator on the account or proper reports should be made to social media outlets by the City Secretary to keep control and manage city information.

d) Policy for Employees Participating in Social Networking

- a. Whether participating on behalf of the City or personally, you should follow the same standards of behavior "online" as you would if "in person" and should be mindful of how your online activities reflect upon you and your position with the City and City organization.
- b. You are solely responsible for what you post online. You should consider the risks and rewards, as more and more court cases are appearing due to slander, misrepresentation and copyright infringement.
- c. Keep in mind that if any of your conduct adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members, customer's suppliers, people who work on behalf of the City or those who have legitimate business interests, may result in disciplinary action up to and including termination.
- d. Do not create a link from your blog, website, or other social networking site to the City website without identifying yourself as a City Employee.
- e. The same principles and guidelines found in the City policies and the below three basic beliefs apply to your activities online.

e) **Basic Beliefs for Social Media Use:**

- a. Know and Follow the Rules: carefully read these guidelines, the City's Ethics Policy, The City's Disciplinary Action, the City's Sexual Harassment policy. Ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.
- b. Be Respectful: always be fair and courteous to fellow employees, customers or the public, members, suppliers or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by speaking directly with management rather than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm one's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.
- c. Be Honest and Accurate: make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly.
- d. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.
- e. Never post any information or rumors that you know to be false about the City, fellow employees, members, the public, customers, suppliers, and/or people working on behalf of the City or competitors.

f) **Post Only Appropriate Content**

- a. Must make it clear that any personal opinions expressed are yours in your individual capacity, not as representatives of the City or otherwise on the City's behalf;
- b. If you do publish a post online related to the City, it is best to include a disclaimer such as "*The postings on this site are my own and do not necessarily reflect the views of the City.*" It should be noted however that a disclaimer will not prevent an employee from being disciplined if their communication has the effect of violating any City policy.
- c. Must not identify other persons, fellow employees, organizations, taxpayers, customers, suppliers or vendors of the City or disclose their personal contact information;
- d. Employees who are not otherwise authorized by appropriate City Administration, must never report to be speaking on behalf of the City, or represent their opinions or statements as the policy or view of the City, or that of any City employee in his/her capacity as a representative of the City;
- e. Should never provide references for City employees or former employees on social or professional networking sites, as such references, positive and negative, could be attributed to the City and could create legal liability for both the employee, and the City;
- f. While the City of Jamacia Beach encourages its employees to enjoy and make good use of their off-duty time, City employees may be subject to discipline if their activities have the effect of disrupting the functioning or efficiency of the workplace. Activities which are considered disruptive include, but are not limited to: harassing, demeaning, or creating a hostile working environment for any other employee;

disrupting the smooth and orderly flow of work within the City; disrupting working relationships, or any action that detrimentally affects the reputation of the City actions in person and online, please remember that even if your comments don't violate this policy, if they violate other policies, proper disciplines may be necessary.

- g. Remember that violations of this policy may result in disciplinary action, up to and including immediate termination.

K-12. Tobacco Policy

Smoking, e-cigarettes, including vapes, or chewing tobacco are prohibited in any indoor workplace. This includes City-owned buildings, including shops, garages, offices, etc. This ban extends to a ten-foot radius outside building access points such as doorways, open windows, and air intakes. Smoking, e-cigarettes or chewing tobacco are also prohibited in all City-owned vehicles.

K-13 Workplace Conduct Statement

It is the policy of the City of Jamacia Beach to maintain a work environment free of intimidation, insult, and harassment of its employees without regard to race, color, religion, age, gender, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. To ensure that this policy is strictly adhered to, the City will not tolerate harassment of any of its employees and will take immediate disciplinary action if such behavior occurs. The specific issue of sexual harassment is expanded upon and addressed in Section K-15 of this policy.

- a) Any employee who feels he/she is being subjected to harassment for one of the above reasons should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:
 - a. Employee's immediate supervisor.
 - b. Employee's Department Head.
 - c. Other supervisory personnel.
 - d. City Administrator.
- b) It shall be the responsibility of the City Secretary to coordinate the investigation of harassment complaints according to the same steps outlined in the sexual harassment policy. If the City Secretary is the subject of the complaint, the City Administrator shall coordinate the investigation. If the City Administrator is the subject of the complaint, the mayor shall coordinate the investigation.

K-14 Workplace Violence Statement

- a) It is the policy of the City to promote a safe environment for its employees. The City is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our organization, we are not immune.
- b) Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action (up to and including termination), criminal penalties, or both.
- c) We need your cooperation to maintain a safe work environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you experience or observe such behavior by anyone on City premises, whether he is a City employee or not, report it

immediately to a supervisor or Department Head. Supervisors and Department Heads who receive such reports should seek advice from the City Administrator regarding investigating the incident and initiating appropriate action.

- d) Threats or assaults that require immediate attention should be immediately reported to the City of Jamacia Beach Police Department.

K-15 Sexual Harassment

- a) It is the policy of the City to maintain a work environment free of intimidation, insult, and harassment without regard to race, color, religion, age, gender, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. To ensure this policy is strictly adhered to, the City will not tolerate sexual harassment of any of its employees and will take immediate disciplinary action if such behavior occurs.
- b) Sexual harassment is defined as:
 - a. The threat or insinuation by one employee or group of employees, either explicitly or implicitly, that the refusal to submit to sexual advances will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development; and
 - b. The subjecting of an employee, by another employee, to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment.
- c) No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment includes, but is not limited to:
 - a. Unwelcome touching, propositions, advances.
 - b. Abusive and/or vulgar language of a sexual nature.
 - c. Suggestive jokes or comments about an employee's body or clothing.
 - d. Displaying of sexually graphic or suggestive pictures, photographs, cartoons, etc.
 - e. The use of Telecommunications to e-mail sexually explicit images, messages, or cartoons.
- d) If an employee believes that he/she is the victim of unwelcome behavior that would constitute sexual harassment, they are encouraged to immediately report all incidents to any supervisor as listed in Section K-15 f).
- e) If an employee witnesses what he or she believes to be harassment in the workplace, the employee is encouraged to report it to any supervisor as listed in Section K-15 f).
- f) Any employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:
 - a. Employee's immediate supervisor.
 - b. Employee's Department Head.
 - c. Other supervisory personnel
 - d. City Administrator.
- g) The employee should be prepared to provide the following information:
 - a. Employee's name, department, and position title.
 - b. Name of the person or persons committing the harassment.
 - c. Date(s) and approximate time(s) of the harassment.
 - d. The specific nature of the sexual harassment,
 - e. How long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against him/her as a result of the

harassment.

- f. Witnesses to the harassment, if any.
 - g. Names of others who may have been subjected to the harassment.
 - h. Whether the employee has previously reported such harassment and if so, when and to whom.
- h) After receiving a sexual harassment complaint, the person receiving the complaint shall assist the employee filing the complaint by documenting the incident in writing. The employee shall sign the written complaint, attesting to the accuracy and truthfulness of the incident. All information disclosed in the complaint procedure will be held in the strictest confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.
- i) It is the responsibility of the City Administrator to coordinate and/or conduct the investigation of sexual harassment complaints. If the City Administrator or any member of the governing body is the subject of the complaint, an outside independent third-party investigator shall be hired and shall coordinate the investigation.
- j) The following procedures shall apply to the handling of such complaints:
- a. The person to whom the complaint is made shall immediately present it to the City Administrator.
 - b. An investigation of the alleged incident shall be promptly started.
 - c. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation.
 - d. The investigator shall notify the employee accused of the sexual harassment as promptly as possible of the complaint and the severity of the allegations (immediate notification is not necessary if such notification would jeopardize the investigation).
- k) The employee accused of the sexual harassment shall be given appropriate opportunity to dispute the allegation and present information and/or witnesses on their behalf.
- l) Based upon the investigative report, the investigator shall determine whether the conduct of the person against whom a complaint has been made constitutes sexual harassment. In making that determination, the investigator shall look at the record as a whole and the totality of circumstance, including the nature of the conduct in question, and the context in which the conduct, if an, occurred. Determination of whether sexual harassment occurred will be made on a case-by-case basis.
- m) If the investigator determines the complaint of sexual harassment is founded, he shall recommend to the employee's supervisor that immediate and appropriate disciplinary action be taken against the employee(s) found guilty of sexual harassment.
- n) The disciplinary action shall be consistent with the nature and severity of the offense. This shall include whether a supervisory relationship exists, and any other factors the investigator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The disciplinary action may include demotion and/or suspension, reduction-in-pay, written warning or termination. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- o) If the investigator determines the complaint of sexual harassment is unfounded, he shall notify the employee accused of sexual harassment of the determination and advise that no disciplinary action is warranted.
- p) The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.
- q) If the investigator determines after reviewing the investigation report that the complaint was

intentionally falsified by the employee filing the complaint, they shall report such action to the employee's supervisor for immediate and appropriate disciplinary action, up to and including termination.

- r) No employee will be subject to any retaliation from the accused or other employees due to filing a sexual harassment complaint.
- s) If an employee chooses to appeal any disciplinary action resulting from a sexual harassment investigation, they should follow the steps outlined in Section H-8 of this Employee Handbook.
- t) All records concerning a sexual harassment complaint shall be confidential and kept in a separate locked file except those affected by the Texas Open Records Act. Access to these records shall be given only with the appropriate party's approval to others who have a direct and relevant need-to-know.

K-16 Substance Abuse Policy

- a) Employees of the City are our most valuable resource. Therefore, the health and safety of employees is a serious concern. The City will not tolerate substance abuse or use that imperils the health and well-being of its employees or threatens its service to the public. The use of illegal drugs and abuse of controlled substances, on or off duty, is inconsistent with law-abiding behavior expected of all citizens. Employees who use illegal drugs or abuse controlled substances or alcohol, on or off duty, tend to be less productive, less reliable and prone to greater absenteeism, resulting in the potential for increased cost, delay, and risk in providing services.
- b) Furthermore, employees have the right to work in a drug and alcohol-free environment and to work with persons free from the effects of drug or alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves, other employees, and the public. In addition, substance abuse inflicts a terrible toll on the City's productive resources and the health and well-being of Jamaica Beach workers and their families. The City is therefore committed to maintaining a safe and healthy workforce free from the influence of substance abuse. In addition, the City will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988 and implement rules outlined by the United States Office of Management and Budget.
- c) It shall be the policy of the City to maintain a workforce free of substance abuse.
 - a. Reporting to work or performing work for the City while impaired by prescription drugs or under the influence of, illegal drugs or alcohol is prohibited.
 - b. The illegal use, possession, dispensation, distribution, manufacture, or sale of a controlled substance by an employee at the work site, during work hours, or while the employee is on duty, official City business, or stand-by duty is prohibited.
 - c. Violation of such prohibitions by an employee is considered conduct detrimental to City service and will result in disciplinary action.
- d) Employees are required by federal law to notify the employing City agency head or designee within five days of any criminal drug statute conviction where such conviction was due to an occurrence at the work site, during work hours, or while on duty, official business, or stand-by duty.
- e) An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above will be subject to disciplinary action in accordance with appropriate administrative regulations.
- f) A conviction means a finding of guilt (including a plea of no contest) or the imposition of a sentence by a judge or jury, or both, in any federal or state court.
- g) Agencies that receive federal grants or contracts must, in turn, report any criminal drug convictions as stated above of their employees, engaged in the performance of a federal grant or contract, to federal agencies from which grants or contracts are received within ten

(10) calendar days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

- h) Current and future employees will be given a copy of this Substance Abuse Policy.
- i) The City reserves the right to require employees to take a drug or alcohol test if the City has individualized suspicion that there has been substance abuse.
- j) This Substance Abuse Policy applies to all City departments. The term "employees", as used in this policy, means all full-time and part-time City employees. This policy shall not be construed to prohibit or limit a drug-screening program.
- k) The Substance Abuse Policy is effective upon adoption of the Employee Handbook and its attachments by the Governing Body.

K-17 City-Issued Cell Phones/Electronic Device

Department Heads are responsible for determining who will be issued a City cell phone/electronic device (device). Employees carrying a City provided device should have no expectation of privacy and all information on the City issued device is property of the City of Jamacia Beach. Non-exempt employees carrying a City issued device must record the time worked while answering work related calls outside of their normal shift.

Texting/emailing while driving is strictly prohibited by any City employee when performing any work for or on behalf of The City of Jamacia Beach.

Any City business performed on an employee's personal device is subject to the Texas Open Records Act. If the information requested is on an employee's personal device, the employee agrees to participate in fulfilling the record's request. If the employee refuses to provide the requested data, the employee may be subject to discipline up to and including termination.

K-18 Use of Personal Cell Phones

It is understood that personal cell phones can be used while at work, but such use should be kept to a minimum. Calls on either personal cell phones or city phones shall be handled in such a manner so that they do not interfere with assigned job duties.

So that the City can communicate with employee's in the event of an emergency, all City employees are required to provide a cell phone number to be included with the City's emergency notification system.

K-19 Guns or Other Weapons

City employees and officials, who are not otherwise prohibited by state or federal law, may carry a concealed handgun, consistent with the Personal and Family Protection Act, as amended, into City buildings, where the carrying of a concealed handgun is allowed under the provisions of state law.

- a) Any employee carrying a concealed handgun within a City building pursuant to the provisions of state law must keep the handgun completely concealed, in a proper holster or similar product, with all safety features in place.
- b) Storage of Concealed/Carry Firearms: It is the sole responsibility of the employee to maintain firearm and ammunition by ensuring that such firearm is on his/her person and attended at all times.
- c) No handgun shall be left unattended or stored in any city facility or building.
- d) Employees are also permitted, while on City owned property, to store a firearm within their own vehicle provided that such storage is outside of plain view from the exterior of the vehicle

and that the vehicle is locked when the employee is not in the vehicle.

- e) Any employee who stores a concealed firearm in a vehicle owned by the City, during the course of employment must store the firearm in a locked case and place the case out of plain view from the exterior of the vehicle. expense. The City shall not be responsible for the theft, damage or other loss of a firearm and/or locked case left in a City owned vehicle.
- f) With the exception of certified law enforcement officers carrying a weapon in the course of their duties, if an employee chooses to exercise his/her statutory right to concealed carry, the City will not be responsible for any attorney fees resulting from the employee's use of his/her weapon. If the employee chooses to carry a concealed firearm, the firearm must remain on his/her person at all times. Any interruption in the employee's work due to his/her decision to concealed carry may result in disciplinary action up to and including termination. The City expects the employee to comply with all lawful requests from private property owners regarding his or her firearm. Any injury resulting from the concealed carrying of a firearm is considered outside the employee's course and scope of employment and will not be covered by workers compensation.
- g) In the event a City employee or official discharges a firearm while on duty, the Jamacia Beach Police Department shall investigate the discharge and file a report of the investigation with the Department Head of the City department employing the employee. Based on such report, the Department Head will determine whether it constitutes grounds for disciplinary action, up to and including termination, subject to the procedures outlined in this handbook. The discharge of a firearm while on duty may also result in criminal charges. The City will not cover any attorney's fees or other costs related to any discharge of an employee's personal weapon.



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	March 14, 2024	
RESOLUTION or ORDINANCE #	Ordinance 2024-04	
AGENDA TITLE	Repeal of Curfew Ordinances	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	To repeal of all curfew ordinances	
BACKGROUND	<p>On January 11, the council passed Ordinance 2024-02 repealing all previous minor curfew ordinances that conflicted with Texas House Bill 1819 that bans local governments from enforcing curfews for minors. Unfortunately, we omitted ordinance 1977-11 from the list.</p> <p>Ordinance 2024-4 corrects this oversight.</p>	
TEAM RECOMMENDATION	Approve the ordinance.	
REFERENCE DOCUMENTS ATTACHED	Ordinance 2024-04	

**CITY OF JAMAICA BEACH
ORDINANCE 2024-04**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, REPEALING ORDINANCES 2024-02 AND ORDINANCE 1977-11 SO THAT ALL PREVIOUS MINOR CURFEW ORDINANCES ARE REPEALED THAT ARE IN CONFLICT WITH THE STATE OF TEXAS HOUSE BILL 1819 THAT BANS LOCAL GOVERNMENTS FROM ENFORCING CURFEWS FOR MINORS.

Whereas the State of Texas House Bill 1819 that went into effect September 1, 2023, bans local governments from enforcing curfews for minors.

Now, therefore, be it ordained by the City Council of the City of Jamaica Beach, Texas:

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, REPEALING ALL PREVIOUS MINOR CURFEW ORDINANCES THAT ARE IN CONFLICT WITH THE STATE OF TEXAS HOUSE BILL 1819 THAT BANS LOCAL GOVERNMENTS FROM ENFORCING CURFEWS FOR MINORS.

THE FOLLOWING CITY OF JAMAICA BEACH ORDINANCES ARE REPEALED:

- Ordinance 1977-11
- Ordinance 1995-1
- Ordinance 2006-4
- Ordinance 2009-5
- Ordinance 2012-2
- Ordinance 2015-3
- Ordinance 2018-6
- Ordinance 2023-1
- Ordinance 2023-5
- Ordinance 2024-02

APPROVED AND ADOPTED the 14th day of March 2024.

CITY OF JAMAICA BEACH, TEXAS:

Sharon Bower, Mayor

ATTEST:

Robert Quintero, City Secretary



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	March 14, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Police in-car video cameras	
REQUESTING DEPARTMENT	Police	
PRESENTER	Raymond Garivey, Chief of Police	
FISCAL INFORMATION	Cost as recommended:	\$52,346
	Budget Line Item:	14011 - \$28,000 14042 - \$20,000 35180 - \$34,000
	Balance Available:	\$82,000
	New Appropriation Required:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PURPOSE	To approve purchase of in-car video camera system for the police department	
BACKGROUND	<p>In-car video cameras, "Dash Cams", are used to record the interactions and activities that occur in and around a police vehicle. The benefits of these cameras include enhancing officer safety, providing an objective record of events which in turn generates admissible evidence, and allows for greater accountability and community transparency.</p> <p>Our department lacks this critical safety feature.</p> <p>We requested a quote for the purchase and installation of five (5) video camera systems for patrol cars. Additionally, Pro Vision provided an in-person demonstration of their system to our department and the city administrator.</p> <p>Following the demo, Administrator Francis requested pricing for three (3) additional camera systems and installation to outfit the UTVs utilized for beach patrol.</p> <p>Pro Vision is our body camera vendor. The in-car system integrates with the body cameras to automatically activate them when the patrol car's lights are activated, which provides an additional layer of officer safety and accountability. As such, per our city procurement policy, we are requesting a</p>	

	<p>sole source purchase waiver for "The purchase of an item where compatibility is the overriding consideration, such as to maintain standardization or compatibility, or to match materials already in use to produce visual harmony."</p> <p>This purchase was not budgeted. However, funding is available in our technology budget, as the renewal of our ticket writing system was significantly under budget. The additional UTV systems will be paid for from Hotel Occupancy Taxes.</p> <p>The team recommends approving the purchase and installation of eight (8) In-car video camera systems from Pro Vision.</p>
<p>TEAM RECOMMENDATION</p>	<p>Approve the recommendation.</p>
<p>REFERENCE DOCUMENTS ATTACHED</p>	<p>Price Quotes</p>

PRO-VISION® PRICE QUOTE

8625-B Byron Commerce Dr.
Byron Center, MI 49315
provisionusa.com
800-576-1126

PREPARED BY:
Ryan Abbott

PREPARED FOR:
Jamaica Beach Police Dept

QUOTE #:
MASQ31678

DATE:
01/23/2024

Description	Part #	Qty	Unit Price	Ext. Price
1080p AHD In-Car Video Two Camera Base KIT Includes: Ranger AHD DVR - AHD Forward Facing Camera - AHD Wide-Angle Interior Camera - 256GB SDXC Memory Card - Lockable Cage - 5m AHD Cable - GPS Antenna - Event Marker Button - 20ft LAN Cable - Wireless Microphone System - User Guide	DVR-908LE2	5	\$2,995	\$14,975.00
SecuraMax - Standard 5 Year Plan [100GB] @ \$40/Mo **Your price \$35.00 per month per device**	SMX-5YR-100	5	\$2,100	\$10,500.00
Installation for 5 units **Discounted rate if you do all 8 units** (If you just do 5 it is \$1850.00 per unit)	PV-INSTALL	5	\$1,578	\$7,890.00
Total				\$33,365.00
(Options Not Included)				
MSRP:				\$40,470.00
Savings:				\$7,105.00

Options & Accessories: **NOTES:**

TERMS:

General Terms: PRO-VISION® Solutions, LLC. ships all orders UPS Ground. Service or carrier change will result in additional charges. Shipping & Handling and tax, if taxable, is not included unless specified. Quote is valid for 30 days. Purchase price is USD and FOB Byron Center, MI. Product Invoice Net 30 Day Terms. (excludes installation and SecuraMax Server). Terms do not apply to leases or credit card payments. 50% Deposit Required for Installation. Final Installation/Service Payment is due on Receipt of Invoice. Product to be installed by PRO-VISION® and Service Deposit must be paid for prior to scheduling of install/service work. Minimum Service Deposit Required for Service Work. Install rates based on a single location with minimum access of 12 hrs/days, 7 days/week. Additional fees may apply if installation location does not comply with our defined service facility requirements. Past due invoices will be subject to a 1.5% per month Finance Charge. All transactions are subject to final PRO-VISION® Management Approval.

Unused product in original packaging may be returned and/or exchanged up to 60 days from invoice date. Returns and exchanges must be issued a Return Authorization Number (RMA) prior to returning. All returns and exchanges must be inspected prior to account credit issuance less restocking fee of 10% for exchanges and 25% for returns.

Leasing: Installment Purchase Option Application must be submitted for final management approval. Rates are subject to change without notice until application is approved. Shipping & Handling and tax, if taxable, is not included in quoted Installment Purchase Option Rates. Shipping & Handling will be included in Installment Purchase Option Application. One advance payment equal to the total monthly rate is required with approved final Installment Purchase Option Documents.

SecuraMax®: Plan Price per Month Based on Service Contract for the specified length. Service Contract and End User License Agreement (EULA) required. Additional terms specified in Service Contract and EULA. Hardware using SecuraMax must be paid for prior to deployment. Protection Plan Claims Subject to Deductible.

PRO-VISION® PRICE QUOTE

8625-B Byron Commerce Dr.
Byron Center, MI 49315
provisionusa.com
800-576-1126

PREPARED BY:
Ryan Abbott

PREPARED FOR:
Jamaica Beach Police Dept

QUOTE #:
MASQ32207

DATE:
02/21/2024

Description	Part #	Qty	Unit Price	Ext. Price
1080p AHD In-Car Video Single Camera Base KIT Includes: Ranger AHD DVR - AHD Forward Facing Camera - 256GB SDXC Memory Card - Lockable Cage - 5m AHD Cable - GPS Antenna - Event Marker Button - 20ft LAN Cable - Wireless Microphone System - User Guide	DVR-908LE1	3	\$2,795	\$8,385.00
SecuraMax - Standard 5 Year Plan [100GB] @ \$40/Mo **Your price \$35.00 per unit per month**	SMX-5YR-100	3	\$2,100	\$6,300.00
Install on UTV's (discounted rate if you do all 8 systems, 5 patrol cars, 3 UTV's)	PV-INSTALL	3	\$1,432	\$4,296.00
Total				\$18,981.00
(Options Not Included)				
MSRP:				\$23,502.00
Savings:				\$4,521.00

Options & Accessories: NOTES:

TERMS:

General Terms: PRO-VISION® Solutions, LLC. ships all orders UPS Ground. Service or carrier change will result in additional charges. Shipping & Handling and tax, if taxable, is not included unless specified. Quote is valid for 30 days. Purchase price is USD and FOB Byron Center, MI. Product Invoice Net 30 Day Terms. (excludes installation and SecuraMax Server). Terms do not apply to leases or credit card payments. 50% Deposit Required for Installation. Final Installation/Service Payment is due on Receipt of Invoice. Product to be installed by PRO-VISION® and Service Deposit must be paid for prior to scheduling of install/service work. Minimum Service Deposit Required for Service Work. Install rates based on a single location with minimum access of 12 hrs/days, 7 days/week. Additional fees may apply if installation location does not comply with our defined service facility requirements. Past due invoices will be subject to a 1.5% per month Finance Charge. All transactions are subject to final PRO-VISION® Management Approval.

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CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	March 14, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE		
REQUESTING DEPARTMENT	Building Permit Fees	
PRESENTER		
FISCAL INFORMATION	Cost as recommended:	
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	To approve updated building permit fees.	
BACKGROUND	Fees cover the cost of reviewing, processing, and inspecting construction projects. These fees contribute to the maintenance of safety standards, compliance with building codes, and overall infrastructure upkeep. Additionally, the revenue generated helps support city services related to construction oversight and ensures that residential structures meet established regulations for the well-being of occupants and the community at large.	
TEAM RECOMMENDATION	Approve the recommendation.	
REFERENCE DOCUMENTS ATTACHED	Proposed Fee Schedule	

Building Permit Fees

New Construction	\$1/ Sq. Ft. of living, deck & storage areas + plan review
Remodel/Additions	\$1/ Sq. Ft. of living, deck & storage areas + plan review

Road Usage Fee	Current Price	Proposed Price
New Construction	\$ -	\$ 500
Remodel/Additions	\$ -	\$ 250
Concrete Work (Bulkheads, Driveways etc.)	\$ -	\$ 250

Building Permit Plan Review	Current Price	Proposed Price
Plan Review (New Construction/Additions)	\$ 150	\$ 250
Secondary Plan Review	\$ 50	Delete
Customer Service Inspection Certificate	\$ -	\$ 50

Electrical Permit	Current Price	Proposed Price
General Electric Permit	\$ 125	\$ 300

Gas/Plumbing	Current Price	Proposed Price
General Gas/Plumbing Permit	\$ 125	\$ 300

Miscellaneous Permit	Current Price	Proposed Price
AC Platform	\$ 125	\$ 300
Boat Dock	\$ 125	\$ 300
Bulkhead	\$ 125	\$ 300
Cargo Lift	\$ 125	\$ 300
Decks/Deck Additions	\$ 125	\$ 300
Demolition	\$ 125	\$ 300
Door	\$ 100	Delete
Downstairs Enclosure	\$ 125	\$ 300
Driveway	\$ 125	\$ 300
Elevators	\$ 125	\$ 300
Fence	\$ 125	\$ 300
Garage Doors	\$ 125	\$ 125

Generators	\$	125	\$	300
House Moving	\$	-	\$500 + City Expenses	
HVAC	\$	125	\$	125
Minor Repairs/Replacements	\$	125	\$	300
Palapas	\$	125	\$	300
Pilings	\$	125	\$	300
Roof	\$	125	\$	300
Siding	\$	125	\$	300
Solar Panels	\$	125	\$	300
Sprinkler	\$	125	\$	300
Stairs/Railings	\$	125	\$	300
Storage Shed	\$	125	\$	300
Swimming Pool	\$	300	\$	500
Windows	\$	100	\$	300

Re-Inspections	Current Price	Proposed Price
All Secondary Inspections (After 2nd failed inspection)	\$ 50	\$ 200

Planning & Zoning

Plat/Re-Plats	Current Price	Proposed Price
Plat/Re-Plats	\$ 250	\$ 750
County Filing Fee - (Filing fee will be refunded if plat is not approved)	\$ 83	\$ 100

Public Hearing Requests	Current Price	Proposed Price
Special Use, Special Exceptions/Variance Requests	\$ 500	\$ 750

**All building permit fees double for projects started without a permit