



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): EMPLOYMENT PRACTICES

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S):

EMPLOYMENT PRACTICES

A. Immigration Reform & Control Act Compliance

The City of New Braunfels hires only individuals who are legally authorized to work in the United States. Within the first three [3] days of employment, employees will be required to submit documents showing proof of identity and employment eligibility and complete the United States Citizenship and Immigration Service Form I-9.

B. Initial Review Period of Employment

The purpose of the probationary period is to provide a time for the City to determine whether the employee has shown the ability to meet the initial expectations for the position.

Non-Civil Service Employees

Each non-Civil Service employee shall serve an initial review period of employment for a minimum of six [6] months. Any new employee terminated within the six [6] month initial review period of employment is not entitled to review of that termination nor is he/she entitled to pursue the procedures set out herein under Disciplinary Grievance Procedure.

An introductory employee who is terminated shall not be entitled to payment for any accrued leave. The term "termination" includes resignation, termination or retirement. No employee will be promoted or transferred within his/her initial review period of employment or while placed on disciplinary review except with the City Manager's approval. Employees who are promoted and/or changed to another position will be placed on a six [6] month initial review period in his/her new position.

The initial six [6] month review period of employment may be extended by the Department



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Director with the approval of the Human Resources Department.

Civil-Service Employees

A Firefighter or Police Officer who is hired pursuant to Chapter 143 of the Local Government Code, but who has not yet completed their entire probationary period as defined in Section 143.027 of the Local Government Code, is governed by that statute and the respective department policies and is not governed by this policy.

C. Nepotism Policy

Employees of the City shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. No employee, including Council appointed employees, may either directly or indirectly supervise or be supervised by a person related to him or her within the second degree of affinity or third degree of consanguinity. In the event nepotism as defined above is discovered after an employee has been hired, the most recent hired employee will be terminated effective immediately. In the event of conflict between this policy and the ordinance or charter, the Charter and ordinance will govern in that order.

D. Nepotism Exception

It shall be an exception to the nepotism rule if a person is elected to the City Council and is related to a City employee within the second degree of affinity or third degree of consanguinity and that employee has successfully completed six [6] months of employment prior to the date of election. If he/she has not completed six [6] months of employment, he/she must tender his/her resignation effective the first day following the date that his/her relative completes the oath of office.

E. Consanguinity & Affinity

Consanguinity is commonly referred to as blood relationship and may be lineal [father, son, grandson] or collateral [brother, nephew, uncle]. An adopted child is considered to be a child of an adopted parent for this purpose.



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Relation to Employee:

- 1st Degree: Child, parent.
- 2nd Degree: Grandchild, sister, brother, grandparent.
- 3rd Degree: Great grandchild, niece, nephew, aunt, uncle, great-grandparent.

Affinity is more commonly referred to as relationship by law or marriage.

Relation to Employee:

- 1st Degree: Spouse, spouse's child, spouse's parent, child's spouse.
- 2nd Degree: Spouse's grandchild, spouse's grandparent, spouse's brother and/or sister, brother or sister's spouse.

Computations of degrees of consanguinity and affinity will be made in accordance with Chapter 573 of the Texas Government Code.

EMPLOYEE'S NOTIFICATION OF CHANGES

A. Personal Information

It is imperative that employees notify their Department Directors or designated staff within the department of certain changes as soon as possible. Such changes will be forwarded to the Human Resource Department on the appropriate forms. Such changes include:

1. Name change, change in marital status, or change in number of dependents.
2. Change of mailing and/or residence address and change in telephone number[s].
3. Change in driver's license number or status including any suspensions of driving privileges.
4. Change in beneficiary for employer provided benefits.



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5. Change of person to be notified in an emergency.
6. Any additional schooling, training, certificates and degrees earned.
7. Any criminal charges or convictions of a Class B misdemeanor or higher or any criminal charges that constitute moral turpitude [Refers to "conduct that is considered contrary to community standards of justice, honesty or good morals."]. All arrests need to be reported to the Human Resources Department within twenty-four [24] hours.
8. Any other change that could affect pay, benefits or job status.

B. Status Changes

Department Directors shall report all changes in personnel status of their employees on a Personnel Action Form [PAF] provided by the Human Resources Department.

SEPARATION OF EMPLOYMENT

A. Termination or Separation

1. In cases of voluntary separation, an employee may be requested to sign a form that his/her separation is voluntary.
2. If employee resigns but is unfamiliar with the composition of a letter of resignation, the employee may contact the Human Resources Department for assistance.
3. Prior to the end of the last day of work or issuance of the final paycheck, the Manager/Supervisor or his/her designee shall obtain all City equipment, uniforms, keys, and identification card from the separated employee.
4. The employee shall be processed for separation by his/her department. The department will notify the Human Resources Department that the employee has successfully completed his separation with the department and that a final paycheck can be issued to the employee.



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5. The employee may elect to have his/her final paycheck mailed to him/her or pick it up from the department.
6. Full-time/Part-time Regular employees being separated from employment will be referred to the Human Resources Department for an exit interview before their last day of work.
7. Written documentation concerning the separation shall be filed in the employee's official Human Resources File with the City.

B. Reduction in Force

The City is committed to employ and retain a staff of highly qualified individuals in order to fulfill the mission and functions of the organization. Certain conditions may arise, however, which may necessitate reduction in delivery of services to the citizens and customers of the City. When such conditions exist, the City may be required to reduce staffing levels in certain departments.

VETERANS REEMPLOYMENT ACT

The Uniformed Services Employment and Reemployment Rights Act ["USERRA"] applies to any employee activated for military service to include the National Guard Reserves and the regular Armed Forces, so long as the military member is deployed to a foreign country. Employees may contact Human Resources about their rights under USERRA or may go to the United States Department of Labor's Veterans' Employment and Training Service website for information [www.dol.gov/vets]. Generally, the following apply to employees called to and/or returning from active military service:

A. Health insurance

If military service is for thirty [30] or fewer days, you and your family can continue coverage in the City's group medical insurance plan at the same cost as before your call to military service. If you are on



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active duty for more than thirty [30] days, you and your dependents should be covered by military health care. You also have the option of continuing yours and/or your dependents coverage with the City's group medical insurance plan under COBRA up to twenty-four [24] months. If you elect to continue the City's group health insurance, you will be required to pay the City one hundred two percent [102%] of the full premium for coverage. Finally, you and your family may be able to enroll in another group health insurance plan that is available to you under the Health Insurance Portability and Accountability Act ["HIPAA"]. For example, you may desire to enroll under your spouse's employer group health plan.

B. TMRS

If you are participating in TMRS, you will continue in TMRS during your period of military service and your military duty will be counted as covered service for purposes of eligibility, vesting and benefit accrual purposes [you are not required to make contributions into TMRS while on active duty]. The City will not make employer contributions to TMRS during the period of your military service. However, once you return from military duty and are reemployed, the City will make its contributions to TMRS that would have been made if you had been employed during the period of active duty if you decide to make up your [i.e., employee] contributions during the period of active duty. You will have three times the period of military duty or five years, whichever is less, to make up your contributions. For example, if you serve one year of military duty, you will have three years to make up the employee contributions to TMRS.

C. Employee Eligibility and the Uniformed Services Employment and Reemployment Rights Act [USERRA]

An employee returning from fulfilling his or her USERRA-covered military service obligation will be credited with the hours of service that would have been performed, but for the period of absence from work due to or necessitated by military service. Accordingly, to determine whether the employee meets the hours of service requirement [i.e., 1,250 hours of service during the twelve[12]-month period immediately preceding commencement of a proposed leave], an eligible employee reemployed following a USERRA-covered absence from work will be deemed to have



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worked the hours that would have been worked, but for the employee's covered military service.

D. Reemployment

Upon release from military service, you are entitled to make application for reemployment with the City and you will be reemployed in a position equivalent to the position that you held upon entering the military service wherever possible without loss of pay, seniority or benefits. The deadlines for applying for reemployment are generally dependent on the length of military service. For example:

1. For service less than thirty-one [31] days, the employee must return to work at the beginning of the next regularly scheduled work period from the first full day after the day of release from service, taking into account safe travel home plus an eight-hour rest period.
2. For service more than thirty [30] days but less than one hundred eighty-one [181] days, the employee must submit an application for reemployment within fourteen [14] days of the date that he/she is released from service.
3. For service more than one hundred eighty [180] days, the employee must submit an application for reemployment within ninety [90] days of the date that he/she is released from service.
4. If an employee is separated from military service with a "less than honorable" discharge, the City is not obligated to reemploy the employee, but will consider reemployment on a case-by-case basis.

E. Unpaid Leave

An employee called to military duty, other than active duty for training, will be in an unpaid leave status. An employee on military duty may request to use any accrued vacation, or compensatory time existing prior to military duty, but is not required to make such request.

F. Notice

An employee called to military duty will give the City as much notice as is possible and reasonable unless the giving of notice is impossible, unreasonable, or precluded by military necessity. The advance



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notice should be in writing to the Department Director and the Human Resources Department unless written notice is impossible, unreasonable, or precluded by military necessity. In that event, notice will be given verbally.

G. Conflict

In the event of a conflict between the City's policy on reemployment and USERRA, the provisions in the USERRA will prevail.